

MADRAS LEGISLATIVE ASSEMBLY DEBATES

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

24th, 25th, 27th and 28th September and 18th to 23rd, 25th and 26th October 1948.

Volume XVI (Nos. 1 to 12).

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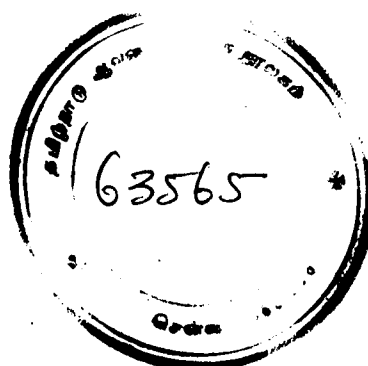
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THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, the 24th September 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.

Free education for the children of Political sufferers.

* 376 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Premier be pleased to state—

(a) whether the Government have received any representation from Political sufferers for the free education of their children; and

(b) if so, what action the Government have taken on the representation?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—“(a) Yes.

“(b) The Government have decided that there is no need to give any educational concessions to the children of political sufferers.”

SRI A. VEDARATNAM PILLAI:—“May I know, Sir, whether the Government will consider the desirability of giving education to the political sufferers' children as a more worthy gift than giving them lands?”

THE HON. SRI B. GOPALA REDDI:—“Now that we have decided to give them lands, Sir, the other concessions need not be given.”

SRI GUNTUR NARASIMHA RAO:—“May I know how many of the hon. Members of the Legislature have sent a petition to the Government asking for education to be given free to the children of the political sufferers?”

THE HON. SRI B. GOPALA REDDI:—“A separate question may be put.”

SRI T. S. PATTABHIRAMAN:—“Do the Government consider political sufferers as soldiers of the country and will they be pleased to give them concession of free education as is given to other soldiers of the country?”

THE HON. SRI B. GOPALA REDDI:—“We do think that they are soldiers of the country and that is why other concessions have been given.”

SRI M. S. PATTABHIRAMIAH:—“May I know whether the Government will call for a list of the children of the political sufferers and the probable cost of educating them?”

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THE HON. SRI B. GOPALA REDDI:—"I do not think even the Director of Public Instruction will be able to give a correct estimate because they have no facts. But it is roughly estimated that it would cost 40 lakhs of rupees."

SRI K. T. KOSALRAM:—"What are the concessions given to political sufferers?"

THE HON. SRI B. GOPALA REDDI:—"Some of the fines collected have been refunded; grant of land; grant of pensions to those who resigned from the Government service; their pensions were enhanced to Rs. 20 from Rs. 5. Like that some other concessions were given."

SRI T. S. PATTABHIRAMAN:—"Arising out of the answer will the Government be pleased to extend the facility given to ex-servicemen to political sufferers also?"

THE HON. SRI B. GOPALA REDDI:—"Sir, the matter may be considered, but I cannot give any assurance that those concessions will be given to the children of the political sufferers."

SRI D. V. RAMASWAMI:—"May I know whether this request is not on a par with the concession given to the children of the soldiers who are given free education?"

THE HON. SRI B. GOPALA REDDI:—"Not quite identical. The soldiers of the country fought with their bayonets on the battle front but the political sufferers here worked on a different plane and on a different track altogether."

SRI M. S. PATTABIRAMIAH:—"May I know, Sir, how this rough estimate of 40 lakhs was arrived at?"

THE HON. SRI B. GOPALA REDDI:—"It is a very rough estimate and as I said our department will not be able to give a correct estimate of the expenditure."

SRI ROKKAM RAMAMURTHI:—"వ్యవసాయదారులు కాసులు పంటి political sufferers కోరినట్లుగా వారి పిల్లలకు ఉచితంగా విద్య చెప్పించడము న్యాయముకాదా?"

THE HON. SRI B. GOPALA REDDI:—"భూముల నివ్వడమే ఉచితమని గవర్నమెంటువారు నిశ్చయించినారు."

SRI A. KALESWARA RAO:—"కాంగ్రెస్ అదేశానుసారంగా సత్యాగ్రహ సమరంలో పాల్గొని తాదాపడిన రాజకీయ పాథితులు, వర ప్రభుత్వముతో సహకరించినట్లుపంటి ex-servicemen కంటే మంచివారుకాదా? వారికి ప్రభుత్వము వారు ఎక్కువ సదుపాయములు చేయనిస్తారేదా?"

ABDUL HAMEED KHAN SAHIB BAHADUR:—"On a point of submission, Sir, there has always been a very wholesome rule that an hon. Member who can speak English and who has always been speaking in English . . ."

MR. SPEAKER:—"That clause has been taken away."

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"The clause may not be there. I think the Hon. Speaker, I submit, may try to make those speak in English, who have been speaking English language . . ."

MR. SPEAKER:—"I am not against any mother-tongue. I cannot force any hon. Member to speak in English."

SRI M. BAPINEEDU:—"Is it not a training for linguistic Province?"

SRI A. KALESWARA RAO:—"I shall repeat the question. May I know whether those political sufferers have been treated better than those soldiers who went to war?"

THE HON. SRI B. GOPALA REDDI:—"Those people who joined the Indian Army or British Army have joined for monetary considerations. It is a fact also. But Congress people who have suffered for the country and have won swaraj for the country had not joined Congress for monetary considerations. So there is an essential difference."

SRI K. BRAHMANANDAM REDDI:—"May I know from the Hon. Minister whether the Government do not consider that that concession should be extended to poor political sufferers who are unable to educate their children?"

THE HON. SRI B. GOPALA REDDI:—"Sir, some concessions were given. Grants were made and are being made in various districts. I think these concessions will suffice for the present."

SRI P. KANDASWAMI PILLAI:—"When the ex-servicemen went to the battle field on monetary considerations the political sufferers went to the battle field to make sacrifice for the country. Will the Government consider to give free education to the children of the latter which is a very modest request?"

THE HON. SRI B. GOPALA REDDI:—"If too many concessions are given the very value of this self-sacrifice may be damaged, I am afraid."

SRI V. RAGHAVAYYA:—"May I know exactly what is the object of the Government in denying this concession? Is it because of financial considerations or is it because they are too anxious to preserve the self-sacrificing nature of the political sufferers?"

THE HON. SRI B. GOPALA REDDI:—"First financial; second preserving the dignity of self-sacrifice."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I know whether the Government are prepared to consider the case of political sufferers who suffered for the cause of the country but are too poor to educate their children—at least in their case will the concession be given?"

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MR. SPEAKER:—"That question was put by Mr. Brahma-nandam Reddy."

SRI V. M. RAMASWAMI MUDALIYAR:—"Too poor."

MR. SPEAKER:—"The difference between poor and too poor is the same."

SRI A. VEDARATNAM PILLAI:—"May I know, Sir, whether it is a fact that the financial implication of educating the children of political sufferers will not be more than a lakh?"

THE HON. SRI B. GOPALA REDDI:—"Our conclusion is that it will go far beyond one lakh."

SRI M. G. NATESA CHETTIYAR:—"May I know, Sir, whether there is any chance of change of policy. Instead of giving grant of land, to the political sufferers why not employ them in the special branch of work in which they were voluntarily engaged in the political propaganda before?"

THE HON. SRI B. GOPALA REDDI:—"I want to utilize a large number of people in prohibition, etc."

SRI R. V. SWAMINATHAN:—"Will the Government at least prepare a list of political sufferers who are poor to educate their children so that we may have an idea as to how much expenditure it will involve the Government in?"

THE HON. SRI B. GOPALA REDDI:—"Now that this land concession is there, poor people will get land and they may be able to educate their children."

MUHAMMED RAZA KHAN SAHIB:—"May I ask whether the Hon. Leader of the House will also include Mr. Salam in the list of political sufferers and whether he will be given five acres of land?"

THE HON. SRI B. GOPALA REDDI:—"I do not think Mr. Salam will claim that he is a political sufferer who worked for the attainment of swaraj in the country."

SRI A. SUBRAHMANYAM:—"Sir, மிலிட்டரியில் வேலை செய்தவர்களுக்கு அரசாங்கத்தில் பண உதவியும், சம்பளமும், பென்ஷனும் கொடுத்து வருகிறார்களே, அதேமாதிரி யாதொரு லாபத்தையும் எதிர் பார்க்காமல் தேசத்திற்காக உழைத்தவர்களுக்கு ஏதாவது உபகாரமும், சௌகர்யமும் செய்ய வேண்டியது அரசாங்கத்தாருடைய கடமையல்லவா என்பதை தெரிவிக்கவேண்டும்."

MR. SPEAKER:—"இதைப்பற்றியே முன்னால் கேட்கப்பட்டு அதற்கு பதிலும் கொடுத்திருக்கிறார்களா?"

11-15 a.m. SRI L. N. GOPALASWAMI:—"Arising out of the answer given by the Hon. Minister, may I ask, Sir, whether the compromise of self-respect which now has gone to the extent of taking lands, cannot be extended still further, by getting free education for their children?"

THE HON. SRI B. GOPALA REDDI:—"Too much of any good thing is not good, Sir."

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SRI K. LINGA RAJU:—"Are we to understand from the answer of the Hon. Minister that refund of fines and grant of property are the concessions shown for these political sufferers?"

MR. SPEAKER:—"It is a matter of opinion."

SRI K. LINGA RAJU:—"Sir, I would like to know the opinion of the Government."

MR. SPEAKER:—"If the hon. Member wants to know the opinion of the Government and the Hon. Minister is prepared to answer I have no objection."

SRI M. S. PATTABIRAMIAH:—"May I know Sir, whether it is not a fact that the relatives of the sepoys who were enlisted by the former Government are given free education by this Government, and if so, what is the rough estimate of the cost of the scheme?"

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

SRI P. KANDASWAMI PILLAI:—"May I know, Sir, whether the Government will take into consideration at least those who have no lands and at the same time have to educate more than three children of their own? Will the Government give any concessions to them at least?"

THE HON. SRI KALA VENKATA RAO:—"Well, Sir, there seems to be some conspiracy about those gentlemen who have many children. Men who have no children will not get any benefit under this scheme at all."

Scheme to provide employment for the educated unemployed.

* 377 Q.—SRI V. I. MUNISWAMI PILLAY (on behalf of Sri B. S. Murthi): Will the Hon. the Minister for Food be pleased to state whether the Government have any scheme for providing employment to the educated unemployed?

THE HON. DR. T. S. RAJAN:—"The answer is in the negative."

BEGUM SULTAN MIR AMIRUDDIN:—"Is it not desirable that the Government should establish an Employment Bureau to find employment for those who are unemployed, if not for the entire body of the unemployed at least for the educated unemployed? Will the Government give their thought to this question?"

THE HON. DR. T. S. S. RAJAN:—"I said there is no scheme before the Government to find avenues of employment for the educated unemployed."

BEGUM SULTAN MIR AMIRUDDIN:—"My point is that in view of the fact that such an Employment Bureau is necessary and exists in some foreign countries, whether the Government will consider that it is possible to have one such here also?"

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THE HON. DR. T. S. S. RAJAN:—"The desirability of a certain thing is not a factor for acting upon it at once. The suggestion has got to be considered and then alone, it can be put into effect."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know, Sir, whether the Government do not consider the desirability of the proposition, in view of the army of educated unemployed in our Province?"

THE HON. DR. T. S. S. RAJAN:—"A census of all the educated unemployed has first to be taken, and the Government will have to decide on the avenues of employment for them; and the Government will have also to consider whether they are eligible as such. Under these conditions, the scheme will be a big one, and the financial implications of such an agency also has got to be investigated."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know, Sir, whether the Government have not given even a moment's thought to this question? Evidently they have not."

THE HON. DR. T. S. S. RAJAN:—"The Government have not so far done so."

SRI K. BHASHYAM:—"May I know, Sir, what is the result of the working of the Employment Bureau of the University of Madras, intended for the educated unemployed? Will the Government investigate that matter?"

THE HON. DR. T. S. S. RAJAN:—"Sir, the matter has got to be referred to the University."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Is it not in the interests of the Government, Sir, to find employment for all those educated unemployed, as otherwise these people are apt to join reactionary movements?"

THE HON. DR. T. S. S. RAJAN:—"Sir, I do not question the desirability of employing these educated unemployed if they are found suitable. But the question was whether it has not been considered by the Government at all. I never said that it is desirable that the proposition should not be considered."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"As a first step towards solving this problem of unemployment among the educated youths, will the Government investigate and set up a statistical agency to find out how many uneducated unemployed are in our Province?"

THE HON. DR. T. S. S. RAJAN:—"Sir, the question shall be considered in due course."

MUHAMMAD RAZA KHAN SAHIB:—"Sir, is it not a fact that when the Congress Party was in opposition, most of the leaders were giving promises to these people that it would be their

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first duty to find employment particularly for the educated unemployed, and if so, how does the Hon. Minister reconcile that with the present policy?"

THE HON. DR. T. S. S. RAJAN:—"I do not think the Party ever promised employment for all the unemployed in our Province."

SRI V. RAGHAVAYYA:—"Have the Government realized that most of these unemployed have joined the ranks of the discontented and even revolutionaries, perhaps the Communists particularly, and if so, may I know why the Government do not give a high priority to this question?"

THE HON. DR. T. S. S. RAJAN:—"The Government do not want to put a premium on the future Communists by having such a provision."

SRI L. N. GOPALASWAMI:—"May I know, Sir, why they specially prefer the educated unemployed, when there are lakhs of unemployed who are not so educated?"

THE HON. DR. T. S. S. RAJAN:—"Sir, the question was only about the educated unemployed."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know, Sir, whether the Government do not think this problem of the educated unemployed is a serious and big one, and if so, may I know why they have not given any serious consideration so far to the matter?"

THE HON. DR. T. S. S. RAJAN:—"Sir, the avenues of employment in free India are rapidly multiplying, and such of those people who were till now prevented from being employed have got chances of employment in the Army, the Navy and the Air Force, and so many other walks of life, where the Government seek their services. If it is found that all these avenues have not secured enough employment for all these people, and if over and above that, still there are unemployed, the Government will certainly go into that question."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"There are many more persons who have been thrown out of employment on account of the Retrenchment policy of the Government, which has resulted in sending away those people who have been in service temporarily. May I know, Sir, whether the Government will take these people into service again, instead of finding fresh employment for them?"

THE HON. DR. T. S. S. RAJAN:—"All those who have rendered some service and have got some service to their credit are being re-employed."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Arising out of the answer of the Hon. Minister to the question put by the Leader of the Opposition, may I know, Sir, instead of the individuals

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seeking employment, whether it is not desirable that the Government should constitute an institution to go into the question in an organized manner, so that the educated unemployed may get appointments?"

THE HON. DR. T. S. S. RAJAN:—"The Government have already announced their intention to recruit people for various services, and an announcement to that effect has been made publicly and it is open to the educated unemployed, if they are suitable, to come forward and apply. Their applications will certainly be considered."

SRI D. V. RAMASWAMI:—"Apart from the activities of the Universities which are tackling this problem for graduates alone, are not the Employment Exchange instituted by the Government of India working for the solution of this problem also, in addition to the problem of war-returned soldiers?"

THE HON. DR. T. S. S. RAJAN:—"Sir, those Re-Settlement Boards are managed and directed by the Government of India, and they relate as they stand to-day, to those ex-service men who were engaged in the last war. But there has been a proposal with the Government of India to extend their agencies for civilians as well. The matter is under the consideration of the Government of India."

SRI KALLUR SUBBA RAO:—"May I know, Sir, whether a number of these educated unemployed are fit only for Government service and not for any other employment on account of the defect in the present educational system?"

THE HON. DR. T. S. S. RAJAN:—"That, Sir, is a big question concerned with the reorganization of the whole system of education which has produced this unemployment."

Action taken against "Islamia Tharakai" of Ceylon.

* 378 Q.—SRI D. DURAI RAJA PANDIAN: Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that a magazine by name "Islamia Tharakai" published in Ceylon and circulated in the Indian Dominion, particularly in the Tirunelveli district in large number, is full of anti-Hindu propaganda inciting Muslims to violence; and

(b) what action the Government propose to take in the matter?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—" (a) Yes.

" (b) The question of taking action against the magazine is under the consideration of the Government."

SRI P. KAKKAN:—"Is it a fact, Sir, that thousands of Harijans in Ukrankottai in Tirunelveli have been converted to Islam, on account of the propaganda made by this magazine?"

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• THE HON. SRI B. GOPALA REDDI:—"Even if there have been any conversions, it is very difficult to give the credit for it to this magazine which is coming from Ceylon."

Endowments to be made by the managements of secondary schools.

* 379 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government have recently directed that persons or institutions maintaining secondary schools must compulsorily invest Rs. 50,000 as endowment for each High school; and

(b) if the answer to (a) is in the affirmative, what the reasons for such an order are?

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

"(a) According to the instructions issued by the Director of Public Instruction in July last for dealing with applications for the grant of recognition or permission to open new schools or higher forms in the existing schools by private managements an endowment of Rs. 35,000 only will be insisted on—Rs. 15,000 for middle school forms and Rs. 20,000 for the high school forms. The amount should be provided proportionately with every form that is opened and the entire amount need not be provided at the outset.

"(b) The creation of an endowment is insisted on to ensure stability and proper maintenance of schools."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Are the Government aware of the fact that such a stringent and strict rule will scare away so many institutions, and discourage the starting of schools?"

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

"No, Sir. It has not scared away many institutions from starting these schools. In fact many aided schools have come forward to open these schools just now."

MR. W. J. FERNANDEZ:—"Sir, as the enforcement of this rule is likely to handicap severely private agencies running a number of schools, will the Government consider the advisability of not insisting on the rule in the case of the existing institutions to which the rule was not applied at the time recognition was sought?"

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

"Yes, Sir. That matter is under consideration, that certain old schools that were started before a certain period may be exempted from this rule."

SRI V. RAGHAVAYYA:—"Sir, what is the object in fixing this prohibitive amount of money? Is it to ensure the stability of the institution, or to discourage the starting of new schools by private agencies?"

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MR. SPEAKER:—“ I think the Hon. Minister has given the reasons already.”

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

“ Sir, hon. Members in this House will know very well that aided institutions have been given great advantages after this Government have come into power. In fact grants have been considerably enhanced, to those institutions. All that we have done, Sir, is to encourage the aided institutions. These institutions must be stable and must continue to do their work permanently. To give a sense of stability and to see that only good managements come forward to start these institutions, these provisions are necessary.”

SRI R. V. SWAMINATHAN:—“ Sir, in answering the question put by hon. Gentleman Mr. Fernandez, as to whether the Government will consider the desirability of relaxing the rule in the case of institutions that were started before, the Hon. Minister said that he will consider to relax the rule on the institutions that were started before a certain period. May I know, Sir, what the limit of ‘ a certain period ’ is? Will the Government consider it desirable to relax these rules in the case of all the old schools? ”

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

“ No, Sir. The answer was that with regard to certain old institutions which were functioning properly, this rule need not apply. The question is under consideration. If the hon. Member wants more definite information, a separate question might be put.”

RAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—“ In the application of this policy by the Government, have they come across an old school which in their opinion is not running satisfactorily, and which is also unable to pay this Rs. 50,000, and may I know what the Government propose to do in such cases? ”

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

“ Sir, in the case of old schools started before a certain period, this rule is not insisted upon at all.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ May I know, Sir, whether it is the idea of the Government that our Province has got a sufficient number of schools to educate our children, and if it is not so, may I ask them whether it is not their policy to encourage the starting of as many new schools as possible? ”

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

“ Sir, we want to give all encouragement to aided institutions. That is why grants have been enhanced for aided institutions. But we want good institutions, and not any mushroom growths of institutions which may be started to-day, and die to-morrow. It has been brought to notice of the Government that certain schools have been started without good background. They are unable to pay their teachers, and are not provided with proper equipment, sites or buildings, with the result that a number of schools have stopped

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functioning after a few years. That has affected the education of children in those areas. Therefore, to regulate the whole thing, and to enable them to run properly, this endowment is insisted upon.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ My first 11-30 a.m.
part of the question was whether the Government think that they have got the required number of schools for educating our boys. By implication I think the Hon. Minister replied in the negative. Since there is a paucity of schools, why should he not encourage starting of more schools by not insisting rigidly upon the endowment rule and see that schools are properly provided from time to time by exercising vigilance on the part of the Government? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“ If the hon. Gentleman has any constructive suggestions, we will consider them.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“ May I know from the Hon. Minister whether it is not the duty of not only the Government but also those who are involved, to do everything that lies in their power to encourage the development and popularisation of education instead of placing one obstacle after another as has been done by the Hon. Minister? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“ Statistics will prove that the number of schools that have gone up in this province after the present Government came to power, is much higher than the number during the last one century.”

N. MUHAMMAD ANWAR SAHIB BAHADUR:—“ I entirely agree that this endowment provision is very healthy with regard to educational institutions. May I ask the Hon. Minister whether he will relax the rule in the case of long-standing institutions which are rendering good service? ”

MR. SPEAKER:—“ The Hon. Minister has already answered a similar question.”

BEGUM SULTAN MIR AMIRUDDIN:—“ In view of the fact that the endowment required is rather high, will the Government consider the desirability of reducing the amount? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“ The Government have now reduced the amount of endowment from Rs. 50,000 to Rs. 35,000. The relaxation made in the provision of endowments will be helpful to most of the institutions.”

SRI L. N. GOPALASWAMI:—“ Will the Government consider the question of the relaxation of the rule in rural areas, where villagers will not be able to find the amount necessary? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“ This has reference only to high schools and not to elementary schools.”

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SRI KALLUR SUBBA RAO:—" May I know whether it is not a fact that managements of aided agencies are not paying their teachers regularly, even though they get money grants from the Government and should not securities be taken from them? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—" It is necessary; that is the reason why endowments have been asked to be provided."

MR. W. J. FERNANDEZ:—" Is it the policy of the Government to insist on these endowments in the case of every new institution started by even existing agencies which have got good record to their credit? "

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

SRI V. I. MUNISWAMI PILLAY:—" May I ask for an assurance from the Hon. Minister that such restrictions will not be put on schools started for Harijans? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—" If the Government start schools, no such condition will be imposed. If private agencies open schools for Harijans, endowments will be necessary."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" The Hon. Minister claimed that more schools had been opened after this Government came to office. May I ask how many high schools the Government have opened? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—" It is not the policy of the Government to open high schools. It is left to local bodies and aided agencies."

Number of backward community men serving as Deputy Collectors.

* 380 Q.—SRI R. V. SWAMINATHAN: Will the Hon. the Minister for Land Revenue be pleased to state how many backward community men are now serving as Deputy Collectors in the Province?

THE HON. SRI KALA VENKATA RAO:—" Twenty-nine."

SRI R. V. SWAMINATHAN:—" As per the answer given by the Hon. Minister there are only 29 Deputy Collectors in this province belonging to backward communities and considering the population of the backward communities, may I ask, Sir, whether the Government will consider the desirability of reserving the posts which are now vacant to be filled by the end of this year, to these communities? "

THE HON. SRI KALA VENKATA RAO:—" The hon. Member should note that in the normal cadre of 184 Deputy Collectors, there are 29 belonging to the backward communities. I do not think any other department would have given such a

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large percentage. The Government cannot accept the suggestion that appointments should be set aside for backward classes."

SRI A. SUBRAHMANYAM:—" Will the Government call for the lists of all qualified persons from the backward communities so that appointments may be made immediately vacancies occur? "

THE HON. SRI KALA VENKATA RAO:—" Every year such lists are called for."

SRI A. SUBRAHMANYAM:—" While welcoming the help to minority backward community what special steps the Government propose to take to give representations to big communities like Vanniakula Kshatriyas as they are now not properly represented though there are qualified men? "

THE HON. SRI KALA VENKATA RAO:—" The hon. Member will be glad to know that a member of the fisherman community has been appointed as Collector only one week ago."

SRI V. I. MUNISWAMI PILLAY:—" Will the Hon. the Minister be pleased to state whether the ratio according to the communal Government Order will not be disturbed as far as Harijans are concerned? "

THE HON. SRI KALA VENKATA RAO:—" We are not going to disturb the communal Government Order regarding reservations for Harijans."

Confiscation of "Satyagrahi Press," Elloré.

* 381 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that "Satyagrahi Press", Elloré, was confiscated by the Government;

(b) when it was done;

(c) whether any representations were made for compensation being paid to the owners;

(d) who the owners are; and

(e) what the latest orders passed on the representations are?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—" (a) Yes.

" (b) In 1932.

" (c) Yes.

" (d) Sri A. Govindacharyulu, Elloré.

" (e) The latest orders are that there is no case for reconsideration of the orders passed in 1937, wherein compensation to the owner was refused."

SRI V. RAGHAVAYYA:—" May I know why the Government has refused to give compensation in this case, particularly

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when the Government's policy has been to give compensation to institutions like the Tamil Nadu Congress Committee for properties destroyed?"

THE HON. SRI B. GOPALA REDDI:—"The question was considered by the Congress Government in 1937-38 and it was negatived. The question was not re-opened. For the losses that occurred during the satyagraha movement of 1940-41 and 1942, collective fines, etc., collected, were refunded to the parties concerned."

SRI A. KALESWARA RAO:—"May I know how much compensation was claimed and how much was given to Mr. Govindacharyulu?"

THE HON. SRI B. GOPALA REDDI:—"Nothing was given."

SRI V. RAGHAVAYYA:—"May I know the circumstances under which the confiscation took place? Was it because there was an unlawful assembly of five persons in the year 1932 in a house and those persons were Messrs. T. Prakasam, D. Narayana Raju and the Editor of the paper who invited them for a dinner along with two other men?"

THE HON. SRI B. GOPALA REDDI:—"The matter was considered by the previous Ministry when Mr. Prakasam was Revenue Minister. They decided the question in the negative."

SRI V. RAGHAVAYYA:—"May I know if the Hon. Mr. Rajagopalachari who was then Premier passed orders that, when the finances of the province improved, this question might be considered? If this is correct, do the Government feel that the finances of the Government to-day are worse than what it was when compensation was asked for?"

THE HON. SRI B. GOPALA REDDI:—"I do not like to give out what the minutes were of Mr. Rajagopalachari when he was Premier. I want to know how the hon. Member came to know of Mr. Rajagopalachari's minute on the file. It is an official secret."

SRI V. RAGHAVAYYA:—"On a point of order, Sir, when the question has been put by an hon. Member of the House whether a certain point is correct or not, of course the Hon. Minister can deny the statement he made. Is it open to him not only not to answer the question but to ask how he came to have the information?"

MR. SPEAKER:—"The Government can ask him how he came to know the information. It is an official secret."

SRI V. RAGHAVAYYA:—"My point is a Member has come to know the information."

MR. SPEAKER:—"How did he come to know of it? It is an official secret. The Minister is at liberty to ask how the hon. Member came to know it."

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SRI V. RAGHAVAYYA:—"I got this information from several Congressmen who were in the Assembly then. I was told that such an order was passed by the Hon. Mr. Rajagopalachari. There is no reason why the compensation asked for should not be paid particularly when this Government have got large finances at its disposal. I wish to know from the Hon. Minister whether he can deny the information of mine and why the Government are not prepared to give compensation when it has a reserve fund of Rs. 30 crores and is spending lots of money in other directions."

THE HON. SRI B. GOPALA REDDI:—"I refuse to be drawn into a discussion on the matter with regard to the minutes passed by an Hon. Minister."

SRI T. VISWANATHAM:—"Sir, arising out of what you were pleased to say, may I make a submission. When an hon. Member makes a statement he is responsible for its accuracy. The Hon. Minister can only confirm or deny its correctness or refuse to be drawn into discussion. It is not open to the Hon. Minister to cross-examine an hon. Member as to how he got the information. This is not a court of law. Therefore I submit that hon. Members should not be questioned or cross-examined in this way."

MR. SPEAKER:—"Cabinet secrets should not be revealed. If an hon. Member came to know of a secret, the Hon. Minister is at liberty to ask how he came by the information."

SRI K. BHASHYAM:—"May I point out that it is not open to ask the hon. Member concerned on the floor of the House as to how he got information. A Member of the House should not be questioned or cross-examined by the Hon. Minister. If the hon. Member has done anything wrong, all I can say is that it is for the Government to take action outside the Assembly. It is the business of the Hon. Minister to answer the question or not but not to cross-examine an hon. Member."

MR. SPEAKER:—"The very fact that an hon. Member mentions what took place in the Cabinet, is wrong."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know, Sir, when an hon. Member said a thing, whether the Hon. Leader of the House or any Member of the Government can ask the hon. Member for the source of his information as any hon. Member is entitled to put questions?"

MR. SPEAKER:—"The point of order raised is whether the Hon. Minister can ask how the Member came to know of a Cabinet secret. I said the Hon. Minister has the liberty to ask how the hon. Member came to know the secret."

SRI T. VISWANATHAM:—"Can the Hon. Minister put a counter-question to the hon. Member?"

MR. SPEAKER:—"It is not a counter-question. The Hon. Minister is asking how he got the information."

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"I submit the very fact that the Hon. Minister asks for the source of information, confirms what the hon. Member has said. It gives the impression that the fact mentioned is correct. The Hon. Minister might intervene and deny the statement. Hon. Members of the House would be interested to know whether what is stated is correct or not."

11.45 a.m. SRI R. V. SWAMINATHAN:—"Are the Government aware that compensation is being paid in other provinces for properties confiscated for participation in the Civil Disobedience Movement and the Rowlatt Act satyagraha, and that in East Punjab the Government are paying compensation to the children and the grandchildren of the people who suffered in those movements?"

THE HON. SRI B. GOPALA REDDI:—"We do not know, Sir."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Is it a fact that the proprietor of the Satyagrahi Press is an hon. Member of the Upper House and if so, to what party does he belong and to what group?"

MR. SPEAKER:—"What have we got to do with parties here?"

SRI D. V. RAMASWAMI:—"Sir, in view of the fact that we have secured independence through the matchless weapon of satyagraha, will the Government reconsider the desirability of granting compensation for the confiscation of the press?"

THE HON. SRI B. GOPALA REDDI:—"The present policy of the Government is not to reopen old cases but to give compensation for properties confiscated and return the collective fines collected during the satyagraha campaigns of 1940, 1941 and 1942."

SRI K. LINGA RAJU:—"What prevents the Government from considering this question afresh as this Government is quite different from the Government of 1937?"

SRI A. KALESWARA RAO:—"May I know whether the ex-Parliamentary Secretaries like myself, Messrs. Raghavayya and Viswanatham can use our personal knowledge of the files in asking questions here?"

MR. SPEAKER:—"They should not."

Prevalence of cholera in Salem town.

* 382 Q.—SRI A. SUBRAHMANYAM: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that there is prevalence of cholera in the town of Salem;

(b) if so, the number of attacks and casualties involved;

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(c) whether there was any requisition for help from the municipality to the Government; and

(d) the action taken by the Government on the same?

THE HON. SRI A. B. SHETTY:—" (a) Yes. The epidemic has practically subsided.

" (b) Up to 4th September 1948, there were 195 attacks and 63 deaths.

" (c) No.

" (d) The question does not arise."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know why it is that not only in Salem but in 18 other districts also cholera is prevalent and why there has been so much deterioration in public health of late?"

THE HON. SRI A. B. SHETTY:—"The question relates only to Salem, but I may say that the Province has never been free from cholera in any year."

SRI A. SUBRAHMANYAM:—"May I ask what were the steps taken to put down the infection?"

THE HON. SRI A. B. SHETTY:—"Chlorination of water-supply, disinfection of infected articles and premises, preventive inoculation and employment of extra staff for this work."

H. S. HUSSAIN SAHIB BAHADUR:—"In view of the fact that cholera is a water-borne disease what steps are the Government taking to implement the report of the Water-supply and Drainage Committee?"

THE HON. SRI A. B. SHETTY:—"The question is under consideration."

SRI V. I. MUNISWAMI PILLAY:—"From past records, may I know in what months of the year cholera breaks out in Salem?"

THE HON. SRI A. B. SHETTY:—"I have no information, Sir."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Arising out of the statement made by the Hon. Minister that the Province has been at no time free from cholera, may I ask whether that is the reason for not taking any special steps to eradicate this fell disease? If it is not so, what special steps are the Government taking to eradicate it?"

THE HON. SRI A. B. SHETTY:—"It is not possible to eradicate cholera altogether unless we improve the living conditions of the people and provide protected water-supply."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Arising from the reply of the Hon. Minister, is it not a fact that he is not

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able to provide the necessary protected water-supply and other amenities for the people so that cholera may not break out from time to time because he is not given adequate finances?"

THE HON. SRI A. B. SHETTY:—"Adequate finance is not available for many of the post-war schemes. That is one difficulty."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Since the Premier has once said that famine is due to the sins of the people, may I know whether cholera has anything to do with the sins of the Government and the people?"

THE HON. SRI A. B. SHETTY:—"It is not a question which I can answer, Sir."

SRI P. KANDASWAMI PILLAI:—"In view of the fact that water is the medium for the spread of cholera, will the Government consider the desirability of speeding up the scheme for the supply of water to Salem town from Mettur?"

THE HON. SRI A. B. SHETTY:—"That will be done as early as possible."

SRI D. V. RAMASWAMI:—"Is the incidence of cholera now greater or less than that in the corresponding period last year?"

THE HON. SRI A. B. SHETTY:—"Cholera has entirely subsided in Salem town."

SRI V. RAGHAVAYYA:—"Are the Government aware that the allopathic remedy for cholera—saline injections—is not very effective in thousands of cases? If so, will they not consult other systems also?"

THE HON. SRI A. B. SHETTY:—"If the injections are given at the right time, they will be effective."

SRI A. SUBRAHMANYAM:—"How many persons were inoculated in Salem town, Sir?"

THE HON. SRI A. B. SHETTY:—"Over 100,000, Sir."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Are the Government aware that there are very effective medicines in indigenous pharmacopea for cholera?"

THE HON. SRI A. B. SHETTY:—"There may be, Sir. I have no information."

H. S. HUSSAIN SAHIB BAHADUR:—"Arising out of the answer of the Hon. Minister that the report of the Water-supply and Drainage Committee is under the consideration of the Government, may I know whether it is under the active consideration of the Government and if so whether the report will be given effect to in the near future?"

THE HON. SRI A. B. SHETTY:—"It is under the consideration of the Government and it is my hope that it will be given effect to as early as possible."

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SRI A. SUBRAHMANYAM:—"Was there any delay in inoculating the population and if so, why?"

THE HON. SRI A. B. SHETTY:—"There was no delay. Immediate steps were taken to inoculate as many people as possible and take all the other necessary measures."

SRI A. SUBRAHMANYAM:—"If the disease had been tackled in time, could we not have avoided many deaths?"

THE HON. SRI A. B. SHETTY:—"There were only 63 deaths in Salem town. It was because immediate steps were taken to combat this disease that the deaths were few."

SRI P. KANDASWAMI PILLAI:—"Are the Government aware that it was very difficult to get the vaccine in time in spite of repeated applications from the Municipality to the Government?"

THE HON. SRI A. B. SHETTY:—"The hon. Member's information is not correct, Sir."

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

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

Clause 22, sub-clause (a).

THE HON. SRI KALA VENKATA RAO:—"Sir, I beg to move the following amendment:—

'For this sub-clause (a), substitute the following:—

"(a) In respect of any land held for the purpose of agriculture, not being private land, the land revenue shall be—

(i) where the rent payable to the landholder immediately before the notified date has been determined under the Madras Estates Land (Reduction of Rent) Act, 1947, the rent so determined; or

(ii) where the rent has not been so determined the rent which would have been payable to the landholder in respect of the fasli year in which the estate is notified; or

(iii) where no rent was payable, the rent which would have been payable to the landholder immediately before the notified date by a ryot holding similar land with similar advantages, in the neighbourhood:

Provided that in cases falling under sub-clauses (i) and (ii) the land revenue in respect of the fasli year in which the estate is notified shall be the rent due to the landholder less any payment made to him before the notified date and authenticated in the prescribed manner:

Provided further that in cases falling under sub-clause (ii), where after the rent has been determined under the Madras Estates Land (Reduction of Rent) Act, 1947, it is found that the

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land revenue paid exceeds the rent so determined such excess shall be adjusted towards the land revenue payable in the subsequent fasli year or years.' "

"Sir, this clause has been redrafted to bring out the full implication of our intention. One important feature of this is this: If a village is notified under the Rent Reduction Act the reduced rent will be collected. There may be some villages on the notified date for which the notification of the reduction of rent might not have been issued. If a ryot had paid anything more than the reduced rent, that excess will be refunded to him in the subsequent year. That is the implication of the amendment. It is only to clear the thing and give a more elaborate description of the procedure that the clause has been redrafted."

SRI K. BHASHYAM:—"Sir, I only want some information. In the second proviso, it has been stated that the excess shall be adjusted towards the land revenue payable in the subsequent fasli year or years. I want to know what becomes if there is a deficit?"

THE HON. SRI KALA VENKATA RAO:—"It will be written off or it will come under the arrears clause and it will be collected."

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noon.

* MAHBOOB ALI BAIG SAHIB BAHADUR:—"With reference to sub-clause (iii) the rate that is payable by a tenant who comes under this clause—when is it to be ascertained, how is it to be ascertained and when is to be paid—that is the question."

THE HON. SRI KALA VENKATA RAO:—"After notification."

* MAHBOOB ALI BAIG SAHIB BAHADUR:—"I say it is land on which no rent was payable; in respect of such land, this clause says the rent will be made payable; and the rate of rent payable would be 'the rent which would have been payable to the landholder immediately before the notified date'. My question is: how is that rate going to be ascertained and by whom? I hope I have made myself understood. I shall repeat. This clause refers to land in respect of which on the notified date no rent is payable. The rent payable on such land will be 'the rent which would have been payable to the landholder immediately before the notified date by a ryot holding similar land with similar advantages in the neighbourhood'. My question is: who is to determine whether the neighbouring land has similar advantages and whether that should apply to this land, etc.?"

THE HON. SRI KALA VENKATA RAO:—"The determined rent in respect of any land is payable in the fasli to which it refers. That is a known thing. If it is not paid within the fasli year, then it becomes an arrear of rent. Therefore, I do not find any difficulty here. Further, the clause begins thus: 'The land revenue payable to the Government with effect on and from the notified date, until a ryotwari settlement is effected in pursuance

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of section 21 has been brought into force in the estate, be calculated as follows: 'So, this is only for the intermediate period and the rent is payable for the fasli which succeeds the fasli in which the notification takes place."

* SRI T. VISWANATHAM:—"Our difficulty is this—I do not know if the hon. Member Mr. Baig also felt the same difficulty. The first sub-clause here specifically says: 'where the rent payable has been determined', etc. The second sub-clause says: 'where the rent has not been determined'; but the third sub-clause says: 'where no rent is payable at all'. What I say is: if no rent was payable at all, why should it be collected and under what circumstances will it be collected? And it is said 'rent payable by a ryot holding similar land in the neighbourhood'—what are the neighbouring lands referred to here? Under sub-clause (ii), the machinery for determining the rent is not clear, unless it be the Madras Estates Land (Reduction of Rent) Act. Again, under sub-clause (iii) it is not at all clear why an extra imposition of rent is to be made—the ostensible object perhaps is the fact of conversion of the land into ryotwari land—and what is to be the nature of the rent that is going to be imposed like this? I want information on these points."

* SRI R. V. SWAMINATHAN:—"It appears to me, Sir, that the Government found out the defect in sub-clause (a) only after seeing my amendment No. 262. I am grateful to the Hon. Minister for accepting the idea underlying my amendment and bringing forward his own new amendment. But even this new amendment of the Government is not quite clear and does not carry out my idea, or even of the Hon. Minister himself. Settlement officers appointed for investigating the rent payable have in certain cases submitted their reports and have not done so in certain other cases. The question is: if the Government make the notification under this Act immediately after passing this Bill, what is the rent payable to the Government? If the notification under the Rent Reduction Act is the earlier notification, then the rent payable is naturally the rent determined under the Rent Reduction Act; but in case the notification under this Act becomes the earlier notification, then the rent will be not the determined rent under the Rent Reduction Act but the existing rent which is exorbitant. In order to avoid such a difficulty, I gave notice of my amendment. That amendment is properly worded and I do not know why the Government have not adopted it. Any way, I am not anxious for the credit; it is enough if my idea is taken. The Hon. Minister must clear the doubt whether his amendment carries out the idea contained in my amendment; otherwise, Sir, I submit it is better to adopt the amendment I have given notice of."

SRI A. KALESWARA RAO:—"Sir, in the Select Committee I myself moved an amendment that the rent should be on the lines of the Rent Reduction Act; somehow the Hon. Minister was not kind enough to accept that. Now Mr. Swaminathan and myself

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have both given notice of amendments to the effect that the rent between the notified date and the date of actual coming into existence of the settlement rate should be that which is determined by the Rent Reduction Act. Mr. Swaminathan's amendment is more clear than mine and I am ready to support it. The Government have come forward with an amendment practically on the same lines, but it is not clear whether they accept the idea of the rent determined under the Rent Reduction Act. I therefore request the Hon. Minister to clear that doubt and say what rates he will adopt."

* THE RAJA OF VENKATAGIRI:—"Sir, knowing as we do the manner in which things are done under the Rent Reduction Act and the apprehensions given expression to by the representatives of landholders both in the Select Committee and on the floor of this House, I feel the fear is justified. In several cases, very unscientific, unjust and unwarranted reductions have been made. My hon. Friend Sri Viswanatham mentioned some cases with details yesterday in this House. They were very illuminating; such instances can be had in abundance. I can quite understand the rate being adopted on a ryotwari basis because that has been settled on certain principles, though even that basis may not be free from several defects. But this Rent Reduction Act basis—which can never be called a basis at all—is not founded on any principles or facts or circumstances relevant to the case. It is unscientific and unjust. And for this amendment to seek to adopt that basis, even with retrospective effect, is not fair. I think until the settlement is effected, the better course will be not to have the Rent Reduction Act basis but some other basis which will be more clearly intelligible to the ryots and also to the landholders. Surely, it should not be impossible for the Hon. Revenue Minister to think of some other basis which will satisfy both the ryots and the landholders.

* SRI T. VISWANATHAM:—" (A voice: 'Once again.') My difficulty was: I wanted to get the information first and to speak afterwards; but since I am called upon to speak now . . . "

MR. SPEAKER:—"But after the Hon. Minister gives his reply, the hon. Member cannot speak again."

* SRI T. VISWANATHAM:—"I asked for information because I am unable to understand the third sub-clause and I do not know whether many hon. Members have understood it. Let me assume that I am a ryotwari pattadar under the new dispensation. I was having a certain land in my possession. It can come to me only either as part of my holding or as part of land which I have encroached upon. Unless the encroachment is proved, no assessment can be made. Under the provisions of this Act, it is the settlement officer who will be able to settle whether that portion of land is part of my holding or is an encroachment or whether it is some land occupied by me clandestinely.

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This particular clause relates to rent. And what is rent? Rent has been defined under the Estates Land Act as 'Rent means whatever is lawfully payable in money or in kind or in both to a landholder by the ryot for the use or occupation of land for the purpose of agriculture'. By this, we have to understand that rent has reference only to something that is payable, not as compensation or damages for use and occupation but as rent which has been assessed under the regular assessment rules. Therefore, when I am in possession of land, that bit of land is for all purposes part of my holding and so, a certain rent is payable. The first two sub-clauses here deal with this idea, viz., the rent payable to the landholder before the coming into operation of this notification. In such a case, the first sub-clause contemplates a reduction under the Rent Reduction Act. The second clause contemplates cases where the operations under the Rent Reduction Act have not proceeded or the rent has not been reduced. Therefore, there can be only these two clauses of cases and the other case cannot arise under this. There can be an assessment either under the Rent Reduction Act or an assessment which has got to be determined hereafter by a new machinery which the Government may set up but the third clause refers to cases where no rent is payable but on which they now want to impose it. Sir, no ryot will be willing to pay rent if for centuries he was not paying any rent on a land or the rent to be paid to which was, in fact, part of the rent which he was paying on a holding already. He would not be willing to pay any extra rent. Where no rent was payable, under any pretext to say that extra rent will be imposed under sub-clause (iii) is something which cannot be understood and with which nobody can agree. It may be argued that it relates to land which has come into possession somehow or other without accounting. Now, if a person comes into possession of a piece of land without being able to properly account for its possession, that will come under the ordinary rules of encroachment and when such a land is occupied by a tenant, assessment will be made as usual under the regular rules and strictly speaking it will come under sub-clause (ii). (Interruption.) Even then it should come under sub-clause (ii) because rent has got to be determined upon the holding as to how much of that belongs to the holding and how much not and whether the person was actually in possession of a certain area of waste land over and above the extent mentioned in his holding and all these factors have to be considered under sub-clause (ii). Therefore, Sir, I think sub-clause (iii) is absolutely unnecessary, because under cover of that, I am sure, the tenants will be harassed by petty officers saying, this land or that land does not form part of the holding. So, every previous assessment made will be opened up by these officials under the cover of this sub-clause. It is therefore unnecessary. If it is a case of waste land or land that is unaccounted either by inamdar or landholder, that will come under sub-clause (ii) and if it is land that has already been inspected by the Rent Reduction Officer, it will come under

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sub-clause (i). Therefore, I submit that sub-clauses (i) and (ii) are absolutely enough and sub-clause (iii) is unnecessary and in fact it does not serve any purpose. On the other hand, it will work to the very great detriment of the tenants and will lead to harassment. I therefore submit that the Hon. Revenue Minister will look into this very carefully and let him not be under the impression that it applies to land encroached upon by the tenant or some such thing. I say that such land will come under sub-clause (ii). As I have already stated, the third sub-clause is unnecessary and it will cause harassment to the tenants and besides it will serve no purpose whatsoever."

* THE HON. SRI KALA VENKATA RAO:—"I wish to say that my hon. Friend Mr. Viswanatham has analysed the point clearly. Sub-clause (a) (i) deals with rent payable to the landholder immediately before the notified date as has been determined under the Rent Reduction Act; sub-clause (ii) deals with rent where the notification has not come into vogue but will later come into vogue, while the third sub-clause deals with land lying waste and which somebody gets into possession and for which no assessment is levied. I say, if here is a khasa, he might be having one or two acres of land for which he might not have been paying any shist to the zamindar and such a land may not be in the accounts of the zamindar. That land will not come under sub-clause (ii) because no rent was being paid on that land. Even in the estate's records there may be no number for such a piece of land and yet somebody may be cultivating it unauthorizedly without paying any rent and the Government cannot lose rent on such a land. It is only to bring such types of land that sub-clause (iii) is necessary. In future, private land also will become ryoti land for taxing which we have made provision."

"I have to thank both Mr. Swaminathan and Mr. Kaleswara Rao for having given notice of a similar amendments. Mr. Swaminathan's amendment consists of two parts and what he actually wants is already covered under sub-clause (iii). (Sri V. Raghavayya: What about the language.) I would like the language to be left to the Legal Department, unless we are sure of the words we use. Mr. Kaleswara Rao's point is also met in the transitory provisions, according to which if there should be any extra payment, it will be taken into account and then will be paid back. We have provided a clause in the Bill to meet all such contingencies. I would, therefore, request the House to accept the amendment."

The amendment was put and carried.

SRI R. V. SWAMINATHAN:—"I am not moving the amendment No. 262, Sir, but I would like to make an appeal to the Hon. Revenue Minister to clear the doubts which have been expressed on the amendment of the Hon. Minister and to see that no ryot is forced to pay anything more than the rent that is or will be determined under the Rent Reduction Act."

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* THE HON. SRI KALA VENKATA RAO:—"Sir, if the Rent Reduction Act comes into force in any village, nobody will be asked to pay one pie more than the reduced rent. The Rent Reduction Act comes into force only after notification. But, during the interim period of, say, two or three months, sub-clause (iii) comes into operation and if for any reason a ryot would have paid something more, it will be refunded to him afterwards. So, Sir, the hon. Member's point is completely met and there is no difficulty about it."

SRI R. V. SWAMINATHAN:—"In view of the explanation given by the Hon. Minister, I am not moving my amendment to the clause."

SRI M. G. NATESA CHETTIYAR:—"Sir, I move amendment No. 263 that stands in my name."

MR. SPEAKER:—"The hon. Member will please say where his amendment fits in."

SRI M. G. NATESA CHETTIYAR:—"My amendment is to insert the words 'and other fees' between the words 'rent' and 'if' in the original clause."

MR. SPEAKER:—"The hon. Member should know that he cannot move it, because the amendment of the Hon. Revenue Minister has been already accepted by the House."

SRI M. G. NATESA CHETTIYAR:—"Sir, I gave notice of amendment to the original clause."

MR. SPEAKER:—"That original clause has now gone."

SRI M. G. NATESA CHETTIYAR:—"I would like you to hear what I wish to say on the matter, Sir. I gave notice of amendment to the clause concerning the collection of rent after the notified date and before the survey and settlement, i.e., the original clause in the Bill."

MR. SPEAKER:—"The hon. Member should know that when the original clause goes, the amendment also goes."

SRI M. G. NATESA CHETTIYAR:—"Sir, since this is an important matter, even though the clause itself goes, I think, still my amendment will not be out of place for the clause substituted by the Government. It fits in in the new clause also with some change."

MR. SPEAKER:—"It is out of place, because the hon. Member's amendment relates to a clause which is not now before the House for discussion. As I have already stated, when the main clause itself goes, all the amendments given notice of in respect of that clause, also go away."

SRI M. G. NATESA CHETTIYAR:—"Since it is an important matter I want your indulgence to permit me to move it with necessary changes."

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MR. SPEAKER:—"The hon. Member should have brought it forward as an amendment to the new clause proposed by the Government."

SRI M. G. NATESA CHETTIYAR:—"That is why I want to move it, Sir."

* THE HON. SRI KALA VENKATA RAO:—"I am afraid, Sir, Mr. Natesa Chettiyar's amendment is clearly out of order. What he wants is that, apart from rent, other fees also should be included. I may point out to him that under the Estates Land Act there is no question of fees, but only of rent. Fees are collected under other Acts and so the inclusion of the words 'and other fees' in this clause of the Bill is not at all necessary. Apart from that, Sir, it was open to the hon. Member to have given notice of a further amendment, if he liked, to the Government amendment which was newly drafted and circulated to hon. Members some days ago. If he had not done that it is his own fault."

MR. SPEAKER:—"I rule the amendment of the hon. Mr. Natesa Chettiyar out of order."

SRI A. KALESWARA RAO:—"I do not propose to move my amendment No. 264, Sir."

Clause 22 as amended was put and carried.

Clause 23.

THE RAJA OF VENKATAGIRI:—"I move, Sir, the amendment given notice of by me and numbered as 265 . . ."

MUHAMMAD RAZA KHAN SAHIB:—"May I make a submission, Sir. Clause 26 deals with the exact question of compensation, whereas clauses 23, 24 and 25 are only preliminary to it. I suggest, therefore, that the proper place for considering the question of compensation would be when we come to clause 26."

MR. SPEAKER:—"It is better we go on in the order in which the amendments are printed."

12.30 p.m. * THE RAJA OF VENKATAGIRI:—"Mr. Speaker, I move, that the following be substituted for the existing clause 23:—

'The compensation payable in respect of an estate is the market value thereof on the date of the notification made under this Act, calculated in accordance with the provisions of the Land Acquisition Act.'

Sir, this is a very important clause dealing with very vital portions of the Bill and I request Mr. Speaker, that I may be allowed some indulgence so as to deal with this at some length."

MR. SPEAKER:—"I shall allow the hon. Member enough time."

THE HON. SRI KALA VENKATA RAO:—"That means more than fifteen minutes."

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THE RAJA OF VENKATAGIRI:—"Perhaps my Hon. Friend, the Hon. Sri Kala Venkata Rao, thinks it is good for us not to waste our breath because he has made up his mind and that there may not be loss of breath also added to the other economic loss which this Bill inflicts on us. But, Sir, sometimes even such a loss of breath gives some return by way of mental satisfaction which is of some value in that it gives us the satisfaction of having placed our case before the House in the expectation that hon. Members would give an attentive ear and bring to bear a dispassionate mind on our pleadings whatever their pre-conceived ideas may be, and thereafter come to conclusions which would represent equity, justice and law. Sir, I am one of those who always hold that abolition of the zamindari system is not necessary and some other system could be substituted for it and the country can achieve the objects which the Congress has placed before itself, namely, improving the conditions of the present. With your permission, I should like to refer to the election manifesto of the Congress which binds the members to the reform of the land system which is so urgently needed in India and which involves the removal of intermediaries between the peasant and the State and the acquisition of the rights of such intermediaries on payment of 'equitable compensation.' Sir, this is a very comprehensive commitment, a commitment which, I would submit, would not justify solution in parts. I feel, Sir, in common with others who have expressed their readiness to bear considerable sacrifices with the object of retaining their association with their properties, that without abolition you could retain the estates of course with considerable modifications and changes in the land revenue system of the land. Sir, we submitted several schemes and proposals to the authorities both here and in Delhi and I would not take up the time of the House by going into the details of such schemes. I would only say that if I deal with compensation, I deal with it because there is no other alternative before us and it is not with cheerfulness but it is with immense mental anguish that I deal with the provisions of this clause in the Bill. Coming to the Bill itself, I am thankful to the Hon. Revenue Minister for the statement which, I understand from the papers, he has made, namely, that section 299 of the Government of India Act would apply when private property is acquired but that this is not private property and, therefore, section 299 would not apply."

THE HON. SRI KALA VENKATA RAO:—"That is not exactly what I stated."

* THE RAJA OF VENKATAGIRI:—"If I am quoting him incorrectly, I would like to be corrected because that is of material significance. Also, if my mis-quoting suits him, he should not take advantage of it and I am sure he cannot take advantage of it because the recorded proceedings of the House are there and they cannot be changed to suit the convenience of the Raja of Venkatagiri, or the Hon. Sri Kala Venkata Rao."

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“It was considered that we were farmers of revenue and as such the compensation is for the particular limited right and not with respect to the proprietary right which we claim vests in us. Whatever might have been the condition in other Provinces, Sir, in our Province, conditions are different. Suffice it to say that even Hindu text writers who are alleged to have negated the right of the sovereign to the ownership of the soil support our contention that the ownership of the soil vested in the sovereign. Manu calls the King Lord Paramount of the soil: ‘*Bhupathi*, ‘*Prithivipathi*,’ and ‘*Brihaspathi*’ described the action of the King in evicting a man from land and giving it to another as an action of inevitability as the diluvial action of a river. In the Arthashastra there is definite recommendation to evict tenants for laziness or inefficiency and I need not read out what Pandit Jagannatha Panchanama of Bengal says. He also supports the interpretation which I give and Shanti Parva in Mahabharata also supports this theory that the king had the ownership of the land and he could change the occupants. That these sovereigns made gifts conveying all these incidents of proprietorship to various individuals itself supports my contention. During the Moghul period also that was the prevailing notion and even on the eve of the Permanent Settlement, I should say about 80 per cent or even more of the Province was under the administration of chiefs and Rajas now called zamindars. They were not creations of the British for the purpose of collecting revenue. They were chiefs exercising sovereignty of varying degrees and at any rate, in this Province, they were not the creation of the British. What happened in 1802 was that a Regulation was passed with a view to regulate the relationship between the Government and the chiefs I referred to and in several cases sanads and kabuliaths were exchanged even before the passing of the Regulation and it is not as if legislation was passed because of an erroneous impression or because of a misconception of the land system prevailing in this country and that therefore, wrong principles were applied to our country. On the other hand, we were already there occupying positions as Chiefs and according to the then prevailing notions; and even according to Hindu conceptions the ownership of the soil vested in us. Sir, the instructions to the Collectors and the Regulation of 1802 support my contention that the zamindar has got the proprietary right vested in him. Sir, the Preamble of the Regulation itself says that the proprietorship is vested in the zamindar, talukdar and so on. Instruction 34, which is sought as proof to negative our claim, says, ‘that the cultivating ryots though they have no positive proprietary right in the soil have a right of occupancy as long as they cultivate to the extent of their usual means and give to the Sircar or proprietor whether in money or in cash, which custom provides.’ I would request you, Sir, to note the language. Then, Sir, the case law from Madras High Court supports my contention. I need not deal with it, nor read out relevant portions. Even 20 Madras and 23 Madras.

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deal only with the right of occupancy. In 44 Calcutta, the decision given by that eminent Justice Mr. Parker also supports my contention that positive proprietary right vests in us. Justice Sir Sankaran Nair who cannot be accused of ignorance of Indian conditions and Indian land tenures also held that even those landholders who were not in existence previously but who were created subsequently have been vested with the same proprietary rights which the zamindars who were already there as chiefs and who were converted into zamindars enjoyed and possessed. To add to this, the opinion of Sir John Shore also supports my contention, that we are proprietors of the soil. Even the correspondence that took place at the time of the passing of the Regulation of 1802 also supports my contention. Thus I claim that our right has a basis both in correspondence and in provisions of law. Now, Sir, we say that we had all the other incidence of proprietor excepting partial enjoyment of agricultural produce, which, in those years we gave to tenants, but which lends support to the conception that we are owners of the land. It is for this that the tenants sometimes are described as co-owners, that is, tenants are as a sort of lessees and they are in a position analogous to that of an usufructuary mortgagee. Sir, we contend we are the proprietors of the soil, and law and practice have recognized us as such.

“Now, with regard to rights in minerals and quarries, forests and mines I would only mention 40 Madras, the so-called Singampatti case, which decided that the income from forests should be treated as the property of the landholder. With regard to mines, there is the well-known 16 Madras, Mahabalipuram case, where compensation was given even to the unworked portions of the mine on the basis of what the zamindar got in the worked portion. Therefore I submit these are rights which cannot be ignored, but which should be recognised as proprietary rights. Sir, I have referred to this at some length, though not at the length which a case of this magnitude and importance would justify, with the confident expectation that the misconception of the Hon. Minister may be cleared, and he may treat this property as real property. My amendment seeks to make provision in the Bill as compensation the market value of the property that is to be taken away from the zamindars. Eminent lawyers have held that compensation should represent an equivalent to what has been taken away by legislation. Sri Alladi Krishnaswami Ayyar, one of our most brilliant lawyers, has published his views most definitely and conclusively that in effect section 299 of the Government of India Act requires that compensation given should be equivalent to what the owner has been deprived of. In America also the same is the law. Even in a country like Australia, where the constitution does not contain this fundamental article the same is the law. That learned lawyer further opined that income should be the present income and not prospective income. So I submit that the value to be given is the market value of the property taken away.”

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MR. SPEAKER:—"The hon. Member may continue his speech after lunch."

The House adjourned for lunch.

(After lunch—3 p.m.)

Clause 23.

* THE RAJA OF VENKATAGIRI:—"Mr. Speaker, Sir, just before we adjourned for lunch, I was quoting the opinion of my friend Sri Alladi Krishnaswami Ayyar. To quote his actual words, 'In this view, it is not competent for the Legislature to ignore the actual income accruing to a person from the property acquired and to assess the same on a conjectural or hypothetical basis.' Sir, I ask, would the basis provided for in the Bill for the purpose of calculation of the compensation, satisfy the condition that is laid down in the opinion of Sri Alladi Krishnaswami Ayyar, the very eminent and brilliant lawyer that our country has the proud privilege to possess? Further, I submit, that the ryotwari rents to be introduced could be fixed on a scientific basis, but not on an arbitrary basis for the purpose of alleviating the condition of the tenants or for providing relief to them as a measure of tenancy reform. But this should not be adopted for the avowed purpose of providing a basis for assessing compensation. As such, would not the existing clause result in cutting the ground under this Bill? Would it satisfy the legal requirements? These are things to which all of us including my Hon. Friend, Sri Kala Venkata Rao should pay attention and we should see that any legislation that is passed satisfies all the legal tests and should not subject both the landholder and the tenant to unimaginable and unintended hardships. Sir, even the evidence given by my friend Sri K. Raja Ayyar before the Select Committee would not support the viewpoint taken by the Hon. Minister in this Bill, namely, that rents could be reduced to the ryotwari level for the purpose of making that as the basis for calculating compensation. It would not be legal. No court can ignore this obvious fact that the ryotwari basis has been adopted here only for the purpose of calculating compensation as contemplated in this Abolition Bill and not as a measure of tenancy reform. Nor should the Government ignore the advice given by Sri K. Raja Ayyar in his evidence before the Select Committee, which is contained in the two-page pamphlet, although they might have taken other advices. As one who has listened with great interest and attention to his evidence before the Select Committee, I can say that his opinion in a way supports my contention.

"Then, Sir, the Government's justification for reducing the rents in estates to the ryotwari level was that these rents were unnecessarily and unjustifiably and unwarrantedly enhanced by the zamindars. But on the other hand, we are satisfied, that any enhancement where made, is supported by law, and more than

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that, is supported by justice. There is no moral justification for the stand taken up by the Government in regard to the calculation of compensation. The main deciding factor for the assessment of compensation is the actual quantum of produce or income that is now derived by the landlord in the shape of rent. The rate that prevailed in 1802 was only a share of the produce. However much we may search in the old records, nowhere do we find the price being mentioned. Only the rate was supposed to have been fixed even according to Sri Prakasam Committee's Report. What the landlord was entitled to was half the gross produce."

MR. SPEAKER:—"The hon. Member has already taken 25 to 30 minutes this morning in speaking on this amendment. Let him therefore be very brief and finish as quickly as possible."

THE RAJA OF VENKATAGIRI:—"Sir, having been absent due to certain circumstances beyond my control in the general discussion stages of this Bill, I could not deal with various aspects. This morning also, out of deference to your wishes, Sir, and with a view to escape the charge of my Hon. Friend, Sri Kala Venkata Rao, that I am trying to delay the passage of this Bill, I refrained from going into the details of the various decisions of courts.

"Sir, now I have to refer to the rate basis, because I am trying to justify and provide myself with a moral ground for the contention I make, namely, that the present income should be the basis on which compensation should be assessed and not any conjectural or hypothetical basis. Once the share of produce which the zamindar was entitled to has been decided, so long as it did not exceed the money value thereof, the zamindars were justified in increasing the rents wherever they had increased. Sir, I would not go into all those details and circumstances under which rents had been raised but I would only say that it was not an unusual phenomenon for rents to have been enhanced with the rise in prices and it was not as if in every estate they have been so enhanced. I would also submit that even Mr. Hodgson, the Collector of Dindigul, who was well-known for his sympathies towards tenants, in his despatch said that when the value of the produce had increased, the zamindars should have the benefit of increased rates and it was not wrong on the part of zamindars to have enhanced rents. Valuable benefit can accrue to the landholder as a result of the raising of a valuable crop. I do not see how it can be denied when there is a rise in the price of the produce. Sir, I can go on submitting to the House various things, but I will stop here in support of my contention.

"Therefore, I submit, Sir, that the present income should form the basis—the estate should be valued at the market rate and that, Sir, is the proper rate. I have just now referred before the lunch time to several American cases and others as to how compensation is considered to be the equivalent of what is now got.

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"Now I come to the slab system contained in this Bill. Many prominent lawyers have said and one of the most eminent lawyers in Britain now, has said that it is not the individual that you are taxing, but it is the property. Therefore the circumstances, the economic position and other conditions of the person should not be taken into account, but only the value of the property itself and the conditions and other things pertaining to the property should be considered. Therefore, Sir, I submit that it also does not satisfy the requirements of law. We have to take great care of these things. Otherwise the Government would place us in a very unenviable position and it will not also be to the benefit of the tenant.

"Can I have your permission, Sir, to deal with the other amendments?"

MR. SPEAKER:—"Let the hon. Member confine himself to this amendment alone. The other amendments relate to clause 26. This amendment is about clause 23. When we reach clause 26 the hon. Member can touch other matters."

* THE RAJA OF VENKATAGIRI:—"By 'other amendment,' Sir, I had in my mind, the next amendment."

MR. SPEAKER:—"That amendment relates to the retention of clauses 23 to 25 and the substitution for the existing clauses 26 and 36. When we reach clause 26 the hon. Member can speak on them."

* THE RAJA OF VENKATAGIRI:—"Then, Sir, . . . (The Hon. Sri Kala Venkata Rao: 'It is a very simple point, Sir,') Yes, Sir, it is a very simple point to the extent it occupies space in print. But it has vast and gigantic proportions in its effect and scope. To him it appears very simple. To us it is very devastating; it would be very beneficial to us if it is accepted and it would be very devastating if rejected. The best way, according to me, Sir, would be to accept the principle that the market value should be the basis. That would satisfy the requirements of law and it would hasten up the achievement . . ."

MR. SPEAKER:—"The best thing will be for the hon. Member to go into all these details when we come to clause 26."

* THE RAJA OF VENKATAGIRI:—"So, Sir, I will not go into details now except saying that it is the market value that should form the basis and it would satisfy everybody and it would speed up and accelerate the achievement of the Congress ideal of the abolition of all intermediaries after paying equitable compensation. I will deal with the other aspects afterwards, Sir."

THE ZAMINDAR OF MIRZAPURAM:—"Mr. Speaker, in seconding the amendment moved by my hon. Friend, the Raja of Venkatagiri, I have only a few words to add. He has presented the case so ably before this House that I have very little to add

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to his arguments. Now according to the amendment, we are asking the Government to pay us compensation at the present market value of the property they are going to acquire. It is only just and fair that when a property is taken over proper and equitable compensation is paid to the landholder to compensate the loss he may sustain by the taking away of the property. It should not be misunderstood by the hon. Members of the House, Sir, if I say that unless proper compensation is paid to the persons affected—although I am not a lawyer I can say with the common sense that I possess—the measure will not be legal and will not be binding on the persons affected by such an unjust, improper measure like this, although the landholders are prepared, as an alternative, to give up their properties if proper and equitable compensation is paid to them. I cannot understand, Mr. Speaker, the procedure which is being adopted by the present popular Ministry of first of all reducing the rate of rent of landholders with a view to see that they get practically no compensation, when the question of compensation comes in. As my hon. Friend, Mr. Viswanatham, has put it yesterday, in the estate the peshkash of which was about Rs. 9,500 the Rent Reduction Act has brought the rent down to perhaps Rs. 900 or even less. I am not able to understand how the Government propose to deal with such cases. Perhaps they don't like that any landholder should get any compensation and by adopting such methods of bringing down the rental of an estate, they want to avoid paying any compensation to the landholder. I would appeal to the House and to the popular Government to do justice. They should not be carried away by the ideas of their political friends. They are here as a responsible Government and they should try to do justice to all sides and to all classes of people. They may hate the landholder to-day, but when the estates are abolished we will be like one of you . . ."

THE RAJA OF VENKATAGIRI:—"Now you are not."

* THE ZAMINDAR OF MIRZAPURAM:—"We may occupy a different position to-day, but when we become middle-class men, I do not know what difference there could be between a landholder and any ordinary tenant. The payment of compensation in my opinion should be based on the principles suggested by the amendment of my hon. Friend. Otherwise, besides the profit or loss that one may sustain, the measure itself may be questioned in a court of law. My hon. Friend, the Revenue Minister, perhaps will be satisfied by merely passing this Bill into an Act and he does not perhaps want to see how best he could give effect to it without causing loss or injustice to the persons who are affected by this measure. Even the Advocate-General when he gave evidence before the Select Committee was of the opinion that unless the compensation is paid in cash, it may not be legally binding on the landholder. He also stated that payment of compensation by way of bonds would not be the proper thing to do. Now I see from the reports appearing in the Press that the Government

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are not in a position to find the money for paying compensation and the Central Government have advised them not to proceed with this measure now but to keep the measure in abeyance, till they are able to find adequate revenue to compensate the zamindars. I do not understand why the Hon. Revenue Minister is proceeding with this Bill without knowing the financial position of this Province. Sir, we are not for the abolition of our estates. If the Government want to abolish our estates and are prepared to pay proper compensation, we are prepared to give away our estates and make some other arrangement for our future livelihood. I am sure that any amount of arguments in favour of this amendment will not convince the Hon. Minister. He has his own way of doing things. If he had made up his mind, he will do it. Of course, at the time of the third reading of this Bill I am going to offer him my congratulations for his cleverness and unreasonableness. If he decides a certain point, he says that that is the only right one and that other people are not in a better position to judge, or that they are always in the wrong. I would warn the Government, if I may do so, to be very cautious in their procedure in passing a Bill of this kind without caring for legality or justice. Let them think twice before they adopt this legislation, because they will be ruining hundreds and thousands of families. There are several small zamindars. They will be driven into the streets from the time the notification is issued. You should, as a human being, have sympathy for people . . .

THE HON. SRI KALA VENKATA RAO:—"You are addressing the Chair."

THE ZAMINDAR OF MIRZAPURAM:—"Sir, I am addressing the Hon. Revenue Minister. I should like the Hon. Revenue Minister to have some sympathy towards these landholders, especially those who are not in a position even to maintain themselves to-day. What will be their fate to-morrow? So, I would request the Hon. Minister again and appeal to him to consider the position of the landholder in a more sympathetic manner and try to do justice to him as far as he (the Minister) is able to do so. With these words, I very strongly support the amendment so ably moved by my hon. Friend, the Raja of Venkatagiri."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, I have not taken part in the proceedings of this Bill, amendment by amendment. But now when my hon. Friend the Raja Sahib of Venkatagiri has moved this amendment, I feel—detached as I am from both sides—the tenant on the one side and the zamindar on the other—that it is my duty to take that and the Government on the other—the mover of the amendment, made out a very good case from his point of view. There has been various views expressed so far as the object of the Bill is concerned. My hon. Friend, Mr. Prakasam, took one view. His view was that the zamindars did not deserve any compensation at all. He held the view that they were mere rent collectors,

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and that they should, as it were, be pensioned off and given a pittance for their livelihood. Sir, we are to-day working under the Government of India Act, 1935. Under that Act we cannot take away another's property without compensation. And having agreed—and it is also a matter of necessity to pay compensation because we are legislating under the Government of India Act, 1935—the Government have no other alternative but to give compensation. The question for decision is what shall be the compensation that should be given to people whose properties are acquired. I find from the report of the joint select committee and from the original Bill that the Hon. Revenue Minister has indulged in a jugglery in mathematics, in actually working out the amount of compensation. This I am unable to understand. So far as I can see, I think, Sir, this will open a wholesome field for litigation. Every word and every sentence as it has emerged from the select committee is a fruitful source of litigation. With regard to compensation, I am unable to understand why my hon. Friend, the Minister for Revenue, has resorted to this jugglery not only in words but also in figures. Nobody who has any sense of justice or righteousness in calculation can understand the course that the Hon. Revenue Minister is adopting. This manipulation of the percentages, the reduction, division, subtraction and various other methods of arithmetic, have been resorted to by the Hon. Revenue Minister instead of straightway stating that compensation will be given on the basis of the market value. For every acquisition of land, even the worst tyrannical Government will be prepared to give compensation on the basis of the market value of that land as it stands at the time of acquisition. That is not the way which this Bill proposes to adopt. Sir, I am one with those who wish to abolish zamindaris for two very good purposes, one of them being the improvement of agricultural conditions in this Province so that we can produce more foodgrains and be free from the fear of famine, and the other being the rendering of help to the tenantry. These two are certainly very good reasons for abolishing zamindaris. We are one with Government in that respect. At the same time I for one, Sir, cannot understand how we can practically make the compensation a huge farce, after having admitted that it is the property of the zamindars and also that they would be compensated for the lands which are taken over from them by the Government. I wonder whether the Government are giving compensation simply because they have no other alternative under the Act. Is it because of the difficulty in the Act which they cannot easily overcome, that they are making a show of paying compensation, but in reality paying no compensation worth the name at all? If compensation is to be given, it must be according to the market value. Sir, even this very Government under the Land Acquisition Act will not acquire landed property or house property anywhere in the Province now without paying compensation on the basis of the market value, i.e., the price at which it can be sold either by auction or by a private individual. If the Government are not the purchaser, and if a particular zamindar wishes to dispose of his zamindari

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to any private person either in Madras or in Bombay or anywhere else in the country, he will dispose it of for a reasonable price. That price must be paid by the Government as compensation. You may acquire the property, but pay adequate compensation. Please do not dispose of the question by neglecting to do justice to the people whose properties you seek to take away. I believe, Sir, that we have agreed that these properties are the properties of the zamindars, and that they have a right in their estates. When the Government have decided to acquire these properties—simply because they have no other alternative than to acquire them though for very good purposes—still, they should necessarily pay sufficient compensation to the zamindars. Instead of giving adequate compensation to the zamindars, you are simply trying to get off by making a mere show of compensation being given. It is not proper; it is not just. It is not also proper on the part of the Government constituted as it is to indulge in such practices as are sought to be done by resorting to methods which are neither just nor reasonable. You are anxious to take away the properties of the zamindars. When you try to take away the properties of other persons either of private individuals or authorities equally placed in circumstances as the Government is, you have to see that you do it in a just manner. In this particular case, you have to pay adequate compensation, a compensation fixed on a fair basis. The only basis of fair compensation is to take the market value of the properties. All these properties belong to the zamindars, inamdars and other individuals. When the Government propose to take away such properties belonging to other individuals or sections of the people or authorities, they will have to consider whether they should not act justly towards the people who will be affected by this legislation.

“Sir, so far as I have been able to watch, the Hon. the Revenue Minister has not been able to accept any of the amendments that were moved from time to time by hon. Members who could not see eye to eye with the Government with regard to this matter. I have also found, Sir, that the Government, so far as this Bill is concerned, have already made up their minds, particularly with reference to the question of compensation. We have also seen, Sir, in the course of the proceedings on this Bill that the Government has not tried to deal with the question of compensation in any generous mood. They had to deal with the Government of India. They had to deal with the Congress High Command members. They negotiated with the Government of India. It is really on account of the question of compensation that the question relating to inams also met the fate which it has met with in the Select Committee. The 1936 inams of course have been excluded. The Hon. the Minister for Revenue, perhaps for reasons best known to him—there may be reasons or there may not be justifiable reasons—for reasons best known to him, is trying to satisfy one section of the people, one section of the Government or one section of the Congress Party. I do not know the reason

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behind the exclusion of these inams. Then the course that was later adopted seems to be not to rest content with the exclusion of the 1936 inams alone but also to reduce the compensation that has to be given to the zamindars. Sir, certainly the Government are not entitled to do so. The simple question is this. The Government as a Government should not act as a money-lender or an investor in property of another person. Somehow you want to take away another's property and you want to usurp it without any rhyme or reason.”

MR. SPEAKER:—“The hon. Member should note that the amendment says that the compensation payable in respect of an estate is the market value thereof on the date of the notification made under this Act, calculated in accordance with the provisions of the Land Acquisition Act. There is another provision regarding details as to how the compensation should be worked out. Clause 26 deals with those details. It is proper for the hon. Member to elaborate all these things when we come to that clause.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“I will try to finish soon, Sir. After all, Sir, the question before the House is what shall be the rate of compensation that has to be given to the zamindars. The amendment states that the compensation that has to be paid to the zamindar is to be based on the market value which is obtaining at present, for the lands which are to be acquired. Without any rhyme or reason or without any justification, can the Government compel the zamindars to part with their estates? If that is done, that will be very unjust, very improper and very unfair. On the other hand, the Government should dole out justice and resort to righteous methods. The Government decide this question once for all so that the question of compensation can be settled on a very fair basis. What will be the fair basis? The fair basis will be the market value. Of course, the Hon. the Revenue Minister may ask, how are we going to find out that fair basis. Well, Sir, under the Land Acquisition Act, you have your officers who can fix that fair basis. There are the Collectors and the other officials with all their paraphernalia and they should be able to find out easily what the market value of the property is and on that basis they can acquire the properties, belonging to the zamindars. Of course, it may be said that a long time will be taken and it will involve many inquiries to find out the actual market value and then it may take a few years during which period, in all likelihood, the market value may change. Even with regard to this question, a period can be easily fixed, namely, the market value during the past five years or ten years and so on may be proposed or the period may be advanced and it may be proposed that the market value in the coming two or three years should be taken as the basis. Then, they can easily arrive at a figure. The fixation of this market value, whatever time it may take, would facilitate the payment of compensation as early as possible. If Government really want to resort to the procedure suggested in the amendment, the question of time will not be a matter of difficulty for finding out the actual market value.

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If the payment is made according to this market value, then, it will be much better than what is provided in the Bill. That is why I say that the payment of compensation according to the market value will avoid all disputes and will be done in the quickest possible time. Therefore, I appeal to the Hon. the Revenue Minister not to stand on prestige and to be a little more reasonable and not to be a 'Bania' or a 'Shylock' in this matter. I am sure, the Government will be doing a just act in accepting this amendment. Perhaps, my hon. Friend may take shelter in the fact . . .

MR. SPEAKER:—"All these things will come when we come to clause 26."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"My hon. Friend, the Revenue Minister, may say, we have no money and therefore, we are not going to pay the zamindar immediately, and therefore the question of paying straightway need not be considered but let us somehow pass this Bill and put it into cold storage, and then when the time comes, we can take the lands and consider by means of an amending Bill at what rate we should pay these zamindars. That should not be the attitude. Whatever compensation they decide to pay, they must pay it immediately on the taking over of the zamindaris and the compensation in the present circumstances will be adequate and proper only if it is paid on the basis of the market value of the property."

MR. SPEAKER:—"Before I call Mr. Raza Khan, I must read to the House the clause that is under discussion. It says:

"The compensation payable in respect of an estate shall be determined in accordance with the following provisions."

This is a very simple clause and it does not deal with any details. Details come under clause 26. Therefore, hon. Members should confine themselves to this particular clause and not go into the details."

MUHAMMAD RAZA KHAN SAHIB:—"Mr. Speaker, Sir, we have now come to a very important stage in the discussion of the Select Committee report. We are now in the second reading discussing the scheme of compensation that has to be paid to the zamindars, the inamdars and others. Hon. the Speaker may say that this is a sort of general clause on compensation and therefore, we should not go into the details. I assure you, Sir, I would not lose myself in all sorts of detailed discussions.

"At the very outset, I should say that the whole conception of the Hon. the Revenue Minister with regard to this clause is wrong and this Government do not stand by any steadfast principle. I do not like to raise all those oft-repeated slogans in this House about equity, justice and fair-play. Things of this sort, the Hon. Minister has heard often and his ears are now shut and he does not listen to these things and no purpose will be served by repeating the same. But, I feel I have to make this charge against

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the Hon. Minister that he has not served this Province well because this Bill, as I said already, is not governed by any definite principle. I shall deal with the question of compensation when we come to clause 26. One thing which really harms is this. The Hon. Minister says, whether justified or not, that he feels he has the right and he is prepared to take the interests of the zamindars, the inamdars and others by paying some compensation. But, he does not say the amount of compensation that he is going to pay. At one stage, he said, it is eight crores, then he said, ten crores and twelve crores and so on. That is not a fair way of dealing with the matter and it does not also redound to the credit of a Provincial Government if they are going to pay only eight or nine crores as compensation to the vast areas that they are going to acquire. Further it is wrong in principle. I do not like to go into the legal aspect of the question about the compensation to be paid when properties are acquired . . ."

THE HON. SRI KALA VENKATA RAO:—"I would like the hon. Member to enlighten me on the legal aspect."

MUHAMMAD RAZA KHAN SAHIB:—"You are as much ignorant of law as I am. Therefore, let us not go into it." (Laughter.)

THE HON. SRI KALA VENKATA RAO:—"I am going to discuss the legal principles to-day."

MUHAMMAD RAZA KHAN SAHIB:—"Then, Sir, the question which arises is this. Can the Government say that they will pay only about eight or nine crores as compensation and that they cannot go further than that? The Hon. Minister time and 4 p.m. again said that he has the honour to belong to the great Congress party. Even we in Opposition have got our admiration for that great Congress party. I am sure even that great Congress Party did not prepare him or teach him that he should behave in the way in which he does, when he is holding office in the Government. Sir, in a few days, this Bill will be passed into law and placed on the Statute Book. It will stand as a standing testimony to the great misdeeds done by this Government and particularly by the Hon. the Revenue Minister. Therefore, it is quite unfair on the part of the Hon. Minister to say: 'Well, all that I can pay to these people is only Rs. 8 or Rs. 9 crores, and then I am going to disperse the whole lot.' Sir, that is no argument at all. It is only pleading your inability to pay them. When you are not in a position to pay them adequately, then you have no business to acquire their interests as well as their rights.

"Sir, much has been said about the contact between the Provincial Government and the Central Government, and also the High Command. I have no contact either with the High Command or with the Central Government. But if I could read the situation aright, really the Congress High Command and the Central Government are tired of the Madras Government, because

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every month they pay one or two visits. It is always a case of beating about the bush. Every week the Hon. Revenue Minister is leaving for Delhi or is returning from there. Only the other day we saw in the papers that the Hon. Premier was to leave for Delhi or has left for Delhi, and some other members also go there. If I could read their real opinion on the matter, it would be only this. 'Please for God's sake, I wish these Madras Government Members do not come and worry us and we may feel happy at least for some time.' Sir, I am only pointing out all this to show how they are worrying the Central Government and the Congress High Command. Yesterday, I did not like to say anything in that famous adjournment debates, about this purposely."

MR. SPEAKER:—"That matter is already over. Let the hon. Member now confine himself to the subject under discussion."

MUHAMMAD RAZA KHAN SAHIB:—"Sir, I still maintain that the Hon. the Revenue Minister or the Hon. Premier has got the right to give some important information to the Press. But it would have been all right on the part of the Hon. Premier or the Hon. the Revenue Minister to have come to this House and told us: 'We went to the Central Government; we went there for direction; they have given such and such advice; but we are not going to follow that. We are going to proceed with this Bill.' Sir, so much has been said by the Hon. Premier that it makes confusion worse confounded. But why don't you clarify the position, as to what the Central Government have advised you . . ." (At this stage, the Deputy Speaker occupied the Chair.)

* THE HON. SRI KALA VENKATA RAO:—"It is a wrong statement, Madam, if he says that we went there for instructions. We have read in the newspapers that all the Provincial Premiers—not only the Premier of Madras, but the Premier of every Province—have been invited there for some discussion, decision or advice. So the hon. Member is not justified in saying that we went there for advice *suo motu* is creating unnecessarily a wrong impression."

MUHAMMAD RAZA KHAN SAHIB:—"Madam, the last visit of the Hon. Minister was made only a few days ago. And I am sure that it will be the last visit so far as this Bill is concerned. Of course, it might have been on the invitation of the Central Government. From the time the Zamindari Bill was introduced, in this House, they would have gone at least fifteen to twenty times to Delhi; of course, I say this, subject to correction, I shall leave it at that."

"Now, the point is this. The Hon. Premier has disclosed certain things when some Pressmen put him the question: 'Have the Central Government told you that you cannot expect any help from them under the existing circumstances?'"

* THE HON. SRI KALA VENKATA RAO:—"Madam, the hon. Member is not talking on the clause at all. The Hon. Speaker

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drew the attention of the hon. Members four or five times, to the wording of the clause. What is the use of saying lots of things on matters not concerned with the clause on hand, and going on sitting for a long periods? They want time for discussion. But they go on beating about the bush, about matters that do not concern the Bill on hand."

MUHAMMAD RAZA KHAN SAHIB:—"Because it is a very important matter, I am forced to refer to it. The Central Government did advise the Provincial Government as a matter of All-India policy—mark the words 'All-India policy'—that they should rather defer this legislation affecting the zamindars. They have also said: 'Even in spite of this advice, if you still persist, you can go on with it, but we are not going to give you any help.' But the Hon. Premier has said: 'No, we will find money for the purpose. Even if we get this Bill through this House, still we may not bring it into effect.' Madam, I am not raising this point, with the purpose of scoring any points over the Hon. the Revenue Minister. (Interruption.) I asked the Hon. Minister to explain to us the implications of the Hon. Premier's statement to the Press. I thought he would reply, and inform the hon. Members of the object. But he thought it fit to say that 'A word 'if' is there; and if you read and understand that word, everything else also you will understand.' I am sorry I am not able to understand the implications of these words 'if' and 'but', and it seems to be the exclusive monopoly of the Hon. Minister to understand them. Madam, I am not saying all this in any bravado spirit. All that the Central Government has told this Government is: 'We have given our advice, the best advice, the expert advice, the advice that is best in the circumstances. Still if you don't listen to that advice, you go to Madras and have your funeral'. I am sorry, Madam, to see the funeral of this Government on this issue. Therefore I say, and I am sure you will agree with me that when this Bill is passed into law, it is going to lead to all sorts of litigations and complications."

DEPUTY SPEAKER:—"I must bring to the notice of the hon. Member that his speech sounds like a speech during the third reading of the Bill. The hon. Member must confine himself to the amendment on hand."

(A voice: 'He has not read that amendment.')

MUHAMMAD RAZA KHAN SAHIB:—"Madam, this is only an introductory speech. I am coming to the point just now."

DEPUTY SPEAKER:—"But where is the time for all this introduction?"

MUHAMMAD RAZA KHAN SAHIB:—"Madam, I shall leave it at that. Now I come really to clause 23. Both the zamindars have argued their case that the compensation should be determined on the basis of the market value on the date of notification under this Act. I shall deal with it when I come to

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clause 26. My only objection to this important matter is where it lays down that 'The compensation payable in respect of an estate shall be determined in accordance with the following provisions', i.e., clauses 24 and 25. Pleas have been made here not only from this side of the House, but from the side of the Party which is in power that as far as this case is concerned; 'please for Heaven's sake, do not classify in the way you have done.' We have said that in this matter, there is difference between inamdar and inamdar, and between one zamindar and another. We have repeatedly said that. All that the Hon. Minister seems to have said is: 'Well, it does not matter. I will pay compensation to all these interests on a flat level as enunciated in clause 26.' If you take a big zamindari, there may be a number of quarries, mines and mineral resources, all of which may have been purchased for a certain amount. According to this Bill, this Government can deprive the owners of these zamindaris inclusive of the mines, forests, etc. . . ."

DEPUTY SPEAKER:—"The hon. Member's time is up."

MUHAMMAD RAZA KHAN SAHIB:—"But you didn't fix any time-limit."

DEPUTY SPEAKER:—"I thought the understanding was that each hon. Member should be given not more than 10 minutes, for this amendment."

MUHAMMAD RAZA KHAN SAHIB:—"Madam, I would only request for five more minutes, though I have a chance to speak on the whole thing when I come to clause 26."

DEPUTY SPEAKER:—"The hon. Member can conclude his speech in one more minute."

MUHAMMAD RAZA KHAN SAHIB:—"Then, I shall conclude."

* SRI M. G. NATESA CHETTIYAR:—"Madam Deputy Speaker, as a partible zamindar I am the most affected by the compensation proposed to be paid by this Bill. It has been point with many of the hon. Members that compensation fixed at the ryotwari level will give more compensation. In fact, it has reduced the market value two times lower. If the market value is taken into consideration, to-day, and if the compensation proposed is calculated by actual working out, it will be clear that if I get Rs. 3,000 as compensation on the market value, I may get about Rs. 800 as compensation under the present proposal. I am not putting things, at an exaggerated figure. I have got actual figures and I will deal with them as and when occasion arises for proper consideration of the details by the House."

"The present arrangement is certainly very wrong. For the purpose of fixing the compensation amount, if the nature of the tenure is going to be changed, it is wrong, on both sides. It is wrong on the side of the Government; it is wrong on the side of the

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zamindars as also tenants or ryots. It is wrong on the side of the people to whose benefit the Government presume to bring this legislation, by depriving one class of people of their proprietary rights, and also increase the rate of rent of the tenant to the ryotwari level and change the peshkash along with ryotwari rate. The proper and legal basis that could be available to the Government in respect of such a legislation as the present one, would be only to pay that amount of money as compensation which is based on their present net income, as it stands at present. Any other method and any other procedure would be illegal. You presume at least to do this in the interests of the large number of people. You illegally try to enforce this legislation thinking about your majority and minority. (Interruption.)

"Whoever might be the majority, the Government cannot afford a property legislation to be piloted on the strength of majority alone. It is not correct to say that 'there is majority, and therefore, under democratic rule, we are conducting and carrying on this reform.' If I correctly understand the democracy, particularly the Indian Union formula of democracy, I say, it is equally for the minority and the majority. There is no meaning in it if democracy does not serve the minority and the majority equally and fairly. Nobody must be hampered. Therefore in the Indian Union, which builds up this form of democracy, reform of any law, must be built to help that tradition and legislation of the present nature must not in any form be expropriatory and must not give room for complaint of that nature by the affected class. They must feel themselves as one for the reform. Sir, the Government is certainly interfering with property right. You claim that you are dealing with revenue officials, renters, etc. I say it is not so. There is a dispute on the point. Let the Hon. Minister set up an impartial judicial tribunal, get its verdict, and place it before the hon. Members. The Hon. Minister claims that this is not property legislation. I am submitting to the Hon. Minister and the Government that they should see that their verdict of calling zamindars as renters, is substantiated before they get through this Bill. You are unnecessarily forcing them to resort to courts and get decisions from courts to say that the Madras Legislature has done a wrong thing. You must know that zamindars of this Province are equally interested in this matter and their conduct and good grace to get through this reform have been notable. Zamindars in this Province have been the workers for the extension of an essential industry, agriculture and have been doing great service to the tenants more than anywhere else in any part of India. You cannot decry people simply because you have to pay them compensation, and let them not be decry by the Government for that purpose and their compensation reduced. That should not be the attitude of a State of the present form. You are not doing social justice. You are certainly doing social injustice to yourself, zamindars and ryots. As Congressmen we have complained against zamindars on one important occasion. At the time of the Joint Select Committee when the 1935 Government of India Act

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was framed, the zamindars wanted a section to be incorporated regarding their property. It was stated that 'we are Congressmen, we are born in this country, that we are brothers and that all will be treated alike and the property will be safeguarded without any distinction between class and class.' We were saying that we wanted freedom for everybody in this land. Simply because they had some vested interest and they were supported by a foreign Government due to the fear of our interference with their rights of property, they had a particular section put in the Government of India Act of 1935. That is the blame that we accused them of. Are we not justified then therefore by the Government's own attitude on this matter? A man of not much intelligent calibre as myself did not expect at all that a popular Government will bring forward such a measure, and will be treating a class of people in this way. It is wrong to do so. We must take the zamindars also with us. They must also co-operate with us. Such a reform we should have to-day. Social justice to one class does not mean social injustice to another class of people and the conferring of more rights on another class of people. It is absolutely wrong to do so. By all means, have social justice rendered to the deserving class; but you should pay compensation to those whose interests are affected. Is the compensation you are giving, adequate? No. I say you are actually making jugglery with figures. You are cheating a class of people, excuse me. I have to say what I think right. I have to say what the facts are.

* SRI V. RAGHAVAYYA:—"On a point of order, Madam. The hon. Member just now used the word 'cheating' which should not be used by anybody against another, particularly against the Government Benches. What the hon. Member said is 'you are cheating the public.' Cheating is a strong term which is used only when people deceive other men. Perhaps the hon. Member has used the word without intention. We say a man cheats another if the former gets unlawful gain. I think the hon. Member used the word but did not mean it in the correct sense of the word. As it is likely to give room for misunderstanding I think it is right on my part to draw your attention to this point. If the hon. Member thinks that the Government is cheating people in the full and clear sense of the word, I should like to request you, Madam, Deputy Speaker, to call the hon. Member to order and ask him to withdraw the word."

SRI T. VISWANATHAM:—"Can we say, we are cheating ourselves? Then it is allright."

DEPUTY SPEAKER:—"The hon. Member, Mr. Natesa Chettiyar, will say in what sense he used the word."

* SRI M. G. NATESA CHETTIYAR:—"Madam, I submit that what I meant is 'we are cheating ourselves'."

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But I am anxious that nobody should be deprived of any property right without giving him proper compensation. That is what I mean. Perhaps the word 'cheating' that was used by me before was not self-explanatory. I explain it now and I request the hon. Member to understand me correctly.

"It is not reasonable that we should change the provisions of the Bill from time to time from one purpose to another. I never expected that, for the purpose of paying compensation, the nature of the tenure would be changed. Many were the circumstances by which many kinds of tenures were brought into force in this Province. There are small classes of people, such as partible estate-holders who purchased estates in open sale conducted by the Government. Revenue farms were sold in public auction. Vast areas of land were waste and they were brought under cultivation by the incoming estate-holders and they were not subject to enhancement of peshkash on the extension of cultivation. They were given to them as property along with the permanent assessment they were paying. They had extended cultivation. It is wrong to levy a new peshkash on the extended cultivation. It is something like this. A pattadar cultivated land to the extent of 10 acres and got 50 putties last year. He was assessed on that basis of produce. This year he raises 100 putties of paddy in the same area and gets more remuneration. Can he be taxed more? This principle is suggested by this Bill. It is not on that basis that you should assess compensation. What has been proposed as compensation is certainly in this manner and thus made inadequate and on wrong basis. It is not done to give the zamindar fair or just amounts but a vicious method adopted to reduce just and fair compensation. Hence you hold up the reform because in all probability it may be questioned by the more reasonable Indian Union or questioned in the Federal Court because of the glaring mistakes that are being committed. Let not the Government think that they are sovereign body. Sovereign has got a moral limit when it transgresses this limit, it can be held up and questioned."

* MAHBOOB ALI BAIG SAHIB BAHADUR:—"Madam, Deputy Speaker, I am really surprised that the procedure adopted for discussion of clause 23 is not at all helpful, because this clause is not a substantive one. The clause says that compensation payable in respect of an estate shall be determined in accordance with the following provisions. The following provisions are clauses 24, 25 and 26. All these clauses should be put together and placed before the House for general discussion and any amendments to be moved in respect of those clauses, should be placed before us. That would be helpful. As it is, the clause we are discussing is no clause at all. Hence the difficulty for anybody to talk on this clause. What can anyone talk on this clause? What I talk there fore will have reference to the subsequent clauses also. The Hon. Revenue Minister should not get up and say that the details referred to by me are not in this clause. (At this stage, Mr. Speaker occupied the Chair.) I am entitled to speak on the subsequent

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clauses also. I submit, Sir, that discussion would have been more helpful if the draftsman had put all the provisions in the same clause. Some of us brought this point to the notice of the Chair sometime ago"

MR. SPEAKER:—"We shall follow that procedure when we come to other portions of the Bill."

* MAHBOOB ALI BAIG SAHIB BAHADUR:—"Our difficulty is this. When we refer to some of the provisions in clause 26, we will be told that we might refer to them when we discuss that clause. May I request the Chair to tell me on what we are expected to speak on this clause?"

MR. SPEAKER:—"If the hon. Member has no points to urge, he need not speak. The hon. Member should not question the Chair. The Hon. Minister concerned should reply to this point."

* MAHBOOB ALI BAIG SAHIB BAHADUR:—"What is the point that anybody can talk on this clause? This clause refers to subsequent clauses. Therefore I am entitled to speak on those clauses also."

MR. SPEAKER:—"No. The hon. Member can speak when those clauses are considered."

4.30
p.m.

* MAHBOOB ALI BAIG SAHIB BAHADUR:—"I wish to submit to the consideration of the House three or four points."

"The first point is that so long as this Congress Government and the people believe in private property and the manifesto of the Congress stands for it, the rights of the landholders should be acquired. The question is what are the rights you are going to acquire and what is the compensation you are going to pay. When you come to the question of rights, what are the present rights that you are going to acquire? I entirely agree with the Hon. the Revenue Minister that prior to 1802 these landholders had no proprietary rights at all. But, it is too late for us now in 1948 to say that they have no rights at all. Under the Permanent Settlement Regulations of 1802 the proprietorship in the land has been vested in the zamindars and it has been confirmed by subsequent legislative enactments. The proprietorship of the landholder has been recognized in several decisions of the High Court. It has also been recognized in the conduct between the parties, in the sales and mortgages that have been taking place. So at the present day these landholders have got some rights. There is no use of harping on the same old theory that he was not the owner. For 146 years his rights have been recognized and rightly or wrongly he has been enjoying them. On the basis of those rights transactions have been taking place and decisions were given in Courts. When you are acquiring the rights in 1948, you must give compensation for the rights as they exist at present. Let nobody think that the giving of compensation to the zamindars for the rights acquired during 146 years would anyway affect the rights of the ryots. This question has nothing to do with the granting

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of rights and concessions to the ryots. Let it not be said as a propaganda that something here and something there have affected the rights of the ryots. If you give proper compensation to the zamindars you will not come within the clutches of the law. It is for this reason that the Government of India Act has laid down that nobody should be deprived of his property except by law. Section 299 (2) says in an emphatic manner that no legislature can deprive or acquire a person's property unless it provides for the payment of compensation. And compensation means the equivalent of the properties acquired. Some people argued that the law can fix the amount or the principles of deciding the compensation. From that they inferred that this legislature being a sovereign body, can fix any amount or any principle. That is not so. Where you are able to ascertain the amount of compensation, the legislature can mention the amount—Rs. 10,000, Rs. 20,000, Rs. 1,00,000 or Rs. 2,00,000. If it is not possible to fix the amount, then it is said that the principles can be fixed."

MR. SPEAKER:—"We might have taken clauses 23 to 25 as a single clause. It has been argued like that. Now I think the hon. Member can make these observations when we come to clause 24."

* MAHBOOB ALI BAIG SAHIB BAHADUR:—"With due respect to you, Sir, you should not have allowed the amendment to be moved. The amendment is a substantive amendment while the clauses which are supposed to be substantive are clauses 24 and 25. Having placed the amendment before the House"

MR. SPEAKER:—"There is another opportunity for the hon. Member to speak on clause 26. On clause 24 also he can speak."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"I am speaking on the amendment first."

MR. SPEAKER:—"The hon. Member can take five more minutes and finish."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Sir, the amendment moved now has given rise to all these discussions. Section 299 is very clear. It says:

(2) Neither the Dominion Legislature nor a Provincial Legislature shall have power to make any law authorising the compulsory acquisition for public purposes of any land unless the law provides for the payment of compensation for the property acquired and either fixes the amount of the compensation or specifies the principles on which, and the manner in which it is to be determined."

There is to be understood not as if the Legislature can fix any amount or fix any principle which cannot correctly represent the compensation. I would further invite your attention to clause (4) which says:

(4) Nothing in this section shall affect the provisions of any law in force at the date of the passing of this Act."

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When this Act was passed in 1935, there were the Land Acquisition Act and the Madras Estates Land Act, 1908. The provisions of the two Acts cannot be said to have been abrogated by section 299. The inference is that you must pay compensation for the rights embodied in the Estates Land Act and when you acquire them, you must acquire them in accordance with the Land Acquisition Act. Therefore, I think the amendment is a very useful one and it goes to the very root of the matter and lays down the principle from which the Government or we cannot get away. Therefore unless you acquire these lands in accordance with the Land Acquisition Act and pay compensation for them, the present Legislation would be void in law. Therefore the amendment has been moved. Because the Chair has ruled that I need not go into the merits of the principles laid down in clause 26, I would desist from speaking on them although reference to 'following provisions' implies that I have got a right to refer to them."

* SRI T. VISWANATHAM:—"Mr. Speaker, the clause says that the compensation payable in respect of an estate shall be determined in accordance with the following provisions. The amendment moved is that the compensation payable in respect of an estate is the market value thereof on the date of the notification made under the Act, calculated in accordance with the provisions of the Land Acquisition Act. The clause is a substantive clause and the amendment also is a substantive amendment equally. Some of my hon. Friends wondered what there was to speak on this clause, but the entire crux of the question is involved in this clause and the amendment. The question is whether you are going to determine the compensation according to the provisions contained below or whether you are going to do it under the provisions of the general law of land acquisition as stated in the amendment. There are two points to be discussed. One is whether the zamins are to be acquired and the other is what is the basis of compensation. Everybody is agreed or almost all have agreed that compensation has necessarily to be paid. The only question is whether we should discuss here the amount of the compensation or the principles and the method of arriving at the compensation. My point is that the Government should not have included the words 'following provisions' in the Bill. A special commission should have gone into the matter. Just as a special commission was set up to effect the permanent settlement another special commission should have been set up to determine the estates and fix the compensation payable to the estate holders. The 'following provisions' contain some methods of arriving at the income of the estates. They are very prospective and contingent and their basis is unascertained and unascertainable. They should not form the basis of legislation. A legislation to be valid should be understandable, just and fair to the parties concerned. The first point about it should be certainty, the second point is certainty and the third point also is certainty. No law is good unless there

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is certainty. As the 'following provisions' contain methods of arriving at the compensation upon certain contingent, unknown and uncertain factors, they are not quite commendable. But even that would have been something if the methods followed by the Government and the calculations arrived at could be questioned and scrutinized in a court of law. That also is denied.

"Sir, the question arises whether the whole matter should be discussed on the floor of the House. What is the method of valuation; what are the details of valuation and calculation? If these matters have to be discussed on the floor of the House, then there will be a very prolonged discussion. Yet the Government have thought it fit not to leave these matters even to the tribunals. The whole thing which should have been done by somebody else is now sought to be done by the Legislature. This is not the forum where the calculations should be made. The amendment which says that principles of the Land Acquisition Act should be taken into consideration must certainly commend itself to the House.

"I will not now go into details, because when we go to clause 26, we can discuss it but I submit to the Hon. Minister that some consideration should have been shown in these provisions to estate-holders whose incomes are very small. I have always appealed to him and to hon. Members to remember that all zamins which come under the purview of this legislation are not big zamins, and all the zamins are not zamins which are entitled to get high compensation."

MR. SPEAKER:—"The hon. Member will please come to the point. You may have your say later, on that clause."

SRI T. VISWANATHAM:—"I am sorry, I have taken two minutes more than I have bargained for. I submit this is the most important point to be discussed in this whole Bill, i.e., the question of compensation and how it is to be arrived at. All the other 63 clauses of the Bill are only incidental clauses. Therefore I think any amount of time which Mr. Speaker will be pleased to give for a discussion on this question will be well worth giving. These are all the few points, Sir, I wanted to submit to the House. You cannot walk over everything and everybody like a steam roller, Sir, and call it justice. I appeal to the Hon. Minister

MR. SPEAKER:—"Your language 'steam-roller' may mean . . ."

SRI T. VISWANATHAM:—"I am sorry, Sir; I never meant you; but I think he will not object to it."

* THE HON. SRI KALA VENKATA RAO:—"But I am 4-45 p.m.
unable to crush my hon. Friend; so, I am not a steam-roller.

"Mr. Speaker, Sir, this is as you said a simple clause; and as you suggested in the morning, it would have been better if the

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discussion were concentrated on other clauses. On previous occasions one hon. Member has spoken about funerals and so many things, which were not connected with this clause. I do not know why the hon. Gentleman Mr. Raza Khan is so fond of funerals and why he mentions them often. I think you may better issue some order and send him to France where I understand there are Ministerial funerals every five days. But here in this province, he cannot bring about the funeral of this ministry; it is beyond his capacity to do so; it is beyond his capacity to even attempt to do it; and even if he attempts it, he will miserably fail. I would therefore tell him, not to go off the tangent and make these unnecessary remarks

MUHAMMAD RAZA KHAN SAHIB:—"On a point of explanation, Sir"

THE HON. SRI KALA VENKATA RAO:—"I am not yielding, Sir. When he speaks of funeral of the ministry, I have every right to take a strong view of his statement. (Muhammad Raza Khan Sahib: 'You are excited.') I am not excited like you.

"Now, leaving that alone, leaving those that are interested in that subject to indulge in it as they please, I may say that I am perfectly certain that once this measure becomes law, there will be no funeral; but there will be Deepavali throughout the length and breadth of this Province.

"Much is being said about compensation and doubts expressed whether we are entitled to bring in a new basis regarding compensation as such, whether the Government have got that right in the face of the Land Acquisition Act and in the face of Section 299 (2), etc. I would like to invite your attention, Sir, in this connection to a few points.

"The first thing is, I would like to read to you a short paragraph from 'Land Problems in India' by R. K. Mukerjee—

'Agrarian reform involving acquisition of big estates has been effected in many countries by drastic decrees, no compensation being paid in some places. In other countries though the principle of compensation was accepted, the compensation was fixed in many cases at a rate much below the market value of the land. In Poland it was put as one-half of the market price, in Rumania and Austria, it was limited by a certain multiple of the annual value of the land; while in Bulgaria, it was based on the average value of the land from 1905 to 1915 The Irish Land Act of 1909 and the Scottish Small Holders Act of 1911 have a compulsory acquisition of land for the purpose of constituting small holdings. In Ireland, the Act allows the landholders to sell rights in land held by the tenant for a guaranteed price paid by the Government, and the tenants to buy their farms; paying for them in easy instalments. If the owner does not accept the final offer to

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the Estates Commissioners, the land is acquired compulsorily. Similarly, land in West and South Ireland may be requisitioned by the congested District Boards.'

Though we are not giving compensation according to the market value compensation is being given on a liberal scale.

"Coming now to section 299 (2) of the Government of India Act, I shall give you some authoritative views. In section 299 (2) of the Government of India Act, there is nothing which compels the Government to proceed under the Land Acquisition Act or determine compensation in the manner provided by the Land Acquisition Act. The Land Acquisition Act itself is a Municipal Law and it is quite competent to the Provincial Legislature to repeal the Land Acquisition Act itself or make it inapplicable to any particular case. If the Government do not propose to exercise the powers arising under the Land Acquisition Act, the Government are not bound to pay the compensation in the manner determined by that Act. This is my answer, Sir, to the second point regarding the capacity of the Legislature itself to determine the amount of compensation, I would now like to read to you a portion from Donald Kerr's 'Law of Australian Constitution' which is as follows:—

'The Commonwealth is subject to the express limitation in section 51, clause 31, that expropriation thereunder must be on just terms. Suppose that in a given case, the Commonwealth Parliament passed an Act exempting the case from the Land Acquisition Act and fixing a nominal sum for compensation, would the Legislature's action be subject to review in a court of law on the ground that the acquisition was not on 'just terms'. It is submitted that it would not and that Parliament would be the sole judge of the justice of its terms. The High Court, it is submitted, could not hold the acquisition in the case supposed to be unconstitutional, because of the inadequate character of compensation.'

"Then, Sir, even in America, 'notwithstanding the 14th amendment containing guarantee of just compensation, the sum of one dollar was held to be constitutional and just compensation for the acquisition of a railway company's right of way by the City of Chicago acting under statutory authority (Chicago, etc., R. Co., Vs. Chicago, 166, U.S. 226).'

"Then again, I will also quote another authority, viz., Mr. Wynes who in his book "Legislative and Executive powers in Australia" seems to agree with the opinion of Kerr. At page 248 he says;

'It is submitted that the view that a Commonwealth Act authorizing acquisition of property and fixing a nominal sum for compensation would be a valid enactment is correct. No measure of justice is laid down in the constitution, and it is not conceivable that the Court would question the judgment of Parliament on this

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matter. But, if the Commonwealth passed an Act seizing property without fixing or referring to compensation or terms at all, this would undoubtedly be ultra vires, for such an Act could not be described as a law with respect to "the acquisition of property on just terms" at all; it would require no investigation by the Court into questions of policy to see that such an enactment was not within the Commonwealth legislative power'.

Apart from these things, I would also like to state one other matter. The market value of a property essentially depends upon the nature of the interest in the property, the extent of the right and the quantum of income. Then, it has to be remembered that the particular legislation on hand deals with a special and peculiar tenure of property which is unlike any known to the other systems of jurisprudence, and hence the decisions laying down how the market value is to be calculated with reference to freehold property are entirely irrelevant for the present discussion . . ."

SRI T. VISWANATHAM:—" May I just ask, just for information. . . ."

MR SPEAKER:—" The Hon Minister is not yielding."

THE HON. SRI KALA VENKATA RAO:—" If therefore, a Provincial Legislature has full legislative power to regulate the relationship of landlord and tenant and in that process fix the rent, it can so fix the rent and determine the compensation for the acquisition of the landholders' interest on the basis of the rent so fixed. Therefore, the validity of this legislation can be sustained in any court of law. (A voice: " Fraud on the statute "). It may be that Mr. Mahboob Ali thinks of fraud on the statute, but I have based my views on the opinions of eminent Judges and eminent legal luminaries. Therefore it is for him, if he does not agree with my contention, to fight that out in a court of law. Because the Government of India Act uses the word 'compensation' and it comes within the purview of that Act, we are giving compensation. We are well-advised in this matter, and therefore I am not afraid of the threats that our basis of compensation cannot be sustained in a court of law.

" About the compensation we are paying, I feel that it is just and equitable, and it cannot be questioned on that ground. But to that question we may revert to when we go to clause 26. Therefore, the claim for the market value of the property and the quoting of the Land Acquisition Act and section 299 (2) of the Government Act against the Government are not correct. This amendment must be rejected."

* THE RAJA OF VENKATAGIRI:—" Mr, Speaker, Sir, since I have only two minutes before me. I shall say only a few words and continue my speech tomorrow. The Hon. Revenue Minister has raised certain important questions and I am afraid I would not be

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able to meet those points within the time available now. Sir, certain misconceptions might have been formed as a result of the statements made by the Hon. Minister and they must be cleared. My hon. Friend Sri Kala Venkata Rao, stated that the law was in his favour and that therefore my amendment should be rejected. It was contended that the rights acquired under the zamindari system were quite different from rights acquired under other systems. I entirely agree with my hon. Friend the Raja Sahib of Mirzapuram when he said that he congratulated Sri Kala Venkata Rao on his resourcefulness and his capacity to interpret certain very inconvenient questions . . ."

MR. SPEAKER:—" The hon. Member may continue tomorrow."

The House then adjourned till 11 a.m. on the next day.

THE MADRAS LEGISLATIVE ASSEMBLY.

Saturday, the 25th September 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.

Grievances of dhobies of Tirunelveli.

* 383 Q.—SRI P. KAKKAN: Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether it is a fact that the dhobies of Harijans of Kalakudi, Tirunelveli taluk, Tirunelveli district, are not allowed to walk along the public path which goes through the Caste Hindu quarters; and

(b) if so, what action the Government have taken to allow the poor Harijan dhobies to pass through the public street?

THE HON. SRI V. KURMAYYA:—“(a) No.

“(b) Does not arise.”

SRI P. KAKKAN:—“Is it a fact Sir, that this kind of atrocities are happening in villages due to the carelessness of the Police people? May I ask the Hon. Minister to enquire into the matter again and give the result?”

THE HON. SRI V. KURMAYYA:—“This has been enquired into by the Tahsildar. When the Tahsildar went into the village, he came to know that these dhobies kept themselves away from the path and the caste people did not object. The Tahsildar himself took one of the Harijans through the street and nobody objected.”

SRI B. V. SWAMINATHAN:—“May I know whether the Hon. Minister is aware of the fact that these dhobies are treated by Harijans themselves as untouchables and inferior to the Harijan Community?”

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

SRI S. NAGAPPA:—“May I know whether the Government are willing to call for a report from sources other than the Government officials. Generally most of the departmental people happen to be other than Harijans and have been encouraging the people. Let us have the enquiry by the Congress Committee or the Harijan Welfare Committee.”

THE HON. SRI V. KURMAYYA:—“I do not want to call for report from outsiders except in very rare cases, where non-official reports will be useful.”

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Are the Government aware that they are treated not only as untouchables but also as unseeables. If so, will the Government immediately see that they do not tolerate this state of affairs?"

THE HON. SRI V. KURMAYYA:—"Personally I am not aware of a class like dhobies of Harijans in the Andhra Desa. I just now hear that there are Harijan dhobies in the Tamil Nad. If so, the Government will take necessary action to safeguard their interests."

SRI D. DURAIRAJA PANDIAN:—"May I suggest that the enquiry may be conducted by the Tirunelveli Harijan Committee rather than by the Government officials."

MR. SPEAKER:—"That question has already been put."

SRI M. BAPINEEDU:—"May I know whether Harijans are allowed in that path and if so, why the dhobies are not allowed?"

THE HON. SRI V. KURMAYYA:—"Whether Harijans are allowed and their dhobies are disallowed, I am not aware of."

SRI D. V. RAMASWAMI:—"May I know whether the complaints of such atrocities have been received through the Commissioner of Labour for the Government of Madras?"

THE HON. SRI V. KURMAYYA:—"Generally reports are received through the Commissioner of Labour when they concern entirely question of the Harijan Welfare."

SRI M. S. PATTABHIRAMIAH:—"Arising out of the answer given by the Hon. Minister that the Tahsildar went into the village and that the Harijans themselves were not willing to go to that part of the villages where the Caste Hindus live is it not a fact that the terrors of Caste Hindus that will be visited on them subsequent to the visit of the officer, is the cause for their being afraid to tell the officer the facts?"

THE HON. SRI V. KURMAYYA:—"The hon. Member seems to know better than myself in this matter."

SRI V. I. MUNISWAMI PILLAY:—"Will the Government consider the desirability of asking the District Collector to make personal investigation and put the matter before the House?"

THE HON. SRI V. KURMAYYA:—"The Collector asked the Tahsildar and the Tahsildar himself took one of the dhobies when the statements were taken from the Hindus. But they did not object."

SRI V. RAGHAVAYYA:—"In view of the specific allegations made by the hon. Member of this House on a matter within his special knowledge may I know why the Government have not taken any statement from the villagers agreeing to permit Harijan dhobies to pass through the village?"

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THE HON. SRI V. KURMAYYA:—"Just now, I have answered that the statement was taken from the caste people by the Tahsildar to the effect that they would not object to the entry."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"In view of the general grievance amongst the Harijans that they are not treated fairly in certain parts of the Province will the Government take active steps to see that propaganda is made that Civil Disabilities Removal Act will be brought into force in this Province?"

MR. SPEAKER:—"This question will be answered when we come to * 386 Q."

SRI L. N. GOPALASWAMI:—"May I know whether the Government have any scheme to put a stop to this kind of ill-treatment of the Harijans?"

THE HON. SRI V. KURMAYYA:—"The Government have passed legislation and have enforced it and it is also up to the people if they want to really solve this problem to take up this question and solve this problem."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"In view of this matter being particularly raised will the Government issue a special communique and tell that such and such a thing has been brought to the notice of the Government and that they will not tolerate any such thing?"

THE HON. SRI V. KURMAYYA:—"Yes, Sir."

SRI V. RAGHAVAYYA:—"In view of the persistent failure of the people not to observe the Civil Disabilities Removal Act, why have the Government not taken any steps to see that it is made a cognizable offence and the police take notice of it?"

THE HON. SRI V. KURMAYYA:—"The suggestion will be considered."

SRI S. NAGAPPA:—"Will it not be possible to prosecute such offenders under the Civil Disabilities Removal Act?"

THE HON. SRI V. KURMAYYA:—"The Tahsildar has taken the people to the place and got the statement that they won't object."

SRI M. S. PATTABHIRAMIAH:—"When do the Government mean to enforce the provisions of the Civil Disabilities Removal Act and may I know how it is that in spite of the questions put in this Assembly by so many hon. Members no effective steps have been taken in that direction?"

THE HON. SRI V. KURMAYYA:—"Because the caste people do not take interest."

SRI S. NAGARAJA MANIGAR:—"Are not these grave charges that have been cited by important sections of the people being tolerated so that Government may order enquiries by people other than their own officials?"

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THE HON. SRI V. KURMAYYA:—"Whenever a complaint is received by the Government they enquire into those allegations."

SRI D. V. RAMASWAMI:—"Will the Hon. Minister call for periodical reports as to the working of the Civil Disabilities Removal Act?"

THE HON. SRI V. KURMAYYA:—"The Government are considering whether to call for a periodical report once in three months."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Will the Government take steps to see that they take statements from the caste Hindus that they will cause no trouble in the future?"

THE HON. SRI V. KURMAYYA:—"If any complaint comes from the dhobies the Government will take necessary action."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Will the Government give an assurance on the floor of the House that Civil Disabilities will be removed overnight as they have been in existence ever since the days of Manu?"

THE HON. SRI V. KURMAYYA:—"I request the co-operation of the hon. Members in translating the provisions of this legislation into action."

Forcible conversion of Harijans in Adanur village.

11-15 a.m. * 384 Q.—SRI V. I. MUNISWAMI PILLAY (on behalf of Sri A. Vedaratnam Pillai): Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether it is a fact that a good number of Harijans were forcibly converted to Christianity in Adanur village near Needamangalam, Mannargudi taluk;

(b) whether it is a fact that a further attempt is being made to convert the rest of the Harijan population in this village; and

(c) what steps the Government propose to take to prevent this forcible conversion?

THE HON. SRI V. KURMAYYA:—" (a) & (b) No.
" (c) Does not arise."

SRI L. N. GOPALASWAMI:—"Is it a fact, Sir, that the political situation created by the Communists has been taken advantage of by the missionaries for this purpose?"

MR. SPEAKER:—"The question relates to the conversion of Harijans in Adanur village. It is about the Adanur village that the hon. Member is asking the question?"

SRI L. N. GOPALASWAMI:—"Yes, Sir."

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THE HON. SRI V. KURMAYYA:—"I do not know whether the Communists are interested in this case, but here it is only the caste Hindus that are responsible for the conversion of these people to Christianity."

SRI S. NAGAPPA:—"May I know, Sir, whether the Government are aware that the main cause of these conversions to other religions is due to the ill-treatment of Harijans by caste Hindus?"

THE HON. SRI V. KURMAYYA:—"Generally of course, it might have been true in the past, but in this case, on account of the ill-treatment of the mirasidars of the village, the Harijans were forced to convert themselves into Christianity and in fact they themselves went to the missionaries and requested that they might be baptized into Christianity."

SRI V. RAGHAVAYYA:—"May I know, Sir, whether this reply of the Hon. Minister is also based upon the report of the Tahsildar?"

THE HON. SRI V. KURMAYYA:—"Certainly, this was the report of the Tahsildar who made the enquiry."

SRI P. KAKKAN:—"May I know, Sir, what were the atrocities committed by the caste Hindus?"

MR. SPEAKER:—"There is no question of atrocity here. Perhaps the hon. Member has not studied the question. It relates to the forcible conversion of Harijans to Christianity in a village."

Supply of equipment for craft studies.

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

(a) whether it is a fact that schools are experiencing great difficulty in getting the necessary equipment for the introduction of craft studies; and

(b) if the answer is in the affirmative, what steps the Government are taking to enable the managements of schools to secure the necessary equipment and material for working the new scheme?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—" (a) No.

" (b) Does not arise."

BEGUM SULTAN MIR AMIRUDDIN:—"Sir, how is it that the answer to my question is 'No', whereas time and again reports have been appearing in the press that the managements of schools have been complaining that they have not been supplied with the necessary equipment?"

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

"Sir, I want this matter to be clearly understood. The crafts that have been introduced in the schools are Agriculture,

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Gardening, Carpentry and Weaving and materials for these are easily available to the school people and they can procure them. In the case of bifurcated courses like Civil Engineering, materials will not be easily available but this question does not relate to such courses of study. This question refers to craft studies and I may inform the hon. Lady Member that a Technical Education Officer has been appointed to attend to the needs of the schools in this direction and he is making arrangements to supply the materials to enable the authorities of the schools concerned to start these courses."

BEGUM SULTAN MIR AMIRUDDIN:—"Sir, my question deals with the bifurcated courses of studies under the new scheme as will appear from the second part of the question. May I enquire, Sir, whether the Hon. Minister realizes that the introduction of the new scheme before the provision of necessary equipment is like putting the cart before the horse, in which case the cart cannot move? Will the Government, therefore, take immediate steps to see that necessary equipment is supplied to all such schools without any further delay?"

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

"Sir, I entirely agree with the hon. Lady Member and it is for this reason that advances have been placed in the hands of the Technical Education Officer, so that he may purchase the equipments and supply them to the schools."

SRI B. S. MURTHI:—"May I know, Sir, when this Technical Education Officer was appointed and what are his duties?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"The hon. Member may put a separate question on that."

SRI D. V. RAMASWAMI:—"Sir, will the Hon. Minister consider the desirability of having model equipments made for the introduction of the courses of studies by the Department of Industries and the School of Arts?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"Model equipments are already prescribed, Sir."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know, Sir, why it is that before the introduction of the new scheme, the Department of Education did not take stock of the requirements of the various schools and procure the materials required by them?"

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

"Sir, the Technical Education Officer was appointed long before and he has been going into the matter. As the hon. Member is aware there are only 50 schools which have been selected for craft studies and there are not many institutions teaching the bifurcated courses of study like Civil Engineering, etc., and as I have already stated, the Technical Education Officer is looking into the needs of the schools concerned."

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Observance of Harijan day.

* 386 Q.—SRI B. S. MURTHI: Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether it is a fact that the Provincial Harijan Welfare Committee has in its last meeting passed a resolution requesting the Government to observe Harijan day once a year to hasten the removal of untouchability and ensure the speedy progress of Harijan amelioration; and

(b) whether the Government propose to take any action in the matter, and if so, when and how?

THE HON. SRI V. KURMAYYA:—" (a) Yes.

" (b) The matter is under consideration."

SRI S. NAGAPPA:—"May I know, Sir, whether it is a fact that one Potti Sriramulu presented a memorial to the Government saying that he has been charged under the Nuisance Act and put in prison?"

THE HON. SRI V. KURMAYYA:—"The question is not relevant to the point raised in the main question."

SRI B. S. MURTHI:—"May I know, Sir, whether the Government do not consider it desirable to give effect to the removal of untouchability by giving fillip to it by observing a day once every month or at least once every year?"

MR. SPEAKER:—"The Hon. Minister has already answered it by saying that the matter is under the consideration of the Government."

SRI V. I. MUNISWAMI PILLAY:—"Sir, in view of the fact that the recommendations of the Provincial Harijan Welfare Committee have not been given effect to by the Government, is there any purpose in observing a Harijan Day either this month or next month or within a year?"

THE HON. SRI V. KURMAYYA:—"It is more desirable to educate the people rather than educate the officers."

SRI V. RAGHAVAYYA:—"May I ask, Sir, by what time the Hon. Minister hopes to give effect completely to the recommendations of the Provincial Harijan Welfare Committee?"

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Sir, it seems to be a happy coincidence that almost all the questions and the supplementary questions asked today relate to Harijans—it looks as if it is a hat-trick. May I ask the Hon. Minister to keep this day in view when he takes into consideration the question of declaring a particular day as Harijan Day every year?"

MR. SPEAKER:—"The question has already been answered."

SRI L. N. GOPALASWAMI:—"Is it not a fact, Sir, that one of the recommendations of the Provincial Harijan Welfare

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Committee was a request to the Government to fix a day between the 24th September and 2nd October and if so, is it not now too late to be simply considering the proposal at this stage?"

THE HON. SRI V. KURMAYYA:—"That may be considered for next year, because Harijan Day is not a matter of a day or two or one year or two years. I shall be glad if all the social disabilities of the Harijans are wiped away within the next 10 years."

SRI V. I. MUNISWAMI PILLAY:—"Sir, are the Government aware that this resolution for observing a Harijan Day was passed with the sole purpose of telling the public, what the Provincial Harijan Welfare Committee has done in the matter and also of the five-year plan which they have drafted?"

THE HON. SRI V. KURMAYYA:—"I can understand the resolution. If this day is observed with the help of the officials, people will be more convinced and they will follow the instructions of the officials. The main object of the resolution is that the officers should take an interest in the removal of social disabilities of the Harijans."

SRI B. S. MURTHI:—"Sir, is the Hon. Minister aware that several of the Provincial Governments have declared 2nd October as a holiday and may I know whether this Government also will fall into line with them and issue instructions to Government officials that the day may be observed as Harijan Day as well as the birthday of Gandhiji?"

THE HON. SRI V. KURMAYYA:—"I have already answered the question. The Government have not yet decided about observing the Harijan Day."

SRI V. I. MUNISWAMI PILLAY:—"May I know, Sir, in what stage the report of the Harijan Welfare Committee is with the Cabinet just now?"

MR. SPEAKER:—"The question is, whether it is a fact that the Provincial Harijan Welfare Committee has in its last meeting passed a resolution requesting the Government to observe Harijan Day once a year but this supplementary question does not arise out of it."

SRI S. NAGAPPA:—"May I ask, Sir, whether in addition to the recommendations made by the Provincial Harijan Welfare Committee, the Government have received any other representation either from individuals or bodies as regards Harijan uplift?"

THE HON. SRI V. KURMAYYA:—"The Government are not aware of any, Sir."

SRI D. V. RAMASWAMI:—"Sir, in view of the fact that Mahatmaji himself had said that if he had the option of rebirth he would like to be born a Harijan, will the Government be pleased to declare a suitable day as Harijan Day?"

THE HON. SRI V. KURMAYYA:—"I have already answered that question, Sir."

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SRI M. S. PATTABHIRAMIAH:—"In view of the answer that is generally given on the floor of the House, namely, accusing the public of lack of co-operation with the Government, will the Government consider it desirable to give speedy effect to the recommendations of the Harijan Welfare Committee, instead of accusing the people that they are not co-operating in these matters?"

THE HON. SRI V. KURMAYYA:—"The Government will take speedy action on the report of the Committee."

SRI V. I. MUNISWAMI PILLAY:—"May I know, Sir, what instructions have been given to the officers for observing the Harijan Day, so that the general public may also co-operate with the officials?"

THE HON. SRI V. KURMAYYA:—"When the Government have not taken a decision, how can they issue instructions to the officials on this question?"

UNSTARRED QUESTIONS.

List of institutions whose names have been changed.

47 Q.—MUHAMMAD RAZA KHAN SAHIB: Will the Hon. the Premier be pleased—

(a) to give a list of cities, towns, districts, hospitals, roads, institutions and Government buildings whose names have been changed by the Madras Government with their new names after 15th of August 1947;

(b) the reasons for changing the names; and

(c) whether the Government invited any opinion from the public before changing the names?

A.—The answer is annexed.^a

Extension of service of officers in the Education Department.

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

(a) how many officers of the Education Department have been granted extension of service, with their names and the period of extension; and

(b) what the reasons are for extension in each case?

A.—By extension of service, the hon. Member apparently means retention of services of officers after their attaining superannuation by either extension of service or re-employment being granted to them. A list of officers so retained, containing also the other particulars required is placed on the table of the House.^b

^a Printed as Appendix I on pages 120-121 infra.
^b Printed as Appendix II on pages 121-122 infra.

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Recruitment to the Police force, etc.

49 Q.—SRI K. BHASHYAM: Will the Hon. the Premier be pleased to state whether the Government will make a statement as to the success or the result obtained so far in the recruitment to the Police, Home Guards and to Special Military Police and give figures in respect thereof?

A.—The recruitment to the Police force, the Special Armed Police Units and the Home Guards has been satisfactory. It is not in public interest to furnish figures.

Co-operative colonization scheme in the Chingleput district.

50 Q.—SRI B. PARAMESWARAN: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the names of villages in the Chingleput district where co-operative colonization scheme for the Harijans is now working;

(b) whether the Harijans in the co-operative scheme were refused the grants of subsidy for wells under the Grow More Food Campaign; and

(c) if so, for what reasons?

A.—(a) There is no land colonization society exclusively for Harijans. Land colonization societies for landless poor are working in the following five places in the Chingleput district, viz.:—

(1) Siruseri, (2) Sendivakkam, (3) Karanaipuducher, (4) Santhavellur and (5) Nemalur.

(b) Three Harijan members of the Sendivakkam Land Co-operative Society were refused grants under well subsidy scheme.

(c) According to the rules for the grant of well subsidies, the amount of subsidy is first given as a loan against adequate security and later on treated as subsidy if the well work is completed within the prescribed time. As the three colonists referred to above had no property to offer as security, the subsidies were refused by the Revenue department. But on a representation from the Registrar of Co-operative Societies, the three colonists were sanctioned a subsidy of Rs. 300 each by Government, as a special case, from Government grants to colonization societies.

Transport facilities in the Agency tracts.

51 Q.—SRI K. VEERANNA PADAL: Will the Hon. the Minister for Finance be pleased to state—

(a) whether it is a fact that there is scarcity of transport facilities in the Agency tracts included in the Vizagapatam and East Godavari Agencies;

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(b) if so, how many passenger vehicles and goods vehicles are licensed to run on the Agency roads;

(c) whether the Government have granted any permit for running goods vehicle for conveying forest and other Agency produce from the Agency tracts; and

(d) if not, whether the Government have any proposal to provide passenger and goods transport in the Agency tracts on co-operative basis?

A.—(a) Transport facilities in these areas are somewhat inadequate.

(b) Agency roads of Vizagapatam district—

Buses	8
Goods vehicles	296

Agency roads of East Godavari district—

Buses	20
Goods vehicles	137

(c) Goods vehicles holding public carrier permits have been permitted to carry forest and other Agency produce from the Agency tracts.

(d) The answer is in the negative.

The area and population of the Salem district.

52 Q.—SRI S. NAGARAJA MANIGAR: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the place Salem district occupies in the order of bigness of the districts in the Province with reference to (1) area and (2) population;

(b) the area of the four northern taluks, viz., Hosur, Krishnagiri, Harur and Dharmapuri and their population;

(c) the revenue derived from the said four northern taluks as against that of the rest of the taluks; and

(d) the expenditure incurred in the said four taluks as against the rest of the southern taluks?

A.—(a) Salem district ranks fourth with reference to its area and third with reference to its population (according to the Census of 1941) in the order of bigness of the districts in the Province.

(b) The area and population of the four northern taluks are—

	Area in square miles.	Population (according to Census of 1941).
Hosur	1,216.94	224,169
Krishnagiri	595.09	256,857
Harur	947.32	202,793
Dharmapuri	950.06	291,312

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- (c) The demand of land revenue and cesses (for fasli 1355) is as follows:—

RS. LAKHS.		RS. LAKHS.	
Hosur ..	3.58	Salem ..	3.15
Krishnagiri ..	2.83	Attur ..	3.81
Harur ..	3.07	Yercaud ..	0.46
Dharmapuri ...	3.24	Namakkal ..	5.71
Tiruchengode ..	5.90	Rasipur ..	1.82
Omalur..	4.12		

Talukwar figures regarding the other items of revenue such as Commercial Taxes, etc., are not available with the Government.

- (d) Information regarding the expenditure incurred in each taluk is not available with the Government. The Accountant-General furnishes the account figures to the Government only by each head of account for the Province as a whole and not for each district or taluk. The figures for each district or taluk will have to be gathered specially by the employment of a special staff and even those figures will not give a correct idea of the income or expenditure of the district or the taluk since a major portion of the revenue or expenditure of the Province is not susceptible of allocation by districts.

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

II.—MOTION UNDER RULE 14 OF THE MADRAS ASSEMBLY RULES.

* SRI V. RAGHAVAYYA:—“Sir, in view of the very unsatisfactory and evasive nature of the replies given by the Hon. Minister on the question of Harijan uplift and in view of the failure of the Government to implement most of the recommendations of the Committee till now and further in view of the fact that persistently the people have been disobeying the Removal of Civil Disabilities Act and the Government have not taken any measures to stop it, I would request you, Sir, to allow an half-hour debate at the end of this day or the day after to-morrow, so that we may discuss the question and express to the Government the intensity of the feeling of this House in regard to the matter.”

MR. SPEAKER:—“My own view is, half an hour debate will not satisfy any hon. Member of this House, because many hon. Members would like to take part in the debate relating to Harijan welfare. I would, therefore, suggest to the hon. Member to have a talk over this with the Hon. Leader of the House and if possible we shall have a full-dress debate on any day. I think it would be much better than the half-hour debate.”

N. MUHAMMAD ANWAR SAHIB BAHADUR:—“It will be the Harijan day.”

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

Clause 23—cont.

* THE RAJA OF VENKATAGIRI:—“Sir, my hon. Friend, the Revenue Minister, has rightly taken exception to certain remarks made by my hon. Friend, Mr. Raza Khan. I will come to that later. In his reply to the debate yesterday he said that after the Bill is passed there would be Dipavali celebrations from one end of the country to the other. Sir, I would certainly join with him in his expectation that there would be Dipavali celebrations after the passing of this Bill into law. But, Sir, the Dipavali celebration must be a celebration of rejoicing over the justice done to all classes interested in the Bill and not over a Bill that affects the vital interests of one class and gives benefit to another class. Sir, the Hon. Sri Kala Venkata Rao quoted at some length certain cases and he quoted in particular the famous Chicago case in which one dollar was given as compensation for a right that was taken away. May I with all humility submit that quoting of cases which would not support the case of the Government would not serve any purpose? On the other hand, it would weaken the case of the Government. There the right involved was the right of way and it was on different grounds and I submit, Sir, that it is not a case which would strengthen his standpoint. Over this question my friend, Sri Alladi Krishnaswami Ayyar, made a brilliant exposition and I would only request my hon. Friend to go through what appeared in *The Hindu* of the 17th October 1947. There he made it clear that if he did not refer to constitutions of later date in Europe it was because those constitutions did not contain fundamental rights and therefore, no purpose would be served by referring to constitutions of those countries, in which there is no mention of fundamental rights and there cannot be any analogy between those countries and this country. I would deal at some length on this question when I move the other amendments.

“He said if I understood him correctly that the Land Acquisition Act is after all a Municipal Act. But so long as there is a law on the Statute Book and that governs cases relating to lands, I think it must be taken into consideration as well. What is not changeable, Sir? Even section 299 of the Government of India Act which is sought to be re-produced as section 24 of the Draft Constitution is also changeable and the change can be made by the Federal Legislature. As regards the rights of the zamindars, I could not quite grasp what the Hon. Sri Kala Venkata Rao said in regard to the exact legal position of our rights and I would deal with it after looking into the report of his speech in reply and I would not venture to deal with it now. I would only suggest that the best way to deal with our rights would be under the Land Acquisition Act. Otherwise, how are you to assess the value of forests, mines and other things? It is quite another thing to say: ‘You have not got any rights’. That is a position which I understand and whether I agree with those who say that

11.30
a.m.

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or not is different. But when once as we contend, the law recognizes our ownership rights, then certainly we are entitled to compensation under the Land Acquisition Act because only that takes into account all the factors and not the income alone. I hope, Sir, that my Hon. Friend, Sri Kala Venkata Rao, would reconsider the position if not to-day, at least at some appropriate stage and see whether this is not the best way of assessing the value instead of defining it in actual terms and thereby throwing open the flood gates of litigation which every one must, and more than anybody else I, dread and view with great alarm."

* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, during my reply yesterday, I acquainted the House with authoritative opinion that in the matter of giving compensation, the Land Acquisition Act need not apply in spite of what is contained in section 299 (2). Even otherwise, the right of the zamindars is a very limited one and it has never been the proprietorship of the soil; that plea was rejected from the beginning and it is not on the basis of that plea that we have drafted this Bill. There is no use stressing that point when once we are committed to the principle that zamindars have no proprietary right to the soil and we are only compensating them for the right to collect rents and other miscellaneous income. I have also quoted authorities to say that in the matter of determination of the quantum of compensation or the principles governing the grant of compensation, it is within the competence of a sovereign Legislature and I have also said, Sir, that what we seek to give under this clause is equitable and fair compensation. Under these circumstances, Sir, I am sorry I am unable to accept the amendment of the Rajahsahib of Venkatagiri."

The amendment was put and lost.

Clause 23 was put and carried.

Clause 24.

* SRI T. VISWANATHAM:—"Mr. Speaker, I move—

'For the words "and not separately for each of the interests therein" substitute the words "excluding inam villages and buildings" and add the following proviso:—

"Provided in the case of inams and buildings, compensation shall be determined separately for each of the interests therein".

"The idea of the clause seems to be that when an estate is to be valued, whatever the number of shares and the number of other under-tenure interests included in the estate may be, the total income of the estate and all these component parts should be taken into account as one aggregate in arriving at the basic annual sum and that would mean when once the total amount is arrived

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at, the scale of compensation is to be determined on the basis of that particular aggregate amount under clause 36. In arriving at the multiples, the result would be that, although there may be separate interests totally unconnected with the estate holders, their income will not be treated separately as separate interests but it will be included in the total income of the estate holder and that necessarily would take him into the lower scale of compensation under clause 36 of the Bill. I want to make myself clear. Supposing the total income of the estate including the value of inams and share-holders is one lakh of rupees. If the total value is one lakh of rupees the scale of compensation will be calculated under clause 36 (vi) and it will be $12\frac{1}{2}$ times the basic annual sum. Supposing there are a number of inamdars each having his own separate interest, not being members of a joint family and there may be under-tenure holders and the total balance for the estate may come to Rs. 50,000 and the scale of compensation will be calculated under clause 36 (v) when it is Rs. 50,000 and it will be fifteen times. If the total is taken into account the multiple is $12\frac{1}{2}$ and if it is so the minor share-holders are going to lose by determining the scale of compensation on the basis of the income of the estate taken as a whole without taking each of the interests therein separately. Although you want to pay compensation, the scale of compensation adopted in the case of inamdars, jagirdars, etc., who form a component part of the estate is such that they lose because they will not get the higher scale of compensation prescribed for smaller incomes as their interests are not separately calculated but the entire estate is taken as a whole. My submission, therefore, is that these various interests may be separated altogether and they should not be combined in order to arrive at the aggregate income. Reading clauses 36 and 24 together, in view of what I have submitted and seeing the great injustice going to be done by the method of calculation, I submit that each interest should be compensated separately and I hope the Hon. Revenue Minister will be pleased to accept my amendment; if he does not accept the result as I have already explained would be that although he wants to give compensation under sub-clause (iv) or (v) of clause 36, in effect, he would be compelled to give it under clause 36 (vi) which is on a lower scale. Therefore, I say, Sir, that whenever compensation has got to be calculated, the various component interests must be separated and the income on each interest must be taken as a unit by itself for purposes of calculating and awarding compensation under clause 36. As I have already explained if the income is Rs. 20,000 each will come under clause 36 (iii) and the multiple will be twenty times. But on the other hand if the interests of inamdars who have nothing to do with the estate holders and under-tenure holders are taken into account separately and their incomes, say Rs. 2,000 or Rs. 8,000 are separately taken into account, they will be entitled to 25 times the income under clause 36 (ii). Sir, to me it is a very clear case, 11.45 and I hope I have made it also clear to the Hon. Revenue a.m.

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Minister, and I hope he will try to see that the various interests in the estate are separated and their compensation calculated separately under clause 36 of this Bill."

* SRI M. G. NATESA CHETTIYAR:—"Sir, I beg to second this amendment, and in seconding I have to submit that my doubt is whether the interest referred to in this clause refers to property or person. I attribute it to property; because the compensation to be determined and apportioned has been dealt with in the previous clause. So in this clause the word 'interest' should refer to various interests in the property of an estate. I feel as if the Government had recognized only those rights in which are enumerated in clause 3 (b). There are in fact other interests in an estate which ought to be compensated and which they want to cover by some clause or other. For that purpose I feel this provision has been made. If it has been made on that ground I feel it is a question of creating litigation or giving room for delaying reform by litigation. All interests that you are going to acquire, or that had been acquired or you propose to acquire have been specified very specifically in clause 3 (b) of this Bill. Now under this clause you say you are acquiring even other interests besides those mentioned in clause 3 (b). Sir, you cannot acquire a property without compensation. It is not a question of right of way or right of entry. It is not a thing for which nominal compensation will do. So it would be wrong to retain this clause. If you retain it, it will mean the recognition of other rights than those you have enumerated in clause 3 (b). So I want the Government to delete the words 'and not separately for each of the interests therein.'"

* SRI V. RAGHAVAYYA:—"Mr. Speaker, Sir, for some weighty reasons inams have been excluded from the scope of the Bill. When once it has been done with the full consent of the Government there is no point in nibbling the issue by the back-door. When once it has been decided to treat inams on a separate basis it is just that we should not tackle it even indirectly under this Bill. When you are fixing an amount as the basic amount for the zamindar, the same cannot be fixed as the basic amount for the inamdar. If you do that it is unjustly forestalling the issue. In that view I support Mr. Viswanatham in excluding inams and buildings from the purview of this measure. It may be if the Government propose to accept my amendment they will have to postpone compensation to zamindars with respect to inams. Let it be by all means. Now that the Central Government have told them that they cannot help them and that the zamindars are not to be paid any compensation now, and there is a lot of confusion created in the Province on account of that, nothing is lost in postponing compensation to zamindars in regard to inams and other interests. On the other hand if you fix compensation for inams also, it will be catching them unawares and settling this question by the back-door, even against the suggestion of the High

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Command. I therefore suggest that the zamindar be paid compensation so far as he is concerned only, leaving the settlement of other interests to be more leisurely decided."

* SRI D. V. RAMASWAMI:—"Mr. Speaker, Sir, with due deference to the opinion of the Hon. Revenue Minister, I submit the basis of compensation fixed for the zamindar cannot form the basis for the inamdar. There is a fundamental difference between them in their origin. It has been accepted by the educated men of the land that the inams did not owe their origin to the zamindars. Inams stand on an absolutely different footing from zamindari holding. Inams came into existence mostly on account of special services rendered to previous rulers of the country and not to zamindars. The interests of the inamdars and mokhasadars are different from those of the zamindars. The two should be kept separate; the principle of compensation should be different for both. The Hon. Revenue Minister himself explained the need for separating inams from this legislation. As a logical consequence of that it follows that with regard to compensation also the two should be kept separate. And may I say, parenthetically the Hon. Minister was good enough to accept that the buildings will be freed from encumbrances; and when such is the view he holds I hope he will also accept the present amendment as a wholesome, logical and just one. Sir, I support the amendment."

SRI ROKKAM RAMAMURTHI:—"అధ్యక్షా! ప్రతిష్ఠాపాదంగారు ప్రతి పాదించినట్లుంటే amendment ను నేను విలపరచుచున్నాను. ఈ సందర్భంలో నేను కొన్ని విషయములను ప్రభుత్వమువారికి మనవి చేయదలచినాను. ఈ విల్లులోని 24 వ క్లాజు ప్రకారము చిన్న చిన్న జమీందారీ గ్రామాలలోను, ఈసాం గ్రామాలలోను ఉన్నటువంటి వాటాదార్లందరకు కలిపి ఒకే మొత్తముగా పట్ట పరిహారాన్ని (compensation) ఇచ్చేటట్లుగా ఉన్నది. దీనివల్ల కాలా ఇబ్బందులు కలుగుతాయి. ఈ విల్లు ప్రకారము చిన్న చిన్న జమీందార్లకు ఇచ్చేటటువంటి పట్టము కాలా పక్కన. వారికి తోడు గ్రామమునకుండు కలిపి ఒకే మొత్తముగా ముఖ్య ఇస్తామని అంటే వారిని వాటాదార్లందరు పంచుకోవలసి కాలా ఇబ్బందులు ఉన్నాయి. అనేక కాలా దారులూ రావచ్చును. ఇది కాలా అక్రమము. ఇప్పుడు ఈ చిన్న చిన్న ప్రాంతములలో గ్రామాలలో భూస్వాములకు రైతులు పండిన పంటలూ సంగారు (సగ భాగము) కిచ్చుగా ఇస్తున్నారు. ఈ ఆశాయమును ఆచారము చేసుకొనే వీరు కేవల నముచేస్తున్నారు. ఇది తప్పు వీరికి ఇతర ఆస్తులు లేవు. ముఖ్యంగా మా విశాఖపట్టణం జిల్లాలో ఇటువంటి partible zamindaris అనేకమున్నాయి. వీరు ఈ భూములను తమ స్వంత భూములకిందనే పరపరములనుంచి చూచుకొనుచు, అనేక కాలా దారులను కొని వారిని వాటిమీద కాలా డబ్బు వ్యయపరచి అనుభవిస్తున్నారు. ఒక్క సారిగా కొని వారిని వాటిమీద compensation ఇవ్వకుండా తీసివేసుకొంటున్నారని వీరి భూములను, సరిఅయినటువంటి జరుగుతుందని మనవి చేస్తున్నాను. (ఇదిక అంటే కాలా అక్రమము అన్యాయము జరుగుతుందని మనవి చేస్తున్నాను. (ఇదిక సభ్యుడు : రైతులు కూడా కాల పీడవారే కదా?) నేను జమీందారీలను గాని ఈసాం ధారీలను గాని abolish చేయవద్దనే వాదముకాదు. కాని ఈ విధంగా చేసేటప్పుడు వీరి పట్ట జమీందారీలను, చిన్న చిన్న జమీందారీలను ఈసాం దారులను ఒకే

12 noon.

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విధంగా చూడవద్దని, ఆ విధంగా చేసినట్లైతే చాలామంది చిన్న సంసారులు నిరుపేదలై పోతారని, వారికి కూడా జీవకోసాయము కలిగించేటటువంటి వాళ్ళతో ప్రభుత్వము వారిపైన ఉన్నదని మనవిచేస్తున్నాను.

“ఈ విధంగా చిన్న జమీందారులకు ప్రభుత్వమువారి పట్ల ప్రకారము నష్టము వారి మీదపడేట్లు చే ఎంత అన్యాయము జరుగుతుందో ఒక్క ఉదాహరణ ఇవ్వడమే కాస్తాను.”

THE HON. SRI KALA VENKATA RAO:—“Sir, the hon. Member is arguing about the merits of compensation now. That question, we will take up, when we go to clause 26. Let him now confine himself to the present amendment, with reference to clause 24, Sir.”

SRI ROKKAM RAMAMURTHI:—“ఈ క్లౌజ్ ప్రకారము compen-sation ఇచ్చి, దానిని జమీందారి గ్రామాలలోని వాటాదార్లు అందరు పంచుకొనవలె నంటే ఎంత అన్యాయము జరుగుతుందో అనే విషయము గురించి మనవిచేస్తాను. మా జిల్లాలో ఒక చిన్న జమీందారి గ్రామములో వాటాదారు అయిన ఒక widow ఉన్నది. ఆమెకు maintenance కుగాను 10 ఎకరముల జమీందారీ భూమి ఉన్నది. ఆమెకు ఇప్పుడు ఎకరానికి 5 బస్తాల చొప్పున 10 ఎకరాలమీద 50 బస్తాల ధాన్యము శివు పడుచున్నది. గవర్నమెంటు కంట్రీలు లేకు ప్రకారము కూడా ఆమెకు సంవత్సరానికి సుమారు రూ 600 ల ఆదాయము వచ్చుచున్నది. ఇప్పుడు గవర్నమెంటువారి పట్ల ప్రకారము ఆవిడకు మొత్తము నష్టపరిహారము క్రింది రూ 300 ల మాత్రమే వస్తుంది. దీనివల్ల ఆవిడ కుటుంబానికి ఎంత అన్యాయము జరుగుతుందో ప్రభుత్వమువారు గమనించవలసియున్నది. ఇటువంటి పేద సంసారులకు కూడా జీవయాత్ర కలిగించే వాళ్ళతో ప్రభుత్వము మీద ఉన్నదని నేను నమ్ముచున్నాను. ఇటువంటి వారికి లక్షలాది డబ్బు ఇవ్వవలెనన నేను చెప్పటంలేదు కాని ఈ 10, 20 ఎకరాలు ఉండి స్వల్పరాజుడి కలిగినటువంటి వారికి compensation ఇవ్వడంలో కొంత Liberal గా ఉండవలసినదని ప్రభుత్వమువారిని ప్రార్థిస్తున్నాను.”

* **SRI A. KALESWARA RAO:—**“Mr. Speaker, Sir, I have considered this amendment very carefully and have come to the conclusion that this amendment is necessary, because compensa-tion is going to be fixed at so many times the basic annual income and it is on a graded scale according to the income of the estate. Therefore those who get a smaller income will get more; and as the income goes up, they will get relatively less. Therefore to mix up the smaller and bigger ones together will be most inequitable. Here by a trick or legal method, the Government want to avoid paying a little more compensation to the smaller interests which are under the bigger estate. The compensation to the bigger estate will be paid in the usual way, but with regard to the smaller interests which are in the estates, as for instance inams, and certain other smaller interests, we want that they should get a little more compensation. As I have already pointed out, a ryot who has two acres, four annas will be a very great thing, but for a man with large holdings, even Rs. 50 or 60 would not be much. So for a man who has small property, a little more

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compensation would be very welcome and would help him to live a little more comfortably. It is not a question of affecting interests. Here the interests are not involved. We are trying to evolve a socialistic state, and therefore we must look to the com-fort and livelihood of the common man, the middle class people and the lower middle class people. Therefore, I submit, Sir, that this is a very wholesome amendment.

“Besides, Sir, the Hon. Minister for Revenue does not under-stand the legal difference between the zamindars and inamdars. He was making a lot of confusion between 62 M.L.J., and 82 M.L.J., which contains the latest decision in the matter. There-fore there is no use of dabbling in law, which we do not know.”

THE HON. SRI KALA VENKATA RAO:—“You cannot expect all the twelve Ministers to be lawyers, Sir.”

* **SRI A. KALESWARA RAO:—**“With regard to this matter, what I have to say is this. The zamindari system is only a mode of administration of land. There is no question of giving them any land or property. The villages which were there, were in possession of the East India Company and they authorized the zamindars to collect rents, and pay them the peishkush. Thus the zamindars came into existence and in course of time, they claimed that they were the owners of the lands. But the position of inams is different. Sometimes inams were given by the zamindars and sometimes by the Collectors themselves. They were gifts of lands to the inamdars for certain services rendered either to the old sovereign or to the village. Sometimes lands were given as gifts and sometimes the right to collect land revenue was given as a gift. There is always this distinction between the inams themselves. The Prakasam Com-mittee Report has dealt with this point very clearly. They are like Collectors giving five acres of land to political sufferers and Collectors can make valid gifts though Collectors cannot take lands for themselves. All these distinctions are not properly under-stood, or they are forgotten or conveniently left out. Here I must say that the small interests must be protected and the Govern-ment must provide compensation separately from bigger estates in which they are existing.”

* **THE HON. SRI KALA VENKATA RAO:—**“Mr. Speaker, Sir, my hon. Friend, Mr. Viswanatham has clearly analysed the situation and I have no complaint regarding his analysis. But my hon. Friend Mr. Kaleswara Rao always confuses one issue with another. He charges me with lack of understanding while in return I have to charge him with confusion of ideas. But I prefer to be silent myself, because he is an older gentleman and I do not like to quarrel with him. That gentleman, being an old lawyer, quoted from law books and legal decisions. If he had not done so, I would not have referred to those things. As I have told you, I have to take my advice from legal advisers of this

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Government who belong to his class; only they are officials, while he is not an official. Wherever lawyers go, either to the law courts or anywhere else, they have to argue and here my hon. Friend the old gentleman showers some abuse on my head than argue a case. All I wish to say with regard to the present amendment of my hon. Friend, Mr. Viswanatham is this.

"Sir, Mr. Viswanatham is correct in saying that the Bill provides for the determination of compensation for the estate as a whole and not separately for each of the interests therein. The difficulty is this. We do not know how many subsidiary interests have been created by the zamindars. If we accept his suggestion it would mean that we should have to take each and every item separately and consider all the subsidiary interests therein. According to the Permanent Settlement Regulation, a zamindar cannot create a Darimala inam. The law is against it. Therefore, if a zamindar after 1802 had created an inam, even out of his own estate, that inam takes the shape of a zamin. It would be very difficult and would involve very great labour and time to go through all those things and determine compensation separately. Therefore we decided that the estate should be the basic unit, in order to see that the work proceeds swiftly.

"There is another point. Mr. Viswanatham can as well wait and take advantage of the suggestion which I have made on the floor of the House a few days ago, if he is prepared to accept it. There are certain zamins which have been partitioned or divided among brothers or other family interests. If there is a zamin X, and if it has been divided and has become X (1), X (2), X (3), etc., they will be paid compensation as separate units if they are separately registered. If one is small, it will get compensation according to the highest multiple in the sliding scale. He is absolutely correct in making the assumption that if anyone has a subsidiary interest in a zamindari and has become X (1), X (2) and X (3) and so on, each subsidiary interest can register his estate with the Collector for which the Estates Land Act provides.

"But, Sir, the question is when they are to be registered. I have already stated on the floor of the House that we will give all facilities to see that these interests are registered by the Collectors even in the little time that is available between now and the issue of notification. I shall issue the necessary instructions to the Collectors. As a matter of fact they have already been informed about this. I would request Mr. Viswanatham and other hon. Friends who want to see that the subsidiary interests are separately registered to take advantage of this offer and get them registered so that they may come into the lower scale and get more compensation. We do not want to deprive those people of the compensation which they are entitled to, provided they are separately registered.

"So far as compensation for buildings is concerned, I may say that we are not paying compensation to all the buildings in the

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estates. There are only two categories of buildings, office buildings, and buildings belonging to the zamindar as his private residence. Office buildings are not to be compensated. With regard to another type of buildings, such as charitable institutions, educational institutions, etc., we shall consider about them later. No other buildings are to be acquired under this Act and therefore the mention of buildings in this amendment is not at all necessary.

"Mr. Kaleswara Rao was stressing upon the question of compensation to be paid to the inams. We have two kinds of basic annual sums for the two types of inams. But still he wants us to go further. I am very thankful to him for his very kind attitude towards these small people. The one way in which he could help them is by adopting the procedure which I have just now mentioned. It may be asked, why should there be so much consideration in the case of inams. Till yesterday we have been saying that inamdars are very small people. They will probably come under the Rs. 1,000 or Rs. 2,000 cadre. Even if they are still further subdivided, they cannot get more than 30 times. Therefore, many of the subsidiary interests which my hon. Friend, Mr. Ramamurthi, was speaking about, unless it so happens that the main estate is such a big one, will not get more than 25 times or 30 times the annual basic sum. I, therefore, do not see any reason to accept the amendment of my hon. Friend, Mr. Viswanatham."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I am very thankful to the Hon. Minister for Revenue for his saying that my analysis of the clause is correct and I am also thankful to him for acknowledging the fact that the clause, as it stands, works great hardships to the various interests which are the component parts of an estate. But he has suggested to us that in view of the law which is going to be passed, certain steps may be taken by estate-holders, namely, that when the Bill is on the anvil, and when we are discussing the various clauses of the Bill, persons who would be affected should take advantage of the interval and partition their properties and get them separately registered, so that by the time this Bill becomes law, these persons will be entitled to a higher scale of compensation.

"It looks a very nice suggestion, Sir. When some other Bills were on the anvil if in order to evade the provisions of the law people take steps so that they can escape the hard clauses of the Bill, generally the Hon. Ministers will say that the people are committing a fraud on the Statute and they will call all of them collusive transactions. Generally, when even after a Bill is published persons take certain steps in order to see that the bad effects of the law do not visit upon them when the Bill becomes law, then in ordinary language it is called a fraud upon the Statute. Take for example so many other transactions which are envisaged in the Bill itself; we are fixing certain dates like July 1939, July 1945 and July 1946. Why? It is because they are

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certain landmarks in the history of our agitation with regard to the questions of Zamindari Abolition and 1939 for example was chosen because it was the year in which the Prakasam Enquiry Committee's Report was published and certain recommendations were made therein and therefore in order to evade or escape the effect of those recommendations if they became part of the law, persons might have taken certain steps with regard to the management of their properties. Till yesterday and the day before yesterday we were all arguing that such transactions were all collusive transactions. It was then said by the Hon. Minister: 'I will not go into the merits of it. I shall say that they are all bad and therefore we must go back to 1939.'

"My difficulty is this, Sir. When a Bill is under discussion and when certain provisions are there having certain effects, if the parties affected take some procedure, then it will be argued later, notwithstanding the assurances of my Hon. Friend, the Revenue Minister—and he has done it in the most bona fide way—notwithstanding all that, the Tribunal might say: 'You have done it in fraud of the law, because you knew that there was a Bill under discussion, you knew that your compensation will be less and therefore, you partitioned your properties and thereby you want to take more money from the Government. Therefore that is a fraud upon law.' Even a Government Order, let alone the assurance of the Hon. the Revenue Minister, would not have any validity as against the provision of this law and as against the arguments which the judges sitting on the Tribunal might advance, that the transactions were a fraud on the law. Therefore I submit to the Hon. the Revenue Minister, Sir, he having agreed to the justness of my proposition that he should either accept my amendment or he can himself come forward with another amendment which will embody the wording of his own assurance or the wording which he would use in the order of the Government enabling the persons to partition their properties. Having agreed with me so far, it is up to him, Sir, and I request him to move an amendment to that effect if he cannot accept the amendment as it stands.

"One other point, Sir, with regard to the inams. He was pleased to say that after 1802 they were all invalid inams and therefore they are part of the estates and their income should be calculated only as part of the income of the estate, whatever it may be. If he only refers to the various proceedings of the Inams Commission he will find that they took into account all the inams that were granted by the zamindars notwithstanding the Permanent Settlement Regulation, from 1802 to 1859. A perusal of the Inam Rules which are also published in Chapter V of the Board's Standing Orders, will convince any one that those that were granted subsequent to 1802 were discussed by the Inams Commission and they were divided into three or four categories, namely, the inams which were clandestinely given, inams which were given for good purposes, and inams which were in continuous

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possession, and after taking all these things into account they gave half the assessment, or one-fourth the assessment or one-eighth the assessment according to some stated conditions and they also gave them the right to enfranchise themselves into complete freehold. Under rule 28 of the same Inam Rules they said that the Government could no more interfere with such inams. Having done all that, the inams which were granted between 1802 and 1859 having been confirmed by the Inams Commission, the quit-rent having been imposed, several of the inams also having been enfranchised by the payment of 20 times the quit-rent and the Government having accepted the position all these days, to-day the Hon. the Minister for Revenue cannot come and say that they are all invalid inams. To say: 'Therefore, I won't take them into account for the purpose of calculating the income separately' is not quite correct. It is quite incorrect, Sir, to argue that they are invalid inams. Their invalidity has been validated by the Inams Commission in 1859. The quit-rent has been accepted by the Government all these days and many of them have been enfranchised. It is not unknown to my Hon. Friend, the Revenue Minister, Sir, that many of these inams might have originally been big estates, but that they are now divided into 16 vrittis or 28 vrittis or 40 vrittis. In some districts they are divided into 16 shares, in some into 28 shares and in some other districts they are divided into 40 shares. If you look into the records you may find that the original income of an inam was Rs. 50,000 or something like that. But to-day it is to be divided between 40 shareholders. Their interests are separate. They are not members of a joint family. They do not even belong to the same community and caste because their interests have been sold in succession from person to person, and from alienee to alienee. They have changed hands so many times with the result that the 40 shareholders have got absolutely different and separate interests. Their interests are no more combined than the interests of the Ramnad estate with that of the Vizianagram estate. Although such inams or shares form a contiguous unit their interests are totally different. Therefore it is absolutely clear, Sir, that their interests are different and if you want to give compensation you have got to take them as separate interests. First there is the estate, then there is the inam and in the inam there are these divided interests. The division has been there for a number of years and to-day by no means can you say that they are all held together. The Hon. the Revenue Minister said: 'They are so many. How can we take them. It will involve a great amount of labour.' I say, Sir, it is not a matter of labour on the part of the Government. Labour should not matter. After all the Government are not going to do these things in the Secretariat. It is only the Tribunal that is going to do it. They are not even going to calculate the amount of compensation. The figure is given here by the Legislature. And what is the work that the Tribunal is going to do if they are not going to calculate the compensation

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for the separate interests? The Tribunal must have some work. The Tribunal was brought in at a late stage and it must be entrusted with some work, so that the separate inam interests, the separate shares in the interests if they are partitioned may also be taken into account. In that way, Sir, we will be doing great justice. If not we will be committing a great act of injustice without meaning to commit it. The argument that this will involve much labour and time should not stand in the way of the Government. We are changing a tenure which has been there for 150 or 200 years, particularly in the case of the inams, some of which have been in existence for more than 300 or 400 years as the Inams Commission's records will show. Therefore, Sir, a little labour, a little trouble which will save lakhs and lakhs of families is worth the while of the Government and the Tribunal which they may appoint. The general principle having been accepted by the Hon. the Revenue Minister, he may put in his own amendment by adopting a suitable language if he is not prepared to accept my amendment."

THE HON. SRI KALA VENKATA RAO:—"I have been very careful in my statement, Sir. Unless the parties who are interested move in the matter and take the opportunity that is now offered to them, I am sorry I cannot help them. The parties must take the advantage of my offer and get themselves separately registered. If they are not prepared to get themselves registered separately they cannot claim the advantage. I am sorry, Sir, I cannot accept the amendment."

SRI A. KALESWARA RAO:—"On a point of information, Sir, under sub-clause (iii) (b) I can understand the Hon. the Revenue Minister asking owners of portions of the various estates to go and get themselves registered separately. But how can the sub-interests do that, Sir? What would happen to them, Sir?"

THE HON. SRI KALA VENKATA RAO:—"I am not consenting to that, Sir."

The amendment was put and lost.

Clause 24 was put and carried.

Clause 25.

Clause 25 was put and carried.

Clause 26.

MR. SPEAKER:—"I want to know from the hon. Member, the Raja of Venkatagiri, as to which amendment he is moving."

THE RAJA OF VENKATAGIRI:—"I am moving amendment No. 268, the first part of it, Sir."

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THE HON. SRI KALA VENKATA RAO:—"I suggest, Sir, that he can move all the alternative amendments and speak on them, instead of speaking on all the three of them separately. Whatever he wants to say on all of them he can say now."

* THE RAJA OF VENKATAGIRI:—"That is what I submitted to you Sir, previously, when I moved other amendments. Now I am moving only one amendment. I do not think it is necessary at all to move all the amendments. I am moving only the first alternative of amendment No. 268. I am not moving the others. Therefore I may be permitted to speak on this. I move, Sir, that the following be substituted for clause 26:—

The said basic annual sum shall be deemed to be the sum arrived at by adding to the gross demand on all lands of the estate on the date of the notification of the estate, the income from all miscellaneous sources such as charges for water, charges for unauthorized occupation of land, income from pastures, fisheries, forests, mines, quarries, etc., including the whole of jodi, kattubadi and other amounts payable to the landholder previous to the date of notification of the estate, and by deducting therefrom the peishkush and cesses lawfully payable by the landholder and 5 per cent of the gross income towards establishment charges and 3½ per cent of the gross demand on irrigated lands towards irrigation charges.

"Sir, the Hon. Sri Kala Venkata Rao Garu told the House 12-30 p.m. that he has reason to believe and that he has been advised that the zamindars have not got any proprietary rights, and that, therefore, they would not be treated as proprietary owners. We have submitted elaborate memoranda on various occasions in support of our contention that the proprietary right vests in us. They are all available to the Hon. Sri Kala Venkata Rao Garu. We have made allusions to various decisions in our memoranda. We have quoted other documents also. The Government documents themselves support our submission that we have got that particular right vested in us. Now, to be told that the Ministry has been advised that these zamindars are not the proprietors of the soil, that the compensation proposed to be given to them is adequate, and that the Government are satisfied that it is so, brings very poor comfort to our minds. This question of proprietorship has been raised, as I observed, only a short while ago in this House. I am prepared to have this question of proprietorship which is of pivotal and fundamental importance to us to be looked into by impartial, independent and eminent lawyers—retired judges of the High Court of the standing and calibre of Sir Varadachariar—or let Government refer this matter to the Federal Court. If these people hold the view that we do not possess any proprietary interests in the land, I declare that I would be willing not to place any emphasis on that aspect nor plead for adequate compensation basing my claim on law or on the assertion of my rights. But, I would only plead as a matter of grace and consideration for the long association of the zamindar with the land, who is now very

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inaptly described as the collector of revenue. Even there, may I submit that we hold a legal right which may come under the law of contracts. I need not go into details and deal with law at some length. Though a zamindar, I may claim a little bit of knowledge of law on this particular question, and being a layman, however much he may be assisted by his Secretary, the Hon. Minister may not be in a position to effectively cross swords with me from the technical standpoint. I again hope and expect that these clear statements would effect a change in the view of the Ministry. Let me refer to 44 Calcutta, in which the famous and eminent judge Parker has given his judgment like this. He said—

‘Whether before the English occupation the zamindars had any proprietary interest in the land comprised within their respective districts, the Settlement does recognize and proceeds on the footing that they are the actual proprietors of the land for which they undertake to pay the Government revenue. The Settlement is especially made with the zamindars, independent talukdars’ and so on.

Sir, this is confirmed in 41 Madras. I would again quote paragraph 34 for the benefit of my Hon. Friend the Revenue Minister. The instruction issued to the Board of Revenue on the eve of the Permanent Settlement . . .

I would beg of the Hon. Revenue Minister to give his unbiassed attention and decide whether even from the commonsense point of view, the point of view on which so much emphasis and value have been laid, it would support the interpretation we place upon it. The instruction 34, says—

‘. . . they have no proprietary right in the soil but have a right of occupancy so long as they cultivate to the extent of their usual means’ and so on.

The tenants’ right in the soil has been negatived. I would here again refer to the Preamble of the Regulation. Sanads granted to zamindars are known as *Sannadi-Milki-Isthimiras*, which is a Persian expression meaning a title deed of property. It is a grant of perpetual ownership. That is what Baden Powell has said in his book on Land Systems of British India, Volume III.

“Again in paragraph 2, they say—

‘In consequence of such assessment the proprietary rights of the soil become vested in the zamindars or other proprietors of the land and their successors for ever.’

Again in the Preamble it is said—

‘. . . to grant the zamindars and other landholders, their heirs and successors permanent property in their lands in all times to come . . .’

Sir, this what the Regulations say. I expected, Sir, that though it might be possible for certain legal pandits to cross swords with

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me on this point who is a layman and who may be at a disadvantage, yet it was the duty and obligation on the part of the Hon. Revenue Minister, as head of the administration in charge of this department, and as one who decides our destinies, to look into the matter both from legal and other standpoints and come to his own conclusion. This much I expected. I find now no argument, no reason and no reference to any of these things. Some aid is being sought from my hon. Friend Kaleswara Rao Garu, who is a lawyer and with whom I, being a layman, feel nervous to have any effective exchange. Whatever it is, when it does not suit Sri Kaleswara Rao Garu, he bases his claims on humanitarian considerations, smallness of holdings and sociological and other considerations. While my sympathy goes to inamdars who are to be given proper compensation and shown considerate treatment, I ask, Sir, how can they, who are in most cases grantees of the zamindars, possess superior rights?

“Sir, irrespective of the law, I plead for human considerations, be he a big zamindar, or a small zamindar or an inamdar. 12-45
p.m. As I was submitting yesterday, Sir, we are prepared to take our stand on the question of proprietorship. If Government refer to cases, they will know that we have really got proprietorship. Even from the speech of the Hon. the Revenue Minister, the implication is that what is being given is given on different considerations. Therefore, Sir, I submit that it would not stand the test of law. Now, Sir, if really we are the proprietors of the soil and if we are given a very inadequate, a very insufficient and a very unjust compensation, then it cannot stand any test in law courts. Not only that. We would be subjected to unwarranted and unnecessary hardships, particularly in view of the fact that we are now prepared to have any other system substituted for the present proposal. Sir, if the Government cannot give us proper compensation as a result of this Bill, which will stand the test of any law and which will also stand any scrutiny from the human standpoint, then it is not a proper legislation.

“Then, Sir, in regard to the property rights, I refer to the case known as ‘Ullam’ case in which even the water rights were the issue and a decision was given on the footing that all these were proprietary rights and they were there vested in us. Sir, I again refer to the case, *Kumar, etc. v. Sri Ram Chakravarthy*, 136 Indian Appeals, where the Privy Council held that the zamindar must be considered to be the owner of the underground rights in absence of proof to the contrary. Sir, I was submitting yesterday, the so-called Mahabalipuram case where the zamindar was given compensation even for the unworked portions of quarry, etc. I submit, Sir, that this supports our contention that we have got proprietary rights and the right which the tenant possesses is only the occupancy right. That is sometimes described as, though not quite correctly, as a sort of co-ownership. Even the existence of such a right, we would call as a privilege given to the

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tenant. Even though this right is vested in the tenant while all the other rights are vested in the landlord, it cannot deprive us of the actual proprietary rights.

"Sir, before I deal with the scope of the Bill and the actual provisions in order to show how inadequate and unjust the compensation is, I must refer to what has happened in Hungary. My Hon. Friend Sri Kala Venkata Rao Garu quoted Professor Radha Kamal Mukherjee who dealt with this aspect. From what I understand, Sir, when acquisition of estates took place in Hungary, the beneficiary paid it and the payment was at capitalisation at $3\frac{1}{2}$ per cent, that is, about thirty times, two-thirds of which was to be paid in cash, and the balance in twenty-five equal annual instalments. In Poland, it was at 5 per cent capitalization and in Czechoslovakia, 4 per cent, that is to say, twenty-five times. In Rumania, forty times the rent was the amount that was paid to the owner. Therefore, Sir, I say that we do not question the right of the Legislature to acquire estates. Exactly this right is inherent in the Legislature and in the Government, but when the Government choose to place a restriction on that right in the form of one of the Articles of the Constitution, I submit, Sir, that that Article must decide and govern their decisions. Sri Alladi Krishnaswami Ayyar has stated that the cases, quoted by me, were recent cases and the compensation awarded therein is adequate and not merely nominal. Sir, what is sought to be given to us now according to this Bill is for incomes over a lakh and above, an income which is not the present income, but a future income to be arrived at after the ryotwari settlement. Sir, the Government propose to give us $12\frac{1}{2}$ times. Therefore, Sir, a zamindar getting a lakh (after ryotwari settlement, it will be far below the present income) would get $12\frac{1}{2}$ lakhs and when that is invested in Government securities, it would bring the zamindar only Rs. 36,000 out of which he has to pay tax again which would reduce it to much less. It would reduce the income to about Rs. 24,000 a year; this would roughly represent about one-fourth or one-fifth the ryotwari rate basis income which Government would get. How can that be called a fair compensation? I submit, Sir, even if he is to get Rs. 36,000, that surely is not a fair compensation. We submitted that we are entitled under law to get about 33 crores for our incomes alone. We are also entitled under law, to have every item of the property assessed in addition to the above. That is the definite advice which we received, Sir. But, in spite of this, with a view to avoid all complications, with a view to have an understanding with the Ministry and to enable them to introduce this reform—since they say that this stands in the way of introduction of land reforms—some of the zamindars requested the Government to give at least 21 crores which could be easily repaid within the course of twenty-five years even from what the Government would get even from these sources. But, Sir, these proposals were not accepted. The provisions of the Bill, as I submitted to the House on another occasion, do not secure to the

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landholder any compensation before survey and settlement are completed. I would ask, how can you postpone the payment. That is a legal defect in this Bill. The Advocate-General, in his evidence before the Select Committee, if I remember correctly, opined that compensation paid in the form of bonds would be mere promise of payment. If it is so, the payment of compensation after the completion of survey and settlement, I am afraid cannot but be construed as a mere promise intended to materialise at future date. As I submitted, it cannot stand on the strength of law. Therefore, Sir, I submit that if the Ministry is so disposed, even if they find the money, it may not be possible for them to pay us until the survey and settlement is over. Sir, though that does not come under this clause, I have incidentally to mention it with a view to place before this House a clear picture of the position the zamindars would be in. It is said, Sir, that till the survey and settlement is completed, we would be given as interim payment an income which the Government would get from the estate after notification on Rent Reduction Act rates basis.

"Sir, income cannot be based on rates adopted after the Rent-^{1 p.m.} Recovery Act has been applied. As was submitted to this House by my hon. friend Sri Tennetti Viswanatham Garu several cases are there, where the incomes have been enormously reduced. Therefore, how can that be a comfort or consolation to us? The compensation that is to be given to us is very inadequate and that may not even be one-fourth or even one-fifth of what we are entitled to receive, and a mere fraction of the present income. If even that compensation is not to be given to us now and if we are to wait for a period of ten years or so, because that period would be required for completing survey and settlement, struggling hard to make both ends meet upon the meagre payments, if any, that would be made to us on the basis of the Rent-Reduction rates, how are we to build up alternative sources of income, for those ten years? Therefore we suggested that some method and some means must be found by which compensation should be paid so that as a result of proper investment we could make good any deficit in our personal budgets. I may mention, Sir, that such a procedure would also result in the economic prosperity of the country. Sir, now even Rs. 20 crores paid to us, I submit, could be repaid, because 3 per cent on Rs. 21 crores would be about Rs. 63 lakhs, and the net income which the Government would get now is about Rs. 1 crore. Even after ryotwari settlement it is expected that it would not be less than Rs. 85 lakhs, there would still be a big margin. Further the income in our hands is subject to income-tax and therefore on that, 60 lakhs we get as return, 25 lakhs would go to Central Exchequer, out of which again, the Madras Government would receive about half of that amount. In addition, to this, the money so placed in the hands of Government, when invested would certainly secure to the Government direct, several indirect and invisible returns. By all this, the State would stand to be

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benefited even if they give us the compensation that we demand, though it may not be large and will not be the sum to which the zamindars will legally be entitled to.

"Sir, perhaps this would be the only amendment on which I may seek your indulgence, because I may not be moving it under 36."

MR. SPEAKER:—"It would be divided into two parts. The first is 'The said basic annual sum shall be deemed to be the sum . . . irrigation charges.' And the latter part of it, namely, 'The said basic annual sum shall be multiplied by 25 times,' could be moved when we come to Clause 36."

* THE RAJA OF VENKATAGIRI:—"Therefore, Sir, that supports my submission that I have not on previous occasions inflicted my speech on this Assembly. Sir, this amendment contemplates inclusion of incomes from pastures, fisheries, forests, mines and the whole of jodi, etc. It may be said that under the miscellaneous head, all these would be included. In this connexion, I would submit, Sir, that my amendment seeks to substitute the incomes on the notified date, for the incomes that would be derivable from those sources at the time of the payment of compensation in the distant future. In regard to forests, I gave notice of an amendment which was considered or was deemed to have been withdrawn because of my absence, and which perhaps would have been otherwise lost also, and even then in order to mitigate and minimize the loss that would accrue to the zamindars as a result of this legislation, I suggested that pattas might be given. Now there are several zamindars who have preserved the forests and whose forests may be worth some lakhs of rupees, and now if their incomes are to be capitalized, it may hardly exceed a lakh or so of rupees. As such, I would submit to the Hon. Minister that some other device must be found by which justice should be done without detriment either to the agriculturists, or to the nation's interests. These are all things which have to be done, while securing the nation's progress, and doing justice to all interests concerned. And it should not be influenced by any considerations which are not complimentary to a Responsible Government. The Hon. Sri Kala Venkata Rao Garu quoted Donal Ker. (Interruption.) Being a Telugu, sometimes I pronounce words in the Telugu way, i.e., with Telugu accents."

SRI T. VISWANATHAM:—"Sir, there is nothing wrong in the pronunciation. May I submit, Sir, that in English it so happens that if you pronounce 'Kerr' in the way in which he has done, it is very nearly equivalent to the word 'cur' meaning a dog? And therefore if the hon. Member pronounces it a bit longer then, it would be better."

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* THE RAJA OF VENKATAGIRI:—"When there was the whisper of a correction, I had to make that observation, because I was not myself sure as to whether the pronunciation was correct or not.

"Sir, there is a provision for referring to the Federal Court any question of interpretation of the Constitution Act as was held by my friend Mr. Krishnaswami Aiyar as I said yesterday, one of our eminent lawyers. (Interruption). My hon. friend Sri Raghavayya perhaps does not know that his zamindari interest is very insignificant and he has got his reputation and status, to maintain. Therefore, Sir, to misquote law would not in any way be helpful to him. Sir, this is a fact, Sir (Interruption). Though I am a layman, I can also say that there is a provision for the interpretation of the Constitution Act. Sri Alladi Krishnaswami Aiyar rightly holds that Section 299 of the Government of India Act also can be interpreted by the Federal Court.

"Then as to the specific point made that the American and Australian decisions are in some way connected with the Doctrine of Eminent Domain—to start with I might point out that there is no such expression as Eminent Domain in any Article of the American constitution. The expression Eminent Domain is a convenient phrase for the lawful authority which exists in sovereignty. This right to take or appropriate individual property is subject to limitations placed in the Fifth Amendment which states that private property shall not be taken for public use without just compensation (which is the expression which occurs in Section 299 of Government of India Act, 1935) (without the word just). In the leading case in 66 Commonwealth Reports, page 77, Latham, C.J. observes on page 102 that compensation means adequate compensation—an amount which is really compensation. On page 103, Rich J. says that acquisition is a sort of compulsory sale" and so on. In a case reported in 27 Calcutta Weekly Notes on page 216 compensation is called definitely as an equivalent.

"Absence of word 'just' from Section 299 of India Act does not subtract from the idea compensation means an equivalent. "It only envisages and makes the point strong. Therefore, Sir, I would submit that the Hon. Minister may kindly give his best attention to this plea we have made and see that proper compensation is given, since this Government also has got the capacity, and the law justifies it as also the human considerations. Because of the justification from these 3 stand points I would plead with him for a better treatment for us. Let me not be misunderstood once again that I am holding the Damocle's sword over the heads of the Ministry. I am a man of peace and believe in the ever-present divine instinct in man, and expect better results. I cannot refrain from referring to it. There is no use in our shutting our eyes to the possible and certain legal consequences that would

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result if proper compensation is not given. I do not welcome them but I pray most earnestly that the Ministry would avoid such a contingency and such other dire consequences happening to us. With these few words, I appeal to the Hon. Minister for sympathetic consideration, and for the acceptance of my amendment, as I said Sir, because of three considerations, firstly, law requires it, and secondly justice requires it, and thirdly the State also can afford to bear it."

1-15 p.m. THE ZAMINDAR OF MIRZAPURAM:—"Mr. Speaker, Sir, in seconding the amendment moved by my hon. Friend, Raja of Venkatagiri, I have only to add a few words and suggestions to the arguments put forward by him. As he has already stated before the House, if there is still any doubt in the mind of the Hon. Revenue Minister as who is the proprietor of the soil on which he bases his method of compensation, I would, in this open House, challenge the Hon. Revenue Minister and the present Madras Government to refer the question as to who is the proprietor of the soil either to the High Court or the Federal Court and take their verdict. I, as a landholder, am prepared to abide by that decision of such legally constituted courts. (Interruption.) We lose our property. It is alright if the Hon. Minister says this is my opinion and my opinion is final'; but there are eminent people, eminent lawyers and the highest civil courts in the country. If he is afraid to refer such matters to such courts and take their verdict, I am asking the Hon. Ministry why all this farce?"

THE HON. SRI KALA VENKATA RAO:—"The courts are there to interpret law. We are the supreme authority to make laws."

THE ZAMINDAR OF MIRZAPURAM:—"Even now, even today the Hon. Revenue Minister is of the opinion that the zamindar is not the proprietor of the soil and so he is not entitled to get proper compensation. According to him the zamindar is only a mere rent-collector really, which he is not. Several Acts were passed by the previous Legislature on previous occasions. Take the Madras Estates Land Act. Take several decisions of courts. All these recognized the rights of the landholder as the proprietor of the soil. If the Hon. Minister thinks that the Legislature is the supreme authority, that we can do anything we like, let him say so. Let him not put the plea on the question of the proprietorship of the land. You say now that whatever may be the rights of the landholders, we are going to and we want to wipe them out. That will be the proper explanation to give. I would earnestly appeal to the Hon. Revenue Minister to have sympathy towards the landholders and at least hear what they say. I know the Hon. Revenue Minister has made up his mind to wipe away the landholders and throw them in the streets. He does not show even the courtesy of hearing or listening to their arguments or what they say. I would request him through you, Sir, to do us at least the

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honour of hearing what hon. Members on this side who are interested in landholders, say on the question regarding compensation. According to the present Bill the landholders will get practically no compensation worth mentioning. When the Government take away the property of the landholders or anybody else, it is only fair and just that they should be given proper compensation, to enable them to get the income they were getting at the time the properties were being acquired. Instead of that, the Hon. Revenue Minister comes forward with a Bill by which zamindars will get practically no compensation at all. The present net income of the landholders is about one crore of rupees . . ."

THE HON. SRI KALA VENKATA RAO:—"According to the hon. Member's calculation."

THE ZAMINDAR OF MIRZAPURAM:—"Justice and equity require that the landholder should be given compensation of more than Rs. 20 crores. Even Rs. 33-1/3 crores will have to be paid to landholders to see that their present income is guaranteed to them. Landholders have also to pay large amounts by way of income-tax. That is a great drain on the income of the landholders after the compensation is paid. Before carefully considering all these questions the Hon. Revenue Minister should not bring forward hasty legislation and say here that . . . 'that is my opinion; my opinion is final; I say what I have to. That is the correct opinion and I cannot go back on my views.' I do not want the Hon. Revenue Minister to think that I am trying to threaten him. Nothing of the kind. A person who is losing all his property has got right of putting forth all his claims before any reasonable Government so that they may sympathetically review the whole position and try to do justice and see that zamindars and petty landholders are not thrown out of society."

* SRI K. BHASHYAM:—"Sir, I am not going to speak long except to point out certain facts. I want to deal with the legal points that have been raised on the question of compensation. Perhaps it is better to deal with it. The question is this. Reference has been made to some eminent lawyers, to courts, to the adequacy of compensation and the requirement of section 299 of the Government of India Act. It is said that the Government cannot really acquire zamindari estates or abolish them unless adequate compensation is paid—adequate compensation based on the market value of various zamindaris at the present moment. An amendment is sought to be moved on the basis of market value and 25 times thereupon. I would point out that the question and principle on which compensation must be based must really be on the right of the zamindar in respect of the estate which he holds. Is it a case of the zamindar's proprietary right or is it because the zamindar was put in for the collection of revenue? The question is based on the principle whether the zamindar is the owner of the property. The question has arisen whether the market value of the land should not be given. The theory and principle are that zamindars are

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only collectors of revenue, agents for the collection of revenue. The whole question depends upon the fact whether the House will accept the proposition which has been placed before it, that the zamindars are not proprietary owners of the soil but merely collectors of revenue appointed for that purpose by the Government then in power. If this position is satisfied, the question resolves itself into what is adequate compensation. A committee was appointed for the purpose of finding out what is the exact relationship of the zamindar to the tenants and also to the land of which he is supposed to be the zamindar. After an elaborate enquiry and from the report covering a number of pages and volumes, it is found that the true theory of the relation of the zamindar to the land is only that of collector of land revenue and no more. If that is the true principle, then, compensation should be determined on that basis."

The House then adjourned for lunch.

(After lunch--2-30 p.m.)

* SRI T. VISWANATHAM:—"Mr. Speaker, this morning we saw in the papers that the legislature is likely to adjourn on the 28th instant and reassemble on the 15th October. If it is decided that we adjourn, may I submit that it would be more convenient if we adjourn this evening, because we will have an additional day, Sunday. We do not sit for the whole of Tuesday according to my information. Just for the sake of one day—Monday—we need not be asked to be here for three days. We are not all full-time people . . ."

MR. SPEAKER:—"I have no objection but . . ."

SRI T. VISWANATHAM:—"I also request the Hon. Minister Sri Kala Venkata Rao to agree to this."

THE HON. SRI KALA VENKATA RAO:—"It is all a question of one day and 1½ days. Some time back we did not sit for four days and we are now suffering. There is some difficulty. We will consider on Monday whether we will adjourn on Monday or Tuesday after the Hon. the Leader of the House comes."

* SRI K. BHASHYAM:—"May I point out, Sir, that it would be too late to consider this on Monday? Everything would have been done and these three days would have gone."

MR. SPEAKER:—"There is also the function at the Government House. One of the privileges of hon. Members is to attend such parties and have free access to His Excellency."

SRI K. BHASHYAM:—"If you put it that way, I do not want to stand in the way, Sir."

"I shall continue my speech on the Bill. I was saying that the question was whether the compensation is to be based on the principle enunciated by the Prakasam Committee that the zamindars are merely collectors of revenue. Of course the Committee

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has gone into all the details and the report exhibits a wealth of learning and research which cannot be beaten. If we accept the Committee's conclusion then the compensation to be paid to the zamindars should be on that basis. The question is whether the zamindars who have been there for the last 100 years and more are entitled to reasonable notice to quit the office or not, and whether the compensation fixed is adequate.

"Sir, there are two points which I would like the Government to examine since these may be raised in any future dispute between the Government and the zamindars. After the permanent settlement of 1802, the zamindars have been claiming that they are the proprietors of the soil. They have been going on doing it for over 60 years. In many cases, the Government have acquiesced in that position and recognized their proprietorship of the soil in many transactions with them. The High Court and the Privy Council also have held that they are entitled to the proprietorship of the soil. In such a case, is it really open to the Government even now to say that they are only agents for the purpose of collecting the revenue and that compensation should be based on that Central idea? For more than 60 years the zamindar has claimed the right to the land and it has been more or less acquiesced in by others and it has been decided in their favour by courts of law. Under the Limitation Act, 60 years is the period fixed for establishing prescriptive rights of the zamindar as against the Government. In such a case what will be the position of the Government. The Government will have to examine this point for their own satisfaction and not for my satisfaction.

"The next point is this. True, the zamindars were collectors of revenue from the tenants who were on the land at that time. But what about the ryots who came later on and brought lands under cultivation? What about the waste lands and the forest lands? What about the mines and quarries? Are they proprietors of the soil there or are they merely collectors of revenue with regard to waste lands, forest lands, etc.? There seems to be a contradiction in terms. In such a case as this, whether the zamindars have proprietorship rights or not will be another matter for the courts to decide. There will be great difficulty in sustaining the position that they are not proprietors. These points have to be gone into if adequate compensation or nominal compensation is to be paid. I hope the Government will examine the question whether forest lands, waste lands, quarries and mines are all the property of the zamindar or whether they are merely the property of the Government which has been given to them for the purpose of keeping them intact for the Government to take possession of later on. The Government have to decide whether adequate compensation or nominal compensation has to be paid. The Government should examine these questions and come to definite conclusions.

"Sir, there is one other matter with regard to the compensation. I am told that the rent roll of the zamindars is Rs. 216

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lakhs. I got these figures from the Hon. the Revenue Minister and I hope he will correct me if I am wrong. According to the calculations made by the Board of Revenue, after the application of the Rent Reduction Act the rent will be reduced to”

THE HON. SRI KALA VENKATA RAO:—“It is all given in private conversation.”

* SRI K. BHASHYAM:—“It is not a Cabinet secret; it is a piece of information which will be available to everybody. The Hon. Revenue Minister will be bound to disclose this information if a question is put to him for answer or even if information is asked for in the course of the debate. Anyhow, Sir, I shall not refer to the Hon. Revenue Minister. The rent roll of the zamindars now comes to Rs. 216 lakhs. I am told on reliable authority that if the ryotwari rates are introduced, the amount will be reduced to Rs. 160 lakhs. That is the amount which the Government will receive out of this property which they acquire from the zamindars. If the peishkush of Rs. 48 lakhs is taken away, the Government will be a gainer by about Rs. 110 lakhs every year. Will the compensation be based on that amount or something else is a matter for the consideration of the Government, by the courts or by anybody else. I am merely pointing out the difficulties in the way of the Government. These points may be raised, as threatened by the Raja of Venkatagiri somewhere else. If it is possible for the Hon. Minister to clear them on the floor of the House it will be a good thing.

“Sir, reference has been made to section 299 of the Government of India Act. Of course no land can be taken away from any person unless provision is made for the payment of adequate compensation and the principles of such compensation have been laid down in the Act itself. So far as the latter portion is concerned provision has been made. But whether the provision for future payment is a provision intended to comply with the requirements of section 299 is a matter for the Government experts to examine.

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p.m. “Then there is the question whether, when what is now an agricultural income is turned into an income from investments and consequently subject to income-tax, the zamindar will not lose a good deal of his income from the compensation. Then this point also should be taken into consideration in fixing the compensation.

“Sir, I am not saying anything against the Government. I am only asking them to take all these factors into consideration and fortify themselves by the collection of facts and figures that may be necessary for meeting the points when such questions are raised in a court of law. As regards the gradation of compensation referred to in clause 36, the gradation is based upon the idea that a lower grade income should get higher compensation”

MR. SPEAKER:—“When we come to clause 36 regarding gradation, the hon. Member can speak on that.”

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SRI K. BHASHYAM:—“It depends on the basic value referred to here and I am pointing out that if this provision regarding basic value is made here, we will have to decrease or increase the compensation under clause 36. For instance, if the basic value does not exceed Rs. 1,000, the compensation will be 30 times such sum. What is the total amount, is a question which perhaps the Hon. Revenue Minister will tell us. He has been saying that the total amount would come to about Rs. 12 crores. If he will look at the figures I have placed before the House, viz., Rs. 210 lakhs as the rent roll demand, it will come to Rs. 164 lakhs under the Rent Reduction Act; and one-third of it will be Rs. 54 lakhs, and if that amount is taken as the basic value on which the whole percentage is to be based, what is the amount that will be arrived at? Even at 20 times that will come to Rs. 10 crores while as a matter of fact our Hon. Minister has been telling us it would go to Rs. 12 crores. Therefore, I would like that he should raise the compensation payable to the lower grade incomes group a little more than that provided for now. I am only pointing out that the basic value in respect of this group must be raised or at least the number of times must be raised. Therefore, I submit a little more consideration may be shown to the smaller zamindars and landholders who are really losing their property by this abolition Bill. That is my submission, Sir.”

* SRI M. G. NATESA CHETTIYAR:—“Mr. Speaker, Sir, the term ‘tenure’ is not Indian. The East India Company when it came to the country did not come here either to establish the modes and methods of revenue administration or to establish the Code of Manu or any system that was Hindu or Muslim. In fact revenue system in this country had been very varied and very doubtful. The East India Company after acquiring the country by hook or crook, wanted to have a definite settled amount of revenue in order to maintain themselves and to administer the country in the best way possible under the then circumstances and under their own method of caste rights. In doing so, they evolved a particular system—in truth, time had said that it is the best statesmanship—after taking into consideration the various influences and circumstances and the chaotic condition that prevailed then, as also their financial position. They came to a conclusion and made an agreement with a class of people giving them a proprietary right of the soil and right over the land. In the matter of giving them proprietary right, they consulted various powerful chiefs, their own position and the assistance they would get from those chiefs. They declared that they would give them the proprietary right of the soil, they did so and thus followed the English ideas of landlordism. Later it was found that there were regions which had not been brought under cultivation, and they farmed out revenue divisions, and sold them in public auction and conferred all rights of the crown to the purchasers. And with what undertakings? They put in as their first condition: ‘You

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have got so many acres of land within this boundary including forests, mines, trees cultivated lands, etc. If the gross collection you make is Rs. 300, out of that pay me Rs. 200 and keep Rs. 100 for yourself and also get the benefit of bringing into cultivation most of the waste lands and lands lying fallow, and on them I will not demand additional peishkush; other miscellaneous revenues also will not form a basis for an additional levy by the Government.' That is what was done. It has been disputed whether such an agreement would be retained by a Government representing the people—whether it is to be followed or not? Are we not to have our own system which will benefit the people? Yes; by all means have it; but you have to respect the agreement that had been entered into, possessed, enjoyed, acted upon, regulated upon, enacted upon, etc., for a period of 146 years. It has been stated by the hon. Mr. Bhashyam that it is good, it is sound and it is law to see that the prescriptive rights that had been enjoyed by a class of people for a long time should be properly compensated and adequately too. Otherwise, it would not be law commanding respect. I will now quote the instance of an agreement respected by our own Indian Union. In respect of the undertaking given by a foreign Government for the employment of a service called the Indian Civil Service, what did our leaders in the Government of India do? Those service people were entertained on an agreement. That agreement was respected by our leaders. When their services were terminated before their period, they were paid compensation. Why? It is not as if the Indian leaders and the Indian Government could not throw them away without giving compensation. They did so with a view to respect the sanctity of the agreement, to give respect and demand respect and give a sort of good-will to countrymen other than our own. In the same manner, even if you treat the zamindars as renters who have been enjoying this 'office' in your own words, who treated it as property, transferred and enjoyed it with your own and their own knowledge and under the legal enactments passed by this legislature from time to time, are they to be decied and to be sent away without proper and adequate compensation? Are they foreigners? Even I.C.S. people or as a matter of fact the foreign Government would not concede this position and make such an enactment. We must pay compensation not only to satisfy ourselves or as a piece of social justice, but with a view to respect the enactments that had been passed. If the enactments passed by this or the previous Legislatures are not going to be respected, I am afraid our present enactments also would be dealt with in the same manner. There will be somebody coming after us saying 'here was a Government which forfeited the property enjoyed by a class of people for nearly 150 years; why not we do it in the case of property enjoyed for say 50 years?' Will it not be a good argument to bring forward? You have got to look into the circumstances; you cannot really value a property from the modern point of view. You have to consider the circumstances under which these properties came into existence. In the Salem district,

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for every acre of cultivated land, 3 to 4 acres of waste land were available in the year 1802 and the percentage of waste land in that district with an area of 8,000 square miles was as much as 316 per cent and below the ghat it was 376 per cent in proportion to cultivated area. And that waste land, land which was lying fallow, was given to these intermediaries or renters as they are called by this Government on the definite condition that the Government would not levy any additional tax on account of the expansion of the cultivated area. Are these people as a class so bad that they should not be given a proper and a living compensation? It is not a question of begging. It is a question of grace; it is a question of their right and in their own right, they ought to be paid. They have been enjoying the property for sixty years under known law enacted in respect to the welfare of the people, the country and the incumbents of the property and they have been in enjoyment and possession. You are bound to pay compensation as if the right to property had accrued by nature of enjoyment and possession. The agreement that had been entered into between the landholders and the East India Company had come into being and had been recognized by subsequent enactments also. How are you going to dispute those enactments? Are you going to throw them overboard and to completely forget the idea under which those rights were conferred on them in 1802? Whatever the case may be, it is useless to go beyond 1802 and now it is useless to go beyond Act I of 1908. In fact we ought to have a limit in respect of legislation relating to properties of this nature and it would be proper to take as the limit the enactment passed by this Legislature in the immediate past and base the question of compensation on that. Sir, I do not want to dilate on this matter of partible zamindaris because I have already taken too much time. As I said the other day, in the case of lands purchased at public auctions and brought under cultivation, we would be satisfied if compensation is worked out on the present net income. We do not want even the ryotwari level of rates and even though it is lower than the ryotwari level we will be satisfied if you stick to the existing rate of rent and net income as basis for compensation."

MR. SPEAKER:—"The hon. Member has also given notice of an amendment and when he comes to that he can speak in greater detail."

SRI M. G. NATESA CHETTIYAR:—"I am now speaking on the general question. As I said, Sir, the partible zamindaris as a whole will be satisfied with the payment of compensation on the existing rates of rent and net income after deducting the actual peishkush that was levied from the gross collection and we do not want anything higher than that. The basic sum that has to be arrived at should be only on the net income we derive to-day. If they have got any doubt about the present net income, now that they are going to get possession of the property according to the present Bill, they can work it out at the time of the survey and

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settlement and pay interim net payment and on this interim payment they can calculate the amount of compensation. But, do not try to put us on the wrong track. It is wrong as I said to change the tenure and nobody has any right to change the tenure. You are now trying to assess the new peishkush and the new rate of rent which I say is wrong both in law and in respect of the proper amount of compensation which is proposed to be paid. We do not want new peishkush to be levied. Now you want to levy peishkush on the rent roll of the present cultivated area, whereas the rent roll as it existed in 1802 was the basis on which peishkush was fixed and not on the increased rent roll due to the expansion of cultivation. It is wrong to assess peishkush on the money collected on account of the expanded cultivated area. In the circumstances, I have explained above I request the Government to see that in respect of the partible zamindaris, the method to be adopted for arriving at the basic income must be this and this alone."

MUHAMMAD RAZA KHAN SAHIB:—"Mr. Speaker, Sir, I do not propose to move the amendment which stands in my name but I would like just to make a few observations and withdraw my amendment . . . (Mr. Speaker: The hon. Member may speak on the amendment when it is reached.) I am only giving previous notice of my intention, Sir.

"I know Sir, the speeches made from this side and the speeches of other hon. Members supporting reasonable demands merely cause irritation in the Hon. Revenue Minister. Of course, I sympathise with his lot, because he has been undergoing a good deal of ordeal by attending the session continuously for the last 15 or 20 days and hearing speeches. But that apart, Mr. Speaker, when hon. Members feel that they have to speak on something which they think just and right they have to do so irrespective of the consequence and it is in that spirit I should like to speak for a few minutes.

"Mr. Speaker, I have heard very carefully most of the speeches of the Hon. the Revenue Minister and I may say that he has failed to convince us whether the zamindars and people who are having landed interests are really owners of property or mere rent collectors. It is not of course for the Members of the Opposition to disprove his theory, but it is for the Hon. Minister who has initiated and propagated that theory to prove it to the satisfaction of the House. No doubt, he has quoted at random, one thing from here and something else from an old record (the Hon. Sri Kala Venkata Rao: 'What others quoted are perhaps up-to-date authorities printed yesterday!') But I can prove that those quotations given by the Hon. Revenue Minister are out of place. If I remember aright, Sir, he got this inspiration from the Hon. Mr. Prakasam whom the Hon. Revenue Minister regards as his Guru, as he has asserted a number of times. With due respect to the hon. Mr. Prakasam, I make bold to say that I am not prepared to agree to his

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pet theory, namely, that the zamindars are rent collectors. He might perhaps be obsessed with that idea because his aim also is to finish the zamindar and that sooner the better. The Hon. Mr. Kala Venkata Rao might have drawn that inspiration from the hon. Mr. Prakasam and say, 'it has been my theory which I place before you.' Sir, I do not like to go into the legal aspect of the matter, but this much is sure and certain. If really legal aspect had been the criterion for us to decide and settle, it would have been better on the part of the Hon. Revenue Minister to have brought to bear on the question all the legal and expert opinion on the subject. What he says, on the other hand, is that the Legal Department has advised him that his interpretation is right.

"Apart from that, Mr. Speaker, his theory falls to the ground, because, if as he says the zamindars are mere rent collectors, it should stand to reason that they are not entitled to any compensation at all, because, his interpretation was that these zamindars were previously entitled to a certain amount of income for the good work they were doing as rent collectors. Now that these zamindars are not called upon to perform any such duty, it is but logical and it stands to reason that they should get no compensation at all because their work as rent collectors ceases from the moment the Government take possession of the zamindaris. Therefore, it is for the Hon. Minister to decide one way or the other; either he should say that since he is taking over the property, they deserve reasonable compensation or no compensation is payable to them since they will cease to be rent collectors. Such a position would stand to reason.

"Further, Mr. Speaker, he has not told us how this matter of Zamindari legislation has been dealt with in the Bihar Legislature and whether zamindars there have been treated as rent-collectors or owners of property and we do not know what sort of interpretation they have given in the United Provinces in regard to this matter. It would therefore be better, Sir, if the Hon. Revenue Minister could tell us how this matter is being considered in other Provinces.

"Again, Sir, I may tell the Hon. Minister that even in the matter of zamindaris, or the inamdars or other landed interests, there are different types of properties. It may perhaps be argued that there are hereditary zamindars. But, I would like to ask him, what about the people who have purchased the zamindaris, because there is nothing illegal in purchasing a zamindari. It may be the case of a man who has money at his disposal and he wants to invest it and thinks that the best investment will be to purchase a zamindari, so that he may get some income, say income from land, income from industries therein, income from mines, quarries, forests and things like that. In this connexion, I would like to point out that I have referred to the question a number of times

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before but to no purpose. Whenever the question of zamindar is raised, there has been no proper conception of the term. It seems that whenever the term was used, it was always taken to mean, either Pithapuram or Venkatagiri or Chellapalli or others. Sir, I say, there are zamindars and zamindars and there are in fact thousands of zamindars in the country whose income does not exceed a few hundred rupees each. There are also thousands of inamdars and others who are going to be affected by this Bill and whose income would be hardly Rs. 20 or Rs. 30 each. Mr. Speaker, I know of many cases where these people depend entirely on this income and you can easily imagine what would be their fate if they are thrown in the streets. I would ask the Hon. Minister not to be under the impression that the zamindar is a rich man or belongs to the class of people whom we call big zamindars. Of course, they belong to the class of people whom we call middle-class or lower middle-class whose income is bordering between Rs. 50 and Rs. 60. Whatever it is, Sir, you have to realize what will be the fate of thousands of families who will be thrown into the streets with nothing except an income of about Rs. 20 or some such paltry sum.

“Sir, when we confronted the Hon. Revenue Minister and asked him, whatever may be your views or theories with regard to the hereditary zamindars, what about the zamindars which have been purchased by others either at a court auction or otherwise and whether he would consider them as owners of property or mere rent collectors, I am sorry to say, he could not give us any convincing argument. As a matter of fact, he brought in the analogy of the share market and said if people purchased stocks and shares of the value of Rs. 5 lakhs to-day, it may go down the next day to two or three lakhs. Mr. Speaker, I am sure you know what the share market means; it is a dangerous and difficult thing. Sir, no Revenue Minister would compare the interests of the zamindaris with those of the share market, because the share market is quite different from the zamindaris. Nobody will accept that argument. People purchase shares to the tune of two lakhs and owing to fluctuation in the market they may gain, say three or five lakhs, if it is favourable or even lose. To compare the case of landed property of the zamindar with that of the share market, I do not like to use any harsh word, but with your permission, use a rather mild term, is really showing his ignorance. Therefore, I do not know what will happen to these people if, as the Hon. Minister says, he would pay them only a fraction as solatium. Then, Sir, he shifted his argument and said the case of the hereditary zamindari and the purchased zamindari could not be dealt with in a different manner. He also said, otherwise, he would be hauled up before a court of law. It tantamounts to saying that he himself has not understood that all these classes cannot be grouped together and that some sort of compensation should be paid to them but he is doubtful about the legal position in regard to the matter, because he feels that the people affected by this

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legislation will go to courts. In order to avoid all legal difficulties, he wanted to follow a uniform policy in the matter of payment of compensation. I feel, Sir, it is not therefore dealing fair. Sir, the members of the Congress Party whenever we make speeches, though they may be reasonable, seem to think, why should these people talk, talk, talk. After all we know the fate of our amendments and I think my son. Friend, Mr. Pattabhiramaiah may ask, whether they are doing justice to the members of the party itself, and he may be told, bear with me and so on. If people are 3-15
thrown into the streets, they know what it is. The Hon. Minister P.M.
for Revenue must feel the possible effect of this measure and feel in what manner it would affect the people. His first act was to say: ‘Let the rents be reduced and nobody should feel sorry for it because we feel rightly that the zamindars have no right to demand anything more than what is generally paid in the ryotwari areas’; but having done that, it is too much to bring it down to one-third of it and again out of it 8½ per cent is taken away and on the basis of the result you pay as compensation 20 or 12½ times as the case may be. If one goes through this, it looks as if the Hon. Minister seems to be very just and generous in the method adopted by him in all these calculations. I do not like to use the word ‘mathematical jugglery’ because the way in which he has proceeded with the matter—taking the basic amount as hundred out of which thirty-three and one-third is taken into account and out of it again 8½ is taken off representing charges of collection and irrigation charges and fixing the amount of compensation on the basis of the amount so arrived—makes it appear that he is very generous. It only looks like that because I know some of the zamindaris purchased for hard cash in court auction in the year 1920 or thereabouts would to-day be getting just one-third of that amount by way of compensation. Let us leave alone the case of the hereditary zamindaris. It is cruel; but even in that case, he is getting something. There are cases where a man might have paid 15 to 20 thousands, and if he is to be given 2 or 3 thousands, you can just imagine how it would affect such people. Mr. Speaker, we ourselves are talking of inflation and it has got an important bearing on this question of compensation. Money has lost its value and what one hundred rupees could have procured ten years ago, you cannot procure for three hundred rupees now and if he merely pays them 2 or 3 thousand rupees in the present day condition of affairs, it would mean nothing when considered in the light of the present purchasing power of the rupee. He has also to remember that property purchased 15 or 10 years ago for 50 or 60 thousand would have a market value to-day of nearly three to four lakhs of rupees and if against the market value of such amount, you are merely going to pay a compensation of a meagre sum at a time of inflation when money has lost its value as you have to pay more for getting less, you can just imagine what suffering you are inflicting on them. I do not wish to deal with the other

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factors concerning the matter because there are other clauses and there are also other hon. Members. Even in the matter of paying compensation, you are putting all the things together; there are different sources of income, income from agricultural lands, income from land used for industrial purposes, incomes from mines, incomes from forests, etc. I should like to bring to your notice, Sir, an anomaly. Supposing in a zamindari, there may be different kinds of mines or quarries and the owner might have invested all his moneys in a mica mine thinking that it will pay him and what happens if by this clause the Hon. Minister will take the entire thing and pay him something which would ruin him altogether but at the same time there are cases where mines outside the zamindari might be left untouched. I do not like to pursue the matter further but I wish to appeal to the Hon. Minister that he must unburden himself of the notion that this Government is not in a position to pay; it can only pay so much and 'therefore we are distributing.' I feel that that cannot be a thing which can bring credit to the Government. The Government must be in a position to say: 'We have done justice' and after all, if you go a little deeper, who are the zamindars? They are people of your own Province and people who have stood with you and are standing by you and when you are taking away their rights, it is but right and natural that they should be paid equitable compensation. I do not mean to suggest by equitable compensation that the zamindars should be paid more but let it be left to the Hon. Minister for Revenue himself to feel whether he is paying them equivalent to the interests which he is acquiring. No doubt it is too late in the day for me to ask the Hon. Revenue Minister to simply depend upon the hon. Mr. Prakasam's Report and see that he appoints a Commission, a commission consisting of experts, of people who have no prejudices or bias, a commission of eminent judges and if they could bring out a report explaining the real position of the zamindaris, their interests and their rights and to what extent they are entitled to compensation, I think this Legislature would not have wasted all its time in discussing these things. What all we have been discussing is on the information which has been made available to us in this House by the statements of the Hon. Revenue Minister. I feel, Sir, and I maintain that his whole stand is wrong and I entirely agree with the Raja of Venkatagiri when he says that it is no pleasure for any one here to say: 'Let the Hon. Revenue Minister say or do anything here; the courts are there and we can take up matters to courts and fight out.' Nobody in these days wants litigation and nobody wants they should spend money in courts to obtain decisions. Our idea and our purpose is to see that justice is done in this House to these people and let it be said of us that we did it. Even though he may feel it is too late, really it is not too late. We shall leave it to him and if he says that over this matter he feels in his conscience and is satisfied that he has done justice"

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THE HON. SRI KALA VENKATA RAO:—"I am doing justice"

MUHAMMAD RAZA KHAN SAHIB:—"It is one thing to say that he is doing justice and quite another to feel that he is doing justice. I ask for justice to them. I know the sufferings it would cause to thousands of families and this Government will go down as one responsible for their sufferings and responsible for their ruination and more than the Government it will stand to the discredit of the Hon. Revenue Minister. No doubt I know the Hon. Revenue Minister is really sincere and zealous that it should be written in the history of the Province that it was given to the Hon. Sri Kala Venkata Rao to have abolished the zamindari system. Nobody disputes the honour and we shall be the first people to congratulate him on it because we feel that in this year of Grace 1948 the zamindaris might go and other things might come under state control. Nobody disputes that but what is really in dispute is that you cannot bring ruination to thousands of families and I appeal to him to think over this matter and to quote what the hon. Dr. Subbarayan used to say: Before you take a decision on such important matters—it may not be a matter of vital interest to you but so far as the question of compensation is concerned it is really of vital interest to the people affected, think of it once, think of it twice and think of it a hundred times to see that you do justice to them and I leave it at that."

* SRI T. VISWANATHAM:—"Mr. Speaker, in the Report of the Select Committee the following is stated regarding the question of compensation:—

'In regard to zamindaris—

compensation should be related to the ryotwari demand after conversion to the ryotwari and one-third of such demand should be the basis for the basic annual sum.'

"The reason for adopting this basis is stated as follows:

'What happened at the Permanent Settlement was that the annual value of the estate was worked out as accurately as possible with reference to the village accounts then available; two-thirds of the figures so arrived at was generally fixed as the pesh-kash due to the Government and the balance of one-third was left to the landholder as recompense for the trouble of collecting the land revenue.'

and therefore, it has been thought from what happened in 1802, this proportion of 66-2/3 and 33-1/3 should be maintained permanently whatever the income may be and whatever the extension of cultivation may be and whatever may have been the number of decades that have passed since 1802. It has been thought despite these things that the proportion should always be maintained. But this, I submit, Sir, is not quite correct. As a matter of fact in several cases, it was not two-thirds and it was not an invariable figure as the Hon. Revenue Minister

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would have it—Take for example the history of the estate of hon. Gentleman the Raja of Venkatagiri. In Venkatagiri, Kalahasti, Saidapur and Bommarajapuram, the peshkash was not based upon the assessment at all. It was neither two-thirds nor had it any reference to the assessment of the estate at all. In these four big zamindaris the peshkash was based not upon the assessment but upon the commuted value of the military service which the zamindars rendered to Golconda or to Hyderabad or to Arcot and later to East India Company. Then there were the Poligars of Chittoor and their peshkash was fixed not on the basis of 66 per cent but on the basis of forty per cent and Karvetnagar and Kalahasti are some other well-known estates. The peshkash was much below 60 per cent in the Sathur estate and there was the Periyakulam estate similarly situated and the other estate of . . . there was the other estate of—I forget the name. (The Raja of Venkatagiri: 'Ariyalur.') Ariyalur where it was only 45 or 46 per cent. There were some cases where it was much more than 66-2/3 per cent and to say that the rule of 66-2/3 and 33-1/3 per cent was uniform throughout the country is not correct. What I am submitting is that it should not be misunderstood that 66-2/3 and 33-1/3 was uniform and eternal and I shall pursue that matter further. I wanted to say as I have already explained that there was nothing uniform about it and the Joint Select Committee should not have proceeded on the assumption that invariably it was so. Of course the Hon. the Revenue Minister might say that it would involve a lot of trouble and labour to go into the history of these various cases and we must have some uniform rule and some quick method of disposal. That has been the general argument of the Government whenever they are asked to do anything on the basis of correct data and it is usual with them: 'Because it would involve labour it is not worthwhile.' But I ask, Sir: Did their forbears do the same thing in 1802 when they wanted to settle this question? Did the fore-runners of the present Government sitting in Fort St. George say: 'It would mean trouble and time and so we will divide Madras into four zones according to the whim of the Board of Revenue or the Collectors.' No, they did not do so. More than that, they began their enquiry in 1770 and they pursued the enquiries for twenty years and they took final figures for ten years and then again they were finalized at an average for three years. They took so much labour not in respect of zones but in respect of each individual estate and now, Sir, will it be too much to ask the present Government to take a little more trouble in dealing with these various estates and go into their history, whether it was 60 or 40 or whether the peshkash represented the commuted value of military services rendered or whether it was something else.

"I submit, Sir, Government should ask the tribunal, which they are setting up, to go into these matters and settle the compensation with reference to the actual facts of each zamindari,

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Sir, I was submitting that this proportion of 66 : 33 is not a permanent proportion which was intended to be maintained always. The only question before the Permanent Settlement Commission and the Government of 1802 was, 'what is the revenue which each zamindari has to pay as public revenue.' They had a working basis and generally they adopted it. But in some cases they fixed it at a certain proportion other than 66 : 33. It was 74 and even 40 in some cases. But they did not say it was the intention of the Government or of the Permanent Settlement Commission that this particular proportion (66 : 33) between the amount to be left over in the hands of the zamindar and the amount to be given to the Government, should be maintained all through. In fact, when a case like that arose, Lord Cornwallis, in one of his minutes, has put it that it was not so. The intention, so far as public revenue is concerned, was that it should be made permanent. With regard to the revenue derivable from other portions of property, the situation is altogether different. I shall quote from the communication the Governor-General-in-Council sent to the Board of Directors, dated 6th March 1793:—

'With respect to your suggestion regarding waste lands, we do not hesitate to offer it as our opinion that any attempt to stipulate for a proportion of their produce would not only be considered a breach of the engagements entered into with the landholders, but that it would greatly counteract, if not altogether damp, that spirit of industry and improvement to which is the great object of fixing the tax upon each estate.'

"It is necessary to apprise you (of what you could not have been aware) that all waste lands form a part of the estates of the different landholders, and the boundaries of the portions of those lands that belong to each individual are as well defined as the limits of the cultivated parts of their property, and that they are as tenacious of their right of possession in the former as in the latter.

"The waste lands may in general be comprehended under two descriptions. First, those in the level country which are interspersed in more or less extensive tracts amongst the cultivated lands;

"Sir, I am addressing myself only to this particular kind of waste lands.

'This description of waste ground will be easily brought into cultivation when the zamindars have funds for that purpose, and provided they are certain of reaping the profit arising from the improvement. These lands, however, are not wholly unproductive to them at present. They furnish pasture for the great herds of cattle that are necessary for the plough, and also to supply the inhabitants with ghee (a species of butter) and milk, two of the principal necessities of life in this country.'

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"Then, the Governor-General goes on to say:—

'It is true that the lands in this desolate state far exceed what would suffice for the above purposes; but it is the expectation of bringing them into cultivation and reaping the profit of them that has induced many to agree to the decennial jumma which has been assessed upon their lands. It is this additional resource alone which can place the landholders in a state of affluence, and enable them to guard against inundation or drought, the two calamities to which this country must ever be liable until the landholders are enabled to provide by the abovementioned and other works of art. To stipulate with them, therefore, for any part of the produce of their waste lands would not only diminish their incitement to these great and essential improvements in the agriculture of the country, but deprive them of the means of effecting it.'

"Sir, I have quoted this from the minutes of Lord Cornwallis to show that there were vast extent of waste lands within the ambit of the various zamindari areas. In fact they were referred to in the instructions issued to the Collectors in the letter to the Board of Directors, dated 15th October 1799, which was returned approved on 11th December 1801. In that letter in paragraph 27, it is said:

'It is a well-known fact in the Circars there are very extensive uncultivated arable waste lands forming part of the zamindari. These are to be given in perpetuity free of any additional assessment'. I want the Hon. Minister to mark those words 'free of any additional assessment'.

"To continue the instruction—

'with such encouragement to every proprietor to improve his estate to the utmost extent of his means.'

"Paragraph 29 of the instruction says—

'the industrial holder sensible of the advantages placed within his power, by the improvement of his estate, to whatever extent, beyond his fixed permanent jumma, being effectually secured to him, will never expose himself to the above consequence . . . and will prove an useful example to others.'

Therefore I submit that on the income from the extension of cultivation in each zamindari the Government have no hold. In it, they have no share. There is a written promise by the Government that that income will be left to the zamindar. Therefore in the calculation of the total revenue from the estate they cannot include this income from the extension of cultivation. The two-thirds should be confined to the income of the original extent of the cultivated area in the zamin at the time of the Permanent Settlement to determine the basic annual income value under this Bill."

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MR. SPEAKER:—"The hon. Member's time is up."

* SRI T. VISWANATHAM:—"It is an important point I am dealing and I shall finish it soon. Therefore, Sir, I submit, with regard to the extended portion of cultivation, the question stands on a different footing. I also submit that there are others which came under the provisions of the Permanent Settlement. Originally they were known as Khas Mahal estates. Government had such lands in Salem, Dindigul and Krishnagiri divisions and in the Vizagapatam first division and third division. The Chingleput district itself was a jaghir. It was under the management of the East India Company. This jaghir was divided into a number of portions, which they called estates, and they brought them under the purview of the Permanent Settlement. Similarly the first division of Vizagapatam was divided into 17 estates and the third division into 21 estates; Dindigul division was divided into forty estates and the Krishnagiri division into about seventy estates. I am submitting these for the reason that these estates were not in the possession of the present estate holders or of their ancestors at the time of the Permanent Settlement. They were in the direct possession of the East India Company. When they wanted to extend the Permanent Settlement they divided lands into several parcels and offered them for sale. The sale notice in the case of the Vizagapatam division was issued in September 1802, and in other cases in 1801. First an advertisement of sale was made. To it was attached the document containing conditions for sale. The conditions were invariably to this effect:—'Here is an estate; this is the peshkash, which we have fixed; this is the extent of the land; you go to the Collector's office and look into the rest of conditions of sale; if you are satisfied with the terms you can purchase the estate.' And mind you, Sir, the estates were purchased, not from A or B or C, but from the East India Company. The predecessors of this Government, having stated the conditions of sale, also stated that these estates also contained large tracts of waste lands, cultivable waste lands, which those who purchased the estate could bring into cultivation without any fear of any extra assessment. And so, this Government is legally and morally estopped from claiming any rent for such waste lands brought under cultivation. So, I submit, having done that in 1802, after 146 years, if the Government are going to say that they are going back on their agreement, it is illegal and *ultra vires* to do so; but it would be *intra vires* if they pay compensation; but they are not going to do it because the Hon. Revenue Minister says 'we are supreme; we can do anything; we can legislate as we choose'. Sir, I want to know, are there no limitations for this supremacy of the Legislature. Even for the most supreme Legislature there are limitations, as it is limited by the fundamental rights of the citizen. I want to ask whether by virtue of supremacy of this Legislature it can declare that 'Mr. T. Viswanatham, who is an inconvenient man, should be decapitated.' I say, no; it is not

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lawful at all. Even Brahma is not supreme. (Laughter.) Our Puranas say that even God is not supreme; even Brahma has got His limitations. So, Sir, this Legislature is not merely bound down by limitations or justice, but it is also bound down by another Legislature which sits at Delhi. (Interruption.) . . .

3.45 p.m. "Therefore, Sir, I submit that this theory of two-third should not be extended to the income from waste lands which were subsequently brought under cultivation. But then the Hon. Revenue Minister might ask how do we know these things. It is for him to know, because it is the Government which are taking away the lands which had been purchased in several cases directly from the past Government. Therefore, he is estopped from saying, 'I do not know when these lands had been purchased and where to go for those records'. Suppose I purchase some property from the Government at Fort St. George to-day, I am entitled to the rights over the property which I have purchased from the Government. Therefore, it is not open to the Hon. Minister for Revenue to say, 'You cannot expect me to go over those matters, because it would involve a lot of work and time and I have to appoint a large staff'. Nor can the Hon. Minister for Revenue say that this is an unimportant work and that he cannot afford to spend so much time and money over it.

"Sir, I am not asking the Government to go into each case even. I would even concede that the Government can drop out about 66 per cent of the cases, but they must take into account waste lands which were subsequently brought into cultivation under the declarations of the various Governments from time to time, under the declaration of Lord Cornwallis and under the declarations made by the Madras Government and under their own conditions of sale proclaimed when they sold the Havellis and jagir lands. Therefore in those cases it is up to the Government to make suitable provision to instruct the Tribunal to see what is the extra amount of income which these zamindars have been collecting.

"It is to impress upon the Government these two or three points, Sir, I have intervened in this debate. I shall not speak upon other points on this occasion, but when the opportunity comes, I shall have my say. Let Lord Ramachandra help not only him, but let him help everybody also. I submit that I am only pointing out the legal lacuna because my attention was drawn to it, when I was casually reading the report of the Joint Select Committee. I submit that suitable provision must be made under this clause and suitable instructions given to the Tribunal to go into these things. At least in cases where persons had purchased estates from Government, the Government will certainly be involved in suits for damages if they do not compensate for the full income in waste lands subsequently brought under cultivation. I am not holding out any threats, but there are certain rights which certain citizens have acquired and the Government are not above law. And they cannot propose to do so; that is all I want to submit, Sir."

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* SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, I do not agree with the views expressed by the hon. Member who has just spoken. The whole question is this. When we have to pay compensation, the point is whether it comes under section 299 of the Government of India Act as adapted by the Independence Act. Sub-section (2) of section 299 says, 'Neither the Dominion Legislature nor the Provincial Legislature shall have the power to make any law authorizing the compulsory acquisition for public purposes of any land or any commercial or industrial undertaking or any interest in or in any company acting in commercial or industrial undertaking, unless the law provides for the payment of compensation for the property acquired and either fixes the amount of the compensation or specifies the principle on which and the manner in which it is to be determined.' So, the question is whether land is being acquired under this Bill. That is the whole point. Sub-section (5) of the same section states, 'In this section "land" includes immovable property of every kind and any rights in or over such property'. Therefore, the point which we have to decide is whether the zamindars are owners of the land. It is not a question of mere collection of rent; it is not a question of the mere right to enjoy an office and to get certain emolument from somebody. All those things are beside the point. The question is, as I said, whether zamindars are owners of lands in the estates. The word proprietor is used in a very vague sense in the Permanent Settlement Regulation of 1802. The estates consist of two or three categories of lands, namely, lands in possession of the ryots, lands which are communal, that is to say porambokes which are used by the village community and which includes forests, rivers, grazing fields, etc., and there are private lands also belonging to the zamindars, and nobody wants that such lands should be touched. And lastly there are what are known as waste lands. Are the zamindars the owners of waste lands? That is the point that I am going to discuss presently. Then there are inams, which fall under two categories, service inams and other inams. Nobody can touch these inams. They are exempted from payment of peshkash. My Hon. Friend Mr. Kala Venkata Rao has taken his stand rightly upon this point. That is also the view of the Congress. The hon. Gentleman the Rajah Saheb of Venkatagiri quoted various decisions and opinions. He has quoted the opinion of Sri Alladi Krishnaswami Ayyar and also the opinion of an eminent lawyer in England, whose name he has not given, urging the view that the zamindars are the proprietors of the lands. We on our side also have quoted eminent lawyers who have supported our contention that the zamindar is not the owner of any portion of the estate or any immovable property in the estate except the private lands which had come to him from time immemorial or which descended to him from his ancestors. That is the conclusion to which two very eminent lawyers, who are now living with us have arrived at. The hon. Sri Prakasam who escaped from becoming a High Court Judge on account of his taking part in the Non-co-operation Movement in 1920 and the hon. Mr. C. Rajagopalachariar, the present

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Governor-General of India, the very eminent lawyer of South India, both of them have gone deep into the matter and have studied all the literature connected with the zamindari system from the very ancient times and they have stated in very clear terms that the zamindars are mere officers of the Government of the East India Company, the predecessors of this Government and that they have no right to the ownership of the estates. This point was also discussed and argued at very great length in the Prakasam Committee Report, and it was finally held that they were not the owners of the property and the Legislature of both Houses also accepted it in 1938, and they were prepared to act upon it and a Bill was actually prepared on those lines. But then, unfortunately when the Bill came, the Congress Ministry went out of office. That is the position, Mr. Speaker. The Prakasam Committee have reviewed all the cases from the time of the Permanent Settlement Regulations and have settled beyond a shadow of doubt that the zamindars are merely office-holders, i.e., collectors of revenue.

"Sir, the other day I read extracts from 'The History of Land Tenures in Madras' written by a well-known author and also various other authorities who have held that the term 'zamindar' connotes only an officer, a Collector of Revenue, on behalf of the Moghul Emperor. They were also known by the name of 'Choudries' and when the Moghul Empire collapsed after the death of Aurangzeb, there was anarchy throughout the land, and these people trespassed into those lands and became zamindars and called themselves owners of those properties. But all these things were extinguished by the Permanent Settlement Regulations and though the word 'Proprietor' was loosely used, they were in no way the owners of land. Lord Cornwallis and Lord Wellesley who were Governors-General of those days did not know the conditions that were prevailing in this country before, and because they knew only the Feudal System in England, according to which the lands belonged only to the kings, they did not probe into the matter and did not lay down clearly the exact position of these zamindars. The hon. Gentleman the Raja of Venkatagiri quoted from the decisions of Charles Bradman and various other Judges of the English Courts, and various other scholars, authors and economists to support his contention. But they did not know the particular conditions of society that was existing in India from time immemorial. The Indian society was not like the Feudal system of society in England, Germany or France. These French and German systems of Feudal Overlordship were abolished towards the end of the 18th century, but the system of society in India was entirely different. The village is the unit of administration from the very ancient times. Open any book of History or any great authority on Hindu rule. Take for instance, Main's 'Village community in India' or Radha Kumud Mukerjee's 'Ancient Hindu Policy and Village Community' by authors who are well versed in the laws and system of administration that were prevailing in our land in those times. You will find from all these books that the

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village is the unit of administration and that the village is the legal entity. It is not a mere loose term. In the words of Justice Fielding, the village community is a republic in itself. The ryots who cultivated those lands did so with the consent of the elders of the village. The whole village was administered by the people themselves, who elected their own leaders and acted according to their commands. Therefore the lands belonged to the villagers. Afterwards the zamindars came and now the Government have come. And so, when they had the right to cultivate lands, they naturally acquired permanent rights of occupancy. These points have been decided in 20 and 23 Madras, by Justice Subrahmanya Ayyar, a very eminent Judge of the Madras High Court, at that time. He clearly held in 23 Madras that the Indian Society was not the same as the English Society. But some English Judges took the wrong line. They misunderstood the conditions in villages in those days and they had written something on which the zamindars now make their preposterous claims. I have come across one of those writings, but I am not able to produce it now. When I was reading Amir Ali's Commentary on Bengal Tenancy Act, I read of a Regulation passed in 1819, where the zamindars were helped in this way. They were enabled to collect rents, they were given power to imprison ryots and to punish them in whatever manner they liked. But then there was uproar and afterwards Regulation IV of 1822 was passed putting an end to these things. What is the meaning of Permanent Regulations? Is it to deprive the ryots of their lands that they passed those Regulations? No. It is not to deprive the village community of their rights to possess the lands. The authors of the Permanent Settlement Regulations of 1802 understood these things and gave the right interpretation in those Regulations. They said clearly that the Permanent Settlement Regulation was introduced in order to regulate and settle the relation between the zamindars, the tenant and the Government and if the tenants refused to pay their rent, or if there was any dispute or difference with regard to rates, the Collectors were empowered to go into those cases and settle them. That was the Regulation that was passed on the 13th July 1802. That was the object with which the Permanent Settlement system came into vogue and our two eminent lawyers and leaders of the Congress of this Province have declared that the zamindars are not owners, but only mere rent collectors.

"I merely read from his speech, Sir, and I don't want to waste 4 p.m. the time of the House. Rajaji delivered two great speeches, one when the Committee was appointed and another after the Committee presented its report to the Assembly. I shall read a few sentences from his speech, Sir. He said: 'Much of the confusion in this controversy has arisen on account of the assumption that the zamindar was given property by the grants or the gifts or sanads, whatever they may be called. They were not grants of property. That is why I said that the zamindar was an office which was appointed for the collection of revenue. That is why I referred to

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the old documents.' He referred to the old documents. The old documents were sometimes confusing. A certain collector would write in one manner, another collector in some other way and the Board of Revenue in a third way. When we take all of them together we find that there was some method in madness. So, as they find some method in all those things, they were all gone into very carefully. And Rajaji, a great genius, also saw all those things, and his words cannot be lightly thrown away. He said: 'This was why I referred to the old documents. I am not putting forward an ingenious or revolutionary theory to-day. I said so in January 1938 before one could have dreamt of the Committee's Report. I am really reading from the documents of 1802 and all that period and showing that it was an office. I read a document in the other House and those quotations have been reported.' So he read the document. And a humble person like me should not go through all those things and confuse myself and this House.

"Sir, kindly allow me to refer to one or two points more. Prakasam Committee's Report dealt with the cases regarding waste lands also. In 5 Madras, the High Court dealt with the waste lands and in 16 Madras, 20 Madras, 23 Madras and 42 Madras also the waste lands were dealt with. In 42 Madras case it was said that the zamindar was not the owner of the waste land but he was merely the manager of it. That is what Mr. Forbes also said when he introduced the Estates Land Bill before the old Legislative Council. He referred particularly to the waste lands. When somebody raised the question he also read the opinion of the Government of India also which was as follows:—

'The Government of India are not prepared to accept the view that an absolute right was given to the zamindars by the Permanent Settlement to deal as they liked with the waste lands.'

They dealt with the question directly. The question was fully discussed in connexion with the passing of the Bengal Tenancy Act and the conclusion then came to was that under the Permanent Settlement of Bengal waste land was not included in the sir lands, i.e., private lands. 'Waste land is not private land. It is only in private lands that they have rights and to which occupancy rights cannot accrue to the ryots. The Rules and Regulations of the Permanent Settlement in Madras where they differed from those of Bengal only went further in the direction of protecting the rights and interests of the ryots.' Ours were more liberal because they came later. Therefore Mr. Forbes said that as regards the waste lands the zamindar was only a manager. The true meaning of the paragraph seems to be that the zamindars were empowered to let such lands at the established rates and subject to the recognized customs of the country. I want to say this with regard to the remuneration that the zamindars were given for the discharge of their duties as collectors of revenue. They were given a portion of the revenue that was collected. It was also stated that they could try to bring the waste lands under cultivation by letting in

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ryots under the established rules and under the customary rights and then they would get some more revenue, and that also would be included in the remuneration that they got. Except this they were not given any rights in these waste lands. They were given rights only in their *sir domain* lands. 42 Madras also clearly says that.

"I wish to draw the attention of the House, Sir, to the fact as to how the zamindars' income has grown up like anything. I do not know when we take away the whole system of administration why we should show special consideration as far as they are concerned. After all it is not their property. They were asked or their ancestors were asked to manage the property and now the Government take away that method of administration and take upon themselves the duty of administering the property. I shall give instances about their incomes, Sir. In Devarakota, then there was only an income of Rs. 44,000 and Rs. 29,000 was the peshkash. In Nuzvid the income was Rs. 91,000 and the peshkash was rupees 60,000. In Nandigama the income was Rs. 39,000 and the peshkash was Rs. 30,000. In this way all the estates were getting only small incomes. For the maintenance of themselves and for the expenses in connexion with the collection of revenue and the management of the estates some portion of the income was left to them and they were also told: 'All right, for the benefit of the country and for grow more food campaign you improve the cultivation in waste lands by bringing in ryots, then you will get some benefit out of it.' Except that, Mr. Speaker, they have no more rights in the waste lands. Sir, the only word I wish to tell the Hon. Minister is: Let him not waver. In two or three instances he has been wavering, namely, with regard to the mines, the fisheries, the forests, the waste lands, and all these things with which the zamindars have nothing to do. Don't pay them compensation on these. Be strict. When once you waver, they say they are going to courts and they will say: '... This Government have admitted our right in the mines, in fisheries, in tanks, etc.'. That is an important point. Mr. Venkatarama Sastri and other eminent lawyers are saying many things. They are paid to argue on the side of the zamindars. As lawyers they do their duty. When I was a lawyer I was appearing for many zamindars and also for the ryots in other cases. That is our job as lawyers. Therefore, the lawyer's version need not be taken. Therefore, I say that with regard to these things no compensation should be paid. That is my point, Sir."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Mr. Speaker, Sir, in the morning when my hon. Friend, Mr. Bhashyam was speaking, I accepted his exposition of law on this question. But to our disappointment he straightway went to the Report of the hon. Prakasam's Committee which said that the zamindar was not the proprietor of the soil and therefore he based his arguments on that. I have no quarrel, Sir, with the report of Mr. Prakasam. But I

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am bound to say, whether a certain report said this way or that way, that when we are acquiring the rights of certain persons it is necessary that we should determine what the rights of those persons are at the time—the emphasis is on the words ‘at the time’—when those rights are acquired. That is the real question. To trace the history of land revenue from ancient times—as I have said in my minute of dissent—is also very good as a matter of academic interest. As pieces of history it is all very learned. (At this stage Chairman Sri Alluri Satyanarayanaraju took the chair.) I agree with the report as far as it goes to say that neither during the Hindu period nor during the Muhammadan period the Government had any proprietary rights in the lands and hence when the Government transferred the pieces of land to another, it can never transfer any higher rights than it had. That is a fact. What we are now concerned with is to see on the date when we are acquiring those rights what those rights are which we are acquiring and for which we want to pay compensation. That is the simple question that has to be considered. A challenge has been thrown out, Sir, by one of the zamindars, to refer the matter to a competent authority and that he would abide by its verdict. What are the interests that you are acquiring is the real question. There is no use going back to the 17th century, or the 16th century or the 12th century. As is said in the Prakasam Committee’s Majority Report the zamindars had no rights prior to 1802. Then we are confronted with this question from 1802, namely, whether they were given any rights by any enactments and whether those rights were not confirmed by courts and on what basis the transactions took place. As I said, rightly or wrongly, according to me wrongly, the 1802 Regulation confers proprietary rights. There is no gainsaying that. And it was wrong. The Government at that time was misled by the tenure that was prevailing in England. In England the tenant had no right at all. It was the Lord or the Overlord of the King who was the owner of the land and the tenant was only a mere tenant. On that analogy, when the Central Government in India became weak and small principalities rose up in the country and they exercised a sort of proprietary ownership, the British after their advent into India, thought that the tenancy prevailed in India as it prevailed in England.

4-15 p.m. “On that basis, Regulation XXV of 1802, which is called the Permanent Settlement, was wrongly enacted. In that in clear terms—there cannot be any clearer terms than that—it is said ‘we, the Government, bestow on the proprietors proprietary rights. . . .’ If I may submit to you, Sir, the Persian version of that Settlement is *Sannadhi-Milki-Isthimiras*, i.e., the title deed of permanent proprietorship. In every Section of that Regulation and from the Preamble to the end, you will see ‘proprietorship’ has been mentioned. No protection was given to the tenants. Not content with this, the mistake committed by the zamindars was that they became avaricious and began to eject their tenants. They thought that they were the owners of the lands on which

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the ryots were living. They began to eject their tenants. Hence there was the necessity for what is called the Interpretation Regulation of 1822. What did this Regulation say? It said that nothing contained in the 1802 Regulation could take away any rights which the ryots had on the lands. During the course of so many decisions, it was made clear that the tenant who was cultivating the land could not be ejected at all. Subject to that right of the tenant, all the rights in the land were granted to the zamindar. I said, Sir, and I say it now also that that is a wrong Regulation. Therefore it is in my minute of dissent I said ‘let us do away with that Regulation. . . .’

THE HON. SRI KALA VENKATA RAO:—“That is what we are doing now.”

MAHBOOB ALI BAIG SAHIB BAHADUR:—“It is not what the Prakasam Committee report. . . .”

THE HON. SRI KALA VENKATA RAO:—“We are following your advice.”

MAHBOOB ALI BAIG SAHIB BAHADUR:—“I am glad and I am gratified to note that my advice has been followed. I also stated ‘you have got the right to do away with a wrong system.’ In my minute of dissent, I have stated that it was wrong on principle. Taxation is a sovereign right. It cannot be transferred to a private party. The Government were wrong in having transferred their sovereign right, namely, taxation to a private party. Do away with the Permanent Settlement. We are confronted with a legal fact, the legal fact being the Regulation of 1802. The other subsequent regulations and enactments up to the year 1908, have confirmed the proprietary right of the zamindar on his lands, subject to the right of the tenant of occupancy rights and certain other customary rights. That is the clear position. The highest courts have held that view. My hon. Friend Mr. Kaleswara Rao quoted many cases. I may quote *Urlam* case, a Privy Council case. The matter went up to the Privy Council with regard to the right of the zamindar to take water from Government sources. The Privy Council revised the whole question. They made it very clear that the zamindar is the proprietor of the soil. If you, Sir, squat on my lands for 12 years or on Government land for 60 years, you get title to that land. So, these proprietors wrongly and under cover of legislation and authority of the court decisions have conducted themselves in that way and transactions have taken place—sales and mortgages—on the basis that they are the sole proprietors of the soil. That is the position. Sir, as legislators we are passing a legislation to acquire the present day rights of the zamindars. It is not a question of deciding what rights the zamindars had in the past—18th century or 17th century. It is against that conception I ask the Government to guard themselves. I ask this Legislature also to guard itself. You will be making a mistake if you say that you are giving compensation

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on the ground that two hundred years before they were mere collectors of revenue. The question is: are they mere collectors of revenue to-day? Or have they been vested with more powers, rightly or wrongly? Have they been enjoying all these rights all these 150 years or so? These are the questions to be considered. Sir, let us not be beguiled into a sort of satisfaction that we are giving compensation, and therefore we would not come within the clutches of section 299 of the Government of India Act, 1935. In that case it may be that several owners of land were mere squatters on land some years ago. Some 100 years ago, the land might not have been worth anything at all. It might have been granted on *darkhast*, or some one squatted on it and he was allowed to be there. After 12 years or 60 years, he might have become the owner of that land. But it does not mean that that person can be asked to go away by giving him a paltry sum. When he got into the land he had no land at all, and he cannot claim compensation on the rights he possesses at present. If the Government had thought . . . (interruption). I would like to correct my Hon. Friend the Minister for Revenue with regard to this. This legislature is sovereign and it can pass this legislation. But may I ask Government this question? Supposing the matter went up to a court in which the Government are a party, and a decree is passed against the Government for Rs. 10,000, will the Government go to the court and say 'well; there is a decree of Rs. 10,000 against the Government though we passed a legislation; we will not pay the amount.' Is this course available to Government, I ask. You admit that the zamindar had some rights. This Urlam case was between Government and the proprietor."

(At this stage Mr. Speaker occupied the Chair.)

It is clearly laid down that while we are bound by all these decisions. . . (interruption).

MR. SPEAKER:—"The hon. Member's time is up."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"One thing I would like to say before I sit down, and it is this. You are bound to pay compensation on the present rights of the landholders. What is it that you are going to do? You are reducing the income to the ryotwari level, and then you are reducing it to one-third. What is the reason, I ask. As far as the reduction to ryotwari level is concerned, it is all right because there is rack-renting and therefore, the income should be reduced to the ryotwari level."

MR. SPEAKER:—"The hon. Member will resume his seat. The Hon. Minister for Revenue will reply."

* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, Sir, I beg to oppose the amendment moved by my hon. Friend the Raja of Venkatagiri. The important points raised during the course of the debate are the following. The zamindar is the proprietor of the soil (Mahboob Ali Baig Sahib Bahadur; Now).

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That is your view. Secondly, there has been subsequent extension of cultivation in the estates after 1802. Thirdly, the compensation offered is not adequate and is only nominal, and also that there was some sort of a committal in the revenue sales held in the beginning of the 19th Century, and Lord Cornwallis, the author of the Permanent Settlement, has minuted something about that when he wrote to the Directors of the East India Company in England. I would like to say, Sir, that the land revenue payable by the ryots in estates represents, as I have always been maintaining, the *Rajabagam* to which from time immemorial the ruler in India has been entitled. At the time of the Permanent Settlement the total land revenue payable on all the lands in the estate was worked out from the average of the preceding few years, based on such village accounts as were available then. Approximately two-thirds of the figure arrived at was fixed as *peshkash*. This proportion was slightly varied in individual cases considering special features like the possibilities of development, the unproductiveness of the soil, the zamindars' ability to pay, etc. The balance of one-third was left to the landholder as recompense for the trouble of collecting land revenue. It was also laid down that all income from extension of cultivation should belong to the landholder. As against this, he had to maintain a staff to make collections and to look after the administration generally. He had to maintain irrigation sources in good repair, and he was also entrusted with the responsibility of improving the well being of the ryots under him. In ryotwari areas, the *Rajabagam* is represented by the ryotwari assessment. It will be generally conceded that the ryotwari system is fairer to the ryots and more systematic in its incidence than the level in rents in estates. When the zamindari system disappears there is no alternative except to settle lands on ryotwari basis, which is the system obtaining in two-thirds of the area of this Province. Therefore, the principle underlying this scheme of compensation in the Bill is to superimpose on the results of ryotwari settlement a rule that was generally adopted at the time of the Permanent Settlement, namely, to divide the gross demand in the ratio of 2:1 between the State and the landholder. From the landholder's share so ascertained, reductions amounting to eight and one-third per cent were to be made for expenses of administration and cost of maintaining irrigation sources, both liabilities cast on him by the Permanent Settlement itself. Thus, the net result is that he will get only the capitalized value of one-fourth of the ryotwari income as compensation. It is therefore clear that the scheme of the Bill for this purpose is to treat the zamindar only as an agent for the collection of revenue and to compensate him for the rights he has acquired in that capacity over a long period. The Bill does not concede any proprietary right in the estate to the so-called proprietor, the zamindar.

"I have already spoken about these things on the floor of this House. I maintain as I said earlier that the zamindar was in no

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sense a proprietor of the soil. In the matter of the subsequent extension of cultivation also, as was pointed out by hon. Mr. Kaleswara Rao, he has the same rights and no more. Because the Government had given him sanad, to which the hon. Member Mr. Ali Baig referred, and the sanad did not confer anything more than the right to collect rent. The British Government could not have conferred upon the zamindar more than that right.

4-30 p.m. "Then, Sir, about the further extension of cultivation, there was a 'paimash' survey in 1802 or so but, we do not know what the total extent of land that was subsequently brought under cultivation by the zamindar. Therefore, to-day it will be impossible for any Government to calculate the difference between the extent of cultivated land in the year 1802 and the extent of cultivated land now. Then, Sir, the other point is this. If the zamindar has extended his cultivation, we are paying for the extended area on the same footing as we do for the original estate. Further, there is another important question and that is the question of rack-renting. I have made many statements on the floor of this House about the Vontuwardi system that was prevailing in the Pithapur estate till as late as 1890. Under that system, Sir, any estate tenant can go on challenging any other tenant saying that he would pay a little more. If one tenant pays Rs. 2 another tenant may say that he will pay Rs. 3 and under the Vontuwardi system and thus the latter can replace the original tenant. In this way, this rack-renting went on and the rents increased and increased. Therefore, in order to balance the extension of cultivation and this increase in the rent unauthorizedly, we felt that the ryotwari land revenue would be an equitable basis.

"Then, Sir, we know that the original share of this landholder is only one-third of the rent that was payable by the occupancy ryots. That was what the zamindar was entitled to. He was getting one-third of the total income and the other two-thirds went to the State. Therefore, one-third the basic annual income is taken as the basis for calculating compensation, as the peish-kush that was due to the Government was fixed once for all. Then, Sir, another point has to be considered. The zamindar was also bound to advance the moral and material welfare of the people. He has to improve the irrigational sources, improve the tanks in the estate, etc. He has also to incur administrative charges. For these things, a certain percentage of deduction is made from the basic annual value. For this purpose, we are deducting only a nominal sum of 5 per cent for the administration charges and $3\frac{1}{2}$ per cent for the maintenance of irrigation sources, etc. Even according to the zamindars' administrative charges it may work out to 10 to 18 per cent. Even now, if my hon. Friend, Mr. Raza Khan will tour with me to some places where there are irrigation works he will say that we must deduct another 15 per cent more for their improvement. That is the position."

SRI M. G. NATESA CHETTIYAR:—"What about the ryotwari tenant? Are they not paying more?"

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* THE HON. SRI KALA VENKATA RAO:—"At least the ryotwari tenant has the satisfaction that what he pays will go back to the people in some form or other. But, here in the estate, the middleman is pocketing what is being collected from the ryot. We have at least the moral justification in the case of the ryotwari tenant and I am perfectly certain that we are entitled to base our compensation on the basis of one-third the income of the zamindar and the argument of the Raja of Venkatagiri that we should base it on the net income does not seem to be reasonable.

"Then, Sir, about the adequacy of compensation. I have already given a hint yesterday, namely, that the State is entitled to fix the rate of compensation as it would deem correct because the Indian Constitution Act does not use the word 'just' or 'equitable' it is within the competency of the Legislature to fix it. Therefore, I am perfectly certain about it and no other outside authority can question it."

SRI T. VISWANATHAM:—"Does compensation mean 'unjust compensation'?"

* THE HON. SRI KALA VENKATA RAO:—"Sir, I do claim that the compensation now fixed is just, fair and equitable. Well, there are friends in this House who have given amendments to say that the proposed compensation is very much more than necessary. I am perfectly certain that what we have proposed is not payment of an illusory compensation. It is just, fair and equitable and therefore, I am perfectly certain that it can stand the test of any court of law."

SRI M. G. NATESA CHETTIYAR:—"I challenge the statement."

* THE HON. SRI KALA VENKATA RAO:—"I know my hon. Friend, Sri M. G. Natesa Chettiyar. But, I do not know whether he is the holder of an estate which was purchased or whether he is the descendant of a holder of an estate which was there from time immemorial. I am not afraid of the challenge."

MR. SPEAKER:—"Hon. Minister should not speak in that strain."

THE HON. SRI KALA VENKATA RAO:—"It was only the hon. Member, Sri Natesa Chettiyar who threw out the challenge."

MR. SPEAKER:—"It is only a verbal challenge."

* THE HON. SRI KALA VENKATA RAO:—"If the hon. Member threw a verbal challenge, then, Sir, my challenge is also verbal and it ends there. Sir, I am a believer in non-violence and I cannot take up any other challenge. (Laughter.) Leaving that matter alone, Sir, I maintain that the State is a sovereign body and the law can take away what it has given and it can also create new rights and endow them on the people. For some people, this position may not be correct. But, I feel and I maintain that this Legislature has a sovereign right, subject only

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to the sovereignty of the Constituent Assembly. Therefore, I do think we are entitled to create this law in this Province. For creating such a law, we have framed this Bill and therefore, I do not think anyone can challenge the validity of this legislation."

* THE RAJA OF VENKATAGIRI:—"Sir, I congratulate Sri T. Viswanatham for his clear exposition of the case which he believes to be just. Sir, he endeavoured to convince my hon. Friend, the Revenue Minister, that the basis provided for in this Bill is incorrect because two-thirds that was supposed to have been fixed—it was admitted not uniformly, but generally uniformly—the two-thirds that was supposed to have been fixed, I must submit, was not fixed uniformly. As was rightly mentioned by my hon. Friend, there were several cases, cases where the zamindar was paying 90 per cent and also cases where he was paying only a few rupees and cases again, where it was fixed on quite a different basis. Therefore, Sir, in the face of these, to maintain that two-thirds was fixed as representing what is due to the Government and one-third was left to the zamindar cannot be accepted. It was rightly pointed out and the hon. Member Sri Viswanatham quoted at length—it also represents facts and these quotations were from the official records—to show that it was intended to enable the zamindar to improve his property and thereby not to allow his estate to be sold away, in spite of the fact that the peshkush, fixed represented a very high proportion of the income. These are facts which prove that the two-thirds and one-third have been unjustly provided in this Bill. Then, Sir, paragraphs 27 and 29 of the instructions by the Government on the eve of the Permanent Settlement were dealt with at some length and the same have not been replied to by the Hon. Sri Kala Venkata Rao. But, he made certain general observations, which, I am afraid, may not have a direct bearing on the entire question.

"Then, Sir, Sri A. Kaleswara Rao for whom I have always affection and regard (Sri A. Kaleswara Rao:—Thanks) has tried to draw out a distinction in regard to the rights. He said that most of these rights that are vested in the zamindar are not 'rights' and that they do not fit in with the idea of proprietorship. Perhaps, Sir, I cannot, as a lawyer, question the observations made by Sri A. Kaleswara Rao. But, Sir, I must say, in spite of the knowledge of law relating to lands that I have acquired as a result of my intimate association with this problem, that I am not able to understand the distinction he sought to make. Then, Sir, he mentioned that two eminent lawyers have opined that the zamindar is not the owner of the soil but a mere farmer of revenue.

4-45 p.m. "Sir, I thought he was going to quote very eminent lawyers. But he referred to Sri Prakasam and His Excellency Sri Rajagopalachariar. I am not lacking in respect and admiration for these two eminent countrymen of ours. I have infinite respect to Sri Rajaji as a great statesman and also to Sri Prakasam. Both of them have made tremendous sacrifices for our country, and as

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leaders of our country have shone brilliantly. But is that any reason why I should accept their interpretation of law. Sir, I feel that their conclusions and observations in this matter are based on wrong premises, and therefore I cannot accept them. It is not because it affects my interests that I differ, but I have some basis and reason for opining that what was stated by such eminent men does not represent law. Sir, I have already alluded to various regulations, correspondences and despatches both on the floor of this House, and also in the various memoranda submitted."

MR. SPEAKER:—"I may remind the hon. Member that he took about 45 minutes, when he was moving his amendment."

* THE RAJA OF VENKATAGIRI:—"As I was submitting to you, Sir, this is the most crucial amendment. And when questions are raised, if I do not deal with them at this stage, I have to deal with them at a later stage. It means the same loss of time to the House—in result it is so. Sir, it is the right of the Government and the Legislature to lay down new policies and to revise them, whenever necessary. But however eminent and however strong the party in power may be, it cannot claim for itself the right to interpret law. Law will have to be interpreted and decided by Courts. Otherwise this question of separation of the judiciary from the executive would not arise. Nor need there be any separate judiciary constituted on the lines on which it is at present constituted. Certain *sabhas* may be constituted and they can be asked to interpret law and decide the issues on the *grama panchayat* system. Sir, I once again repeat that the courts are there to interpret law. I quoted the findings of courts, and all that took place at the time of the Permanent Settlement to support our contention that we have got vested in us the proprietary rights. On the eve of the Permanent Settlement as a little while ago I submitted our position was different from that of most of the zamindars in the other provinces. As such, Sir, in whom was the proprietary rights vested then? That is the question that has been raised. Sir, I quoted some of the Hindu Text-writers and also referred to certain other expressed opinions. The Permanent Settlement after having gone into this question confirmed and conferred these proprietary rights in us in no unambiguous language. It is too late now to deny our rights even if my Friend Mr. Mahboob Ali Baig's contention is taken as correct that we were not the proprietors of the soil, but have been converted into proprietors of the soil. I would submit that it is now too late to contest our position.

"My hon. Friend Sri Kala Venkata Rao said that there was rack-renting, and that several things that were expected of the zamindars were not being done, and so on. Sir, I cannot ignore these observations; nor can I, on the other hand, cross swords with him, because I always believe in maintaining the best relationship with everybody, however uncharitable his charges against us may be. Therefore I would content myself by saying that we did

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not falsify the expectations of the country. We have made our own contribution in various stages to the country's development. The rents that obtain in most of these estates represent the share to which the zamindar was by law entitled and even to-day I only quote Mandasa and Parlakimedi cases wherein you will find ample materials to show what the zamindar's share of the produce was. Then again, the Hon. Minister referred to Pithapur where this so-called *vonthu vardi*, i.e., the auctioning system obtained. Even there what we have to see is whether really these rents fixed under the *vonthu vardi* system exceed the rate to which by law the landholder is entitled.

"As I was submitting to you, the compensation that the zamindar would get would be only about 1/12 or 1/14 of his present rights—and even here not all rights have been included—but only the income which the zamindar is at present receiving, is taken into consideration.

"Then again, my hon. Friend Sri Kala Venkata Rao repeated his contention that the Legislature has got the supreme right to decide the compensation that has got to be paid to the zamindars. With all humility at my command, I may submit to you, Sir, that that is not the correct position. This point was raised by a very talented friend of mine, and in reply I cannot do better than quote Sri Alladi Krishnaswami Ayyar himself who says:

'As to the specific point made that the American and Australian decisions are in some way connected with the doctrine of eminent domain as it occurs in the American and Australian Constitutions, to start with, I may point out that there is no such expression as the eminent domain in any Article of the American Constitution.'

'The expression eminent domain is a convenient phrase for the lawful authority which exists in any sovereignty to appropriate and control individual property for the public benefit. The right to take or appropriate individual property is subject to the limitations contained in the fifth amendment to the Constitution, and also in something else in the American Constitution, which is similar to that of the Section 299 of the Government of India Act. Except for the omission of the word 'just' he contends that this Article is similar to that in the American and Australian Constitutions. In regard to the compensation, he quotes No. 66, Commonwealth Law Report, page 77—Latham—where it is said that compensation means adequate compensation. (Interruption.) My hon. Friend cannot divert me by saying that what Latham was trying to interpret was something else. Sir, he was trying to interpret what compensation was and what it meant. They held that the word 'compensation' meant 'An equivalent.' Again in 'Calcutta Law Weekly Notes' you find the word 'compensation.' And they quote the Oxford Dictionary, and say that compensation means 'that which is given as recompense; and equivalent rendered . . .'

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MR. SPEAKER:—"Shall we sit for five more minutes after 5 p.m. and finish this amendment?"

THE RAJA OF VENKATAGIRI:—"Yes, Sir. Thus, there are two meanings; one is the primary signification of equivalence, and the other which is secondary and more common is 'something given or obtained as an equivalent.' He also says that Section 299 of the Government of India Act prohibits any acquisition of property without compensation; but the Court is entitled to go into the question whether the mandatory provisions of the section are complied with and whether in truth and in fact the compensation awarded satisfied the legal tests of compensation to be awarded, for expropriated property. It is for this reason that an appeal is provided for to the Federal Court in every case that involves the interpretation of the Constitution.

"Sir, any amount of assertion—equally strong emphatic 5 p.m. assertion—by the Hon. Sri Kala Venkata Rao cannot represent law, and we have to pay some regard to opinions expressed by very eminent lawyers, by active lawyers and not lawyers who have ceased to be lawyers however eminent and respected they are. As I have observed, we must consult active lawyers. Therefore I submit that it is not proper and just that the Hon. Revenue Minister should say that what has been provided is good compensation and what they deserve. (Interruption.) The hon. Member Mr. Natesa Chettiyar would excuse me. I am not so explosive as he. Why should we talk of challenges? This is not the place to talk of challenges. Let us hope till the end to get things done by persuasion, if really our cause is just. God Ramachandra to whom my hon. Friend, Sri Kala Venkata Rao has made an invocation, will certainly guide him and me and everybody and see that this problem is solved in a manner worthy of our country and the ideals for which our great Congress stands."

THE HON. SRI KALA VENKATA RAO:—"Sir, I have nothing more to state. I have stated my views already more than once. I also rely for divine guidance upon Ramachandra. Under his inspiration alone I proposed this legislation."

The amendment was put and lost.

The House then adjourned to meet again at 11 a.m. on the 27th September 1948.

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APPENDIX I.

[Vide answer to unstarred question No. 47 by Muhammed Raza Khan Sahib on 25th September 1948, on page 63 supra.]

Institutions whose names have been changed.		Reasons for change.	Whether the opinion of the public was invited.
Previous name.	Present name.		
(1)	(2)	(3)	(4)
Kilvalur.	Kilvelur.	The changes, except in the case of Keelamangalam and Cochin, were ordered on the ground that the old spelling was a corruption due to the influence of the English language. In the case of Keelamangalam, the change to Jayamangalam was ordered as the villagers had a sentimental objection to Keelamangalam and in the case of Cochin, the change of Fort Cochin was ordered at the instance of the Cochin Municipality so as to distinguish it from the Cochin State. The changes were made on the recommendations of the Collectors concerned and the Board of Revenue. The Collectors made such local inquiries as they considered necessary. The Government did not invite any opinion from the public before ordering the change.	..
Shiyali.	Sirkali.		
Tiruvidamarudur.	Tiruvidaimarudur.		
*Tiruturapundi.	Tiruturapundi.		
*Arantangi.	Aranthangi.		
*Topputhurai.	Topputhurai.		
Negapatam.	Nagapattinam.		
Kariapatnam.	Kariyapattinam.		
Adirampatnam.	Adirampattinam.		
Anatandavapuram.	Anandatandavapuram.		
Sermadevi.	Cheranmasadevi.		
Conjeeveram.	Kancheepuram.		
Bikshandarkoil.	Bicchandarkovil.		
Trichinopoly.	Tiruchirappalli.		
Minakshipuram.	Meenatchipuram.		
*Mahadanapuram.	Mahadanapuram.		
Bezгада.	Vijayavada.		
Keelamangalam.	Jayamangalam		
Cochin.	Fort Cochin.		
Mayavaram.	Mayuram.		
Oocanada.	Kakinada.		
Ellore.	Eluru.		
Kistna (district and river).	Krishna.		
Patam (suffix in some villages).	{ Pattinam (Tamil). Patnam (Telugu).		
Poondi Reservoir ..	Satyamurthi Sagar.	In some cases the proposal emanated from a municipality, the representative of the local public.	..
Banqueting Hall, Mount Road.	Rajaji Hall	On a resolution of the Corporation of Madras recommending the change of name.	..
Ardmayle, Adyar ..	Tiruvarangam, Adyar.	On a suggestion made at the Rajaji's 70th birthday celebrations at a public meeting held on 14th December 1947.	..
		An Indian name was given as suggested by the Hon. Minister for Food to whom the building has been allotted as residence.	..

* The change is only in the Tamil spelling.

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Institutions whose names have been changed.		Reasons for change.	Whether the opinion of the public was invited.
Previous name.	Present name.		
(1)	(2)	(3)	(4)
Kintyre, Adyar ..	Mohana, Adyar ..	Indian name given as suggested by Hon. Minister for Public Works who is occupying the building.	..
Ripley, Adyar ..	Vijaya Vihar, Adyar.	Name changed as desired by Hon. Minister for Finance who is occupying the bungalow.	..
Victoria Caste and Gosha Hospital.	Kasturba Gandhi Hospital for Women and Children.	Old name considered inappropriate at the present time and admission is not restricted to caste and gosha women only.	..

APPENDIX II.

[Vide answer to unstarred question No. 48 by Dr. M. J. Samuel on 25th September 1948 on page 63 supra.]

List of officers of the Education Department who have been granted extensions of service or have been re-employed, as on 10th August 1948.

1. Madras Educational Service.

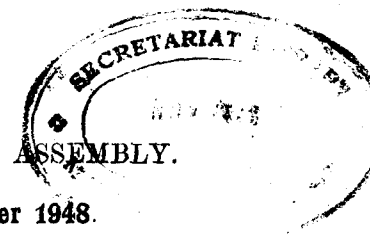
Serial number and name of officer and the post held.	Period of extension or re-employment.	Reasons.
(1)	(2)	(3)
1 Sri V. R. Ranganathan, Deputy Director of Public Instruction (Elementary Education), Madras.	Extension of service for a period of one year from 10th November 1947.	Dearth of experienced senior officers in the Education Department.
2 Sri P. Bhadrish, Deputy Director of Public Instruction (Personnel), Madras.	Re-employment for a period of one year from 12th July 1948.	Same reason as for No. 1 above.
3 Dr. K. Sukumaran, officiating Professor of Electrical Engineering, College of Engineering, Guindy.	Re-employment for the period from 15th July 1948 till the date of closure of the College for summer vacation in 1949.	To avoid unnecessary dislocation of work in the Colleges during the middle of the academic year.
4 Sri T. M. Margasahayam Chettiar, Lecturer, Teachers' College, Saidapet.	Re-employment for the period from 18th March 1949 till the date of closure of the College for summer vacation in 1949.	Do.
5 Sri N. R. Kedari Rao, Lecturer in English, Government College, Kumbakonam.	Re-employment for the period from 17th December 1948 till the closure of the College for summer vacation in 1949.	Do.

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Serial number and name of officer and the post held. (1)	Period of extension or re-employment. (2)	Reasons. (3)
6 Sri S. Mahadeva Ayyar, officiating Lecturer, Teachers' College, Saidapet.	Re-employment for the period from 28th February 1949 till the closure of the College for summer vacation in 1949.	To avoid unnecessary dislocation of work in the Colleges during the middle of the academic year.
7 Dr. I. S. Peter, Principal and Senior Lecturer, Government Arts College, Anantapur.	Re-employment for the period from 15th August 1948 till the closure of the College for summer vacation in 1949.	Do.
8 Dr. S. G. Manavalaramanujam, Principal, Presidency College, Madras.	Re-employment for the period from 26th August 1948 till the closure of the College for summer vacation in 1949.	Do.

2. Madras Educational Subordinate Service.

1 Sri T. V. Subramania Ayyar, Commercial Instructor, Teachers' College, Saidapet.	Re-employed from 19th July 1948 till the commencement of summer vacation in 1949.	Dearth of qualified hands.
2 Janab K. M. Farukhy Sahib, Urdu Munshi, Government Arts College, Anantapur.	Re-employed from 9th October 1948 to 31st March 1949.	Do.
3 Janab Muhammad Nooruddin, Secondary Grade Teacher, Madrasa-I-Azam, Madras.	Re-employed from 1st July 1948 to 31st March 1949.	Do.
4 Janab S. M. Dastagiri Sahib, Secondary Grade Teacher, Government Islamiah High School, Tiruchirappalli.	Re-employed from 5th June 1948 to 31st March 1949.	Do.
5 Muhammad Abdur Rahim Sahib, Secondary Grade Teacher, Government Muslim High School, Vellore.	Re-employed from 19th October 1948 to 31st March 1949.	Do.
6 Sri T. V. Seshagiri Naidu, Assistant Lecturer in Logic, Government Muslim College, Madras.	Re-employed from September 1948 till the closure of the College for the summer vacation.	Do.



THE MADRAS LEGISLATIVE ASSEMBLY.

Monday, the 27th September 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.

Cottage industries in the Province.

* 387 Q.—SRI S. NAGARAJA MANIGAR: Will the Hon. the Minister for Firka Development be pleased to state—

(a) the industries that are classified as cottage industries in our Province; and

(b) the aid or protection that is being given to these industries?

THE HON. DR. S. GURUBATHAM:—“(a) A list of small scale cottage and village industries in this Province is placed on the table of the House.

“(b) Help is being given to cottage industries under the Madras Cottage Industries Loans and Subsidy Rules, 1948, by the grant of loans or subsidies up to Rs. 500 in each case and under the Madras State Aid to Industries Act, 1922, when the amount of loan or subsidy applied for exceeds Rs. 500. Government have also decided to promote six basic cottage industries, viz., woodwork, blacksmithy, pottery, tanning and leather goods manufacture, sheet metal work and light metal casting, in the 25 firkas in the Province selected for intensive development and to pay grants-in-aid to institutions engaged in constructive work in rural areas, up to fifty per cent of the total expenditure, for purchasing implements required for the promotion of cottage industries.”

SRI S. NAGARAJA MANIGAR:—“Sir, may I ask whether the facilities that are given to the people in the form of aid in regard to cottage industries are well known to the people and sufficiently popularized?”

THE HON. DR. S. GURUBATHAM:—“They will be told to the people.”

MUHAMMAD RAZA KHAN SAHIB:—“Will the Hon. the Minister give us an approximate sum spent on village development established by the Prakasam Ministry?”

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

SRI S. NAGARAJA MANIGAR:—“May I ask, Sir, if these cottage industries are made to pay the sales tax because the turnover reaches the maximum?”

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THE HON. DR. S. GURUBATHAM:—"They don't reach the maximum to levy the sales tax."

SRI V. RAGHAVAYYA:—"Is it true that the Directors of Cottage Industries are being frequently replaced and that as a result thereof the Cottage Industries' programmes are either replaced or gone back or abandoned?"

THE HON. DR. S. GURUBATHAM:—"They are not abandoned. In the light of experience gained we are readjusting."

SRI K. T. KOSALRAM:—"Sir match industry-ஐ cottage industry-ல் சேர்க்கப்பட்டிருப்பதால் இராமநாதபுரம் ஜில்லாவில் சுமார் 5,000 தொழிலாளர்கள் இப்பொழுது வேலை இல்லாமல் கஷ்டப்படுகிறார்கள் என்பதும் அதற்குக் காரணம் Northern India-க்கு matches போவதற்கு priority கொடுக்கவில்லை என்பதற்காகவும் அதை essential articles என்ற விதத்தில் சேர்த்து priority கொடுப்பதற்கு இந்த Sirkar மத்திய சர்க்காருக்கு சிபார்சு செய்வார்களா என்று கேட்கிறேன்."

THE HON. DR. S. GURUBATHAM:—"Match industry does not arise from this question."

SRI V. I. MUNISWAMI PILLAY:—"In the Nilgiri district eucalyptus oil and sheep-rearing are the two important cottage industries. So far the Government have not done anything in this matter. Will they do something at least in the future?"

THE HON. DR. S. GURUBATHAM:—"The Government will consider that."

SRI M. A. EASWARAN:—"May I know what are the facilities given for the marketing of these products?"

THE HON. DR. S. GURUBATHAM:—"Wherever possible we are trying to market them through co-operative societies."

MUHAMMAD RAZA KHAN SAHIB:—"With reference to the question of Mr. Kosalram about the match industry the Hon. Industries Minister may say something?"

MR. SPEAKER:—"It is not in order."

SRI S. NAGAPPA:—"May I ask the Government whether they have given any protection to the slate industry that has been struggling for transport facility?"

THE HON. DR. S. GURUBATHAM:—"The question of the slate industry does not arise."

SRI S. NAGAPPA:—"I would like to know what protection has been given to manufacturers when they were struggling for transport facility?"

THE HON. DR. S. GURUBATHAM:—"I do not know what facilities have been given. There are six basic industries to which the Government are giving facilities at present."

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M. MUMAMMAD ISMAIL SAHIB BAHADUR:—"May I know whether it is the intention of the Government not to levy sales tax on any of these cottage industries even though their turn over may exceed the minimum fixed by the Sales Tax Act?"

THE HON. DR. S. GURUBATHAM:—"That question will be considered."

SRI K. T. KOSALRAM:—"Sir jaggery and country-sugar இந்த இரண்டையும் cottage industry-ல் சேர்த்திருக்கிறது. ஆனால், sweet-toddy-யை நேரடியாக sugar-ஆக convert பண்ணக்கூடிய சிறு சிறு மிஷின்கள் அமெரிக்காவில் இருக்கின்றன என்பது கனம் மந்திரி அவர்களுக்குத் தெரியுமா? இப்பொழுது Prohibition-ஐ impose பண்ணப் போவதால் அப்படிப்பட்ட சிறிய மிஷின்களை அதாவது palmyrah sweet toddy-யை நேரடியாக Sugar-ஆக பண்ணக் கூடிய மிஷின்களை சர்க்கார் தருவித்து பாதிக்கப்பட்ட தொழிலாளர்களுக்கு நன்மை செய்வார்களா என்று கேட்கிறேன்."

THE HON. DR. S. GURUBATHAM:—"இந்தக் கேள்வியைப்பற்றி சோதித்து பார்த்து பிறகு செய்யலாம். அதற்கு கொஞ்சம் நாட்கள் வேண்டியதாக இருக்கும். ஆனால், திருநெல்வேலி ஜில்லாவில் அந்தப் பதனியை இறக்குகிறவர்கள் co-operative society-ல் சேர்ந்து கொள்ளாமல் தனித்தனியாக அவரவர்களுடைய வீட்டிலேயே செய்து கொள்வதற்கு அவர்கள் விரும்புகிறார்கள்."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:--"Do not the Government know that without proper facilities for marketing cottage industries cannot prosper? What arrangements have been made for marketing the products of the cottage industries?"

THE HON. DR. S. GURUBATHAM:—"The Government is quiet conscious that unless there is marketing arrangements this will not work properly. So attempts have been made to manufacture marketable produce from these cottage industries and arrange for marketing them."

SRI M. S. PATTABIRAMIAH:—"May I know the amount the Government have spent in giving loans for the encouragement of cottage industry and grants given this year?"

THE HON. DR. S. GURUBATHAM:—"I cannot give these off hand. If you put another question we will be able to give."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Is not the primary object to make these firkas self-sufficient and not to produce goods and can compete with neighbouring areas in becoming a source of competition?"

THE HON. DR. S. GURUBATHAM:—"We do not want to compete in the market, but we only want to encourage cottage industry. Our primary object is to develop these firkas and make them self-sufficient and not produce goods which compete with the neighbouring areas. Our business is to encourage the existing industries so that they may become business propositions."

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" May I know if the Government insist on security for the loans advanced and if so, what is the nature of the security they demand from each cottage industry? "

THE HON. DR. S. GURUBATHAM:—" We do not ask for securities in these cases."

SRI V. M. RAMASWAMI MUDALIYAR:—" May I ask, Sir, whether the manufacture of domestic utensils out of brass and copper comes under the metal industry? In the list I do not find the manufacture of brass and copper industries there is only one item, item No. 17. I want to know whether the manufacture of those things will come under the Act? "

THE HON. DR. S. GURUBATHAM:—" The manufacture of domestic utensils comes under that."

SRI V. RAGHAVAYYA:—" Does the Government admit that the cottage industries have suffered by bringing in Deputy Collectors in this line? Will they allot these appointments only for the people in the line? "

THE HON. DR. S. GURUBATHAM:—" The Government do not expect that the Deputy Collectors will let down."

SRI M. G. NATESA CHETTIYAR:—" May I know the place given to the village ghani oil industry in the list of cottage industries? "

THE HON. DR. S. GURUBATHAM:—" Vegetable oils come under essential oils."

M. S. ABDUL MAJID SAHIB BAHADUR:—" In view of the fact that the handloom industry is an important industry of this Province may I know whether the Government is giving help to individual handloom weavers who are not members of the co-operative society? "

THE HON. DR. S. GURUBATHAM:—" No, Sir. We always bring them under a co-operative society and help them."

SRI KALLUR SUBBA RAO:—" May I know from the Hon. Minister apart from the money grants or loans that are given to these cottage industries whether this Government has got any definite intensive plan to improve cottage industries. If so will they place it on the table of the House? "

THE HON. DR. S. GURUBATHAM:—" There is no intensive plan but the Government of India is preparing a plan for cottage industries and we are awaiting their results."

SRI L. N. GOPALASWAMI:—" May I know if any of the firkas have taken up intensively the work of any of the six cottage industries that have been mentioned? "

THE HON. DR. S. GURUBATHAM:—" There is no separate firka to improve what is called intensively. Wherever there is cottage industry we are bringing them under co-operative organization and educate them."

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BEGUM SULTAN MIR AMIRUDDIN:—" May I know whether the Government could not import foreign experts from China or Japan to train our people in cottage industries? "

THE HON. DR. S. GURUBATHAM:—" If such an expert is available we will consider the question. The Government are already trying to contact one such."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" Is it a fact that the Government will not give any help to individual handloom weavers if they are not coming through co-operative societies? "

THE HON. DR. S. GURUBATHAM:—" We cannot give help to individual handloom weavers."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" In view of the fact that in the list furnished in the House there are various articles that have to be made involve the use of machinery what arrangements the Government have made to supply machinery necessary, whether the machinery will be manufactured in the various firkas or from outside by the Government or if persons concerned have purchased their own machinery? "

THE HON. DR. S. GURUBATHAM:—" The list is what is called a fairly exhaustive list. The Government is not taking all that is mentioned in the list. We have taken only six basic industries and we are trying to provide those people with necessary implements. The other question the Government have not considered, because the people have not come forward in that line."

SRI K. T. KOSALRAM:—" கனம் மந்திரியவர்கள் பதில் சொல்லும் போது திருநெல்வேலி ஜில்லாவிலுள்ளவர்கள் தனித்தனியாக palmyrah jaggerly-ஐ காய்ச்சுவதற்குப் பிரியப்படுகிறார்கள் என்று சொன்னார்கள். திருநெல்வேலி ஜில்லாவில் சுமார் 3, 4 தாலுக்காக்களில் பனை வெல்லம் செய்வதைத் தவிர வேறு விவசாயம் இல்லாமலிருக்கிறார்கள் என்பது கனம் மந்திரி அவர்களுக்குத் தெரியுமா? இப்பொழுது Prohibition impose பண்ணப்போவதால் பனை வெல்லம் காய்ச்சக்கூடிய palmyrah-க்கு உள்ள cottage industry பாதிக்காமலிருப்பதற்கு ஏதாவது சட்டங்களை தளர்த்த வேண்டுமென்றாலும் கனம் மந்திரியவர்கள் சட்டங்களை வேண்டியளவு தளர்த்துவார்களா என்று கேட்கிறேன்."

THE HON. DR. S. GURUBATHAM:—" திருநெல்வேலி ஜில்லாவில் எங்கு பார்த்தாலும் பதனி இறக்குகிறவர்கள் இருக்கிறார்கள் என்பதை நன்றாக அறிந்திருக்கிறோம். அவர்களுக்கு சட்டங்களை தளர்த்த வேண்டுமென்றால் எந்த சட்டங்களை தளர்த்த வேண்டுமென்று சொன்னால் அதைப்பற்றி யோசிக்கப்படும்."

SRI S. NAGAPPA:—" May I know what is the exact aid that is given to tanning and leather industries? "

THE HON. DR. S. GURUBATHAM:—" I cannot give details. If the hon. Member wants the information, he may put a separate question and I shall furnish it."

SRI S. NAGARAJA MANIGAR:—" Is it not a fact that taking oil by using country chekkus is taxed under the Sales Act simply because of the high price of oil-seeds as the turnover is

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more than the maximum? Therefore may I request the Hon. Minister to take steps to see that the particular industry which is widespread in South India is given protection or is exempted from the sales tax or the maximum of turnover is raised?"

THE HON. DR. S. GURUBATHAM:—"The question has to be put to the Hon. Finance Minister, if he can do that."

SRI GUNTUR NARASIMHA RAO:—"As the sum of Rs. 500 given as loan for cottage industries is inadequate, will the Hon. Minister give higher loans required for development of some industries?"

THE HON. DR. S. GURUBATHAM:—"According to the Act of 1948, we give loans of Rs. 500 each. If the loan asked for exceeds Rs. 500 we are trying to give it according to the Act of 1922."

SRI D. V. RAMASWAMI:—"Since jaggery and country sugar are included under cottage industries, in view of the prohibition that is to be introduced in Vizagapatam district, will the Government consider the desirability of popularizing the preparation of jaggery and country-sugar in that district?"

THE HON. DR. S. GURUBATHAM:—"That question has been taken up by the Government of India. They are proposing to start 8 centres in South India where training will be given in jaggery industry."

SRI K. T. KOSALRAM:—"Sir, எந்த சட்டங்களை தளர்த்த வேண்டுமென்று சொன்னால் அந்த சட்டங்களை தளர்த்துவதற்கு யோசிக்கப்படும் என்று கனம் மந்திரியவர்கள் சொன்னார்கள். இப்பொழுது **palmyrah jaggery**-ஐ ஜனங்கள் எவ்விதம் செய்து கொண்டிருக்கிறார்களோ அதையும் பாதிக்காமல் இப்பொழுது எவ்வளவு அதிகமாக உற்பத்தி செய்யப்படுகிறதோ அவ்வளவு அதிகம் உற்பத்தி செய்வதில் இந்த Prohibition-னால் பாதிக்காமலிருக்கும்படியாகவும் கனம் மந்திரியவர்களை கேட்டுக்கொள்ளுகிறேன். இப்பொழுது திருநெல்வேலி ஜில்லாவில் திருச்செந்தூரிலும், நாங்குநேரிலும் அதிகமாக பதனிடுகிறார்கள், அவைகளை அதோடு சேர்க்கப் படாமலிருக்குமா என்று கேட்கிறேன்."

THE HON. DR. S. GURUBATHAM:—"Prohibition திருநெல்வேலி ஜில்லாவிற்கு வரும்போது அங்கே செய்யப்படுகிற வெல்லம், கருப்பட்டி முதலியவைகளை பாதிக்காமல் செய்யப்படும். **Jaggery manufacture**-ஐ பற்றி இந்திய கவர்ன்மெண்டு யோசிக்கும்போது திருநெல்வேலி ஜில்லாவில் பனை மரம் ஜாஸ்தியாக உள்ள ஓரிடத்தில் **Training Centre** ஏற்படுவதைப்பற்றி யோசிக்கப்படும்."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Referring to the answer given by the Hon. Minister regarding assistance to individual handloom weavers, may I ask whether in the present condition of people amongst whom co-operative movement has not sufficiently progressed and in the present circumstances when the Province is suffering from shortage of cloth, do not the Government think it desirable to encourage even individual handloom weavers so as to increase production of cloth?"

THE HON. DR. S. GURUBATHAM:—"The whole question is so complicated that the Government are not inclined to

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encourage individual handloom weavers when there is black-marketing specially in yarn. The Government are thinking of helping handloom weavers through co-operative societies. There is nothing to prevent them from becoming members of co-operative societies."

SRI V. I. MUNISWAMI PILLAY:—"May I know what steps the Government are taking to improve hand-spinning?"

THE HON. DR. S. GURUBATHAM:—"The Government are appointing what are called propaganda officers to carry on propaganda in the villages for hand-spinning. We are appointing some of our Village Development Officers who have had training for three months in the All-India Spinners Association to work in the villages for this purpose."

SRI V. M. RAMASWAMI MUDALIYAR:—"As there is a widespread demand for bricks and tiles at reasonable prices and as it is necessary to relieve acute housing shortage, may I ask whether the Government is taking steps to manufacture bricks and tiles on a large scale and make them available at reasonable prices to the consumer?"

THE HON. DR. S. GURUBATHAM:—"I am afraid that the Government cannot consider the manufacture of bricks and tiles as a cottage industry. It is a much bigger industry than cottage industries and it will come under the housing scheme."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Is it not a fact that some cottage industries are injurious to the health of people engaged in them?—for instance cashewnut kernel breaking which actually lacerate fingers. Will the Government give some protection to these people?"

THE HON. DR. S. GURUBATHAM:—"In view of the fact mentioned by the hon. Member, I shall study the question."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Since tanning cottage industry produces the largest export in our province, and since there are several transport bottle-necks, would the Government provide facilities for the supply of raw materials by taking up this question with the Railway Board?"

THE HON. DR. S. GURUBATHAM:—"That question will be considered."

SRI M. G. NATESA CHETTIYAR:—"Arising out of the answer given by the Hon. Minister that, in respect of cottage industries, assistance will be given only through co-operative societies, may I know what will be done in the case of individual cottage industries which do not form themselves into co-operative societies. If they apply for loans separately, will the Government consider those cases?"

THE HON. DR. S. GURUBATHAM:—"It will be very difficult to consider individual cases. The Government would help groups of people and we should encourage co-operation."

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SRI L. N. GOPALASWAMI:—"May I ask whether the Government will consider the advisability of sending industrial workers in the six selected centres chosen by the Government to various firkas so that they can promote industries?"

THE HON. DR. S. GURUBATHAM:—"That is what the Government are doing."

SRI T. S. PATTABHIRAMAN:—"May I know whether the Hon. Minister will consider the handloom cloth industry as a cottage industry?"

THE HON. DR. S. GURUBATHAM:—"It is a cottage industry."

SRI M. S. PATTABIRAMIAH:—"Among the long list given of cottage industries, may I know whether any particular industry has improved by the help given by the Government?"

THE HON. DR. S. GURUBATHAM:—"That is a separate question."

SRI T. S. PATTABHIRAMAN:—"May I know what has the Government done to alleviate the sufferings of millions of weavers in this province?"

THE HON. DR. S. GURUBATHAM:—"That question does not arise."

SRI S. NAGARAJA MANIGAR:—"In reply to my previous question, the Hon. Minister told me that the Hon. Minister for Finance should be approached. May I ask whether the Hon. Minister for Firka Development who is interested in giving protection to cottage industries, ask the Hon. Minister for Finance himself instead of asking us to do so?"

THE HON. DR. S. GURUBATHAM:—"The Hon. Minister for Industries is in charge of cottage industries."

SRI S. NAGAPPA:—"In view of the fact that about 3,000 to 4,000 people working in slate and pencil manufacture have been thrown out of employment due to want of transport facilities, will the Government consider the advisability of approaching the Central Government for providing such facilities?"

THE HON. DR. S. GURUBATHAM:—"If sufficient material is given to the Government to proceed with the matter, the question will be taken up."

SRI K. T. KOSALRAM:—"Sir, பனை மரத்திலிருந்தும், பனை மட்டையிலிருந்தும் ஜனங்கள் தம்புகளை இங்கே உற்பத்தி செய்து ஜப்பானுக்கும், சைனாவுக்கும் ஏராளமாக ஏற்றுமதி செய்கிறார்கள் என்பது யவர்களுக்குத் தெரியுமா? அந்த தம்புகளிலிருந்து செய்யக்கூடிய சாமான் களை அந்நிய நாட்டில் செய்து நம் நாட்டில் இறக்குமதி செய்கிறார்கள். அவைகளை நம் நாட்டிலேயே செய்வதற்கு சர்க்கார் உடனடியாக கவனிக்குமா வென்று கேட்கிறேன்."

THE HON. DR. S. GURUBATHAM:—"சர்க்காரால் எவ்வளவு தூரம் பார்க்கமுடியுமோ அவ்வளவு தூரம்தான் பார்க்கமுடியும். எல்லா வற்றிலும் கைவைப்பது என்பது முடியாது."

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SRI M. G. NATESA CHETTIYAR:—"The question which I put refers to individual industries and not to individual persons. If individual industries want help, will the Government give them?"

THE HON. DR. S. GURUBATHAM:—"If groups of people interested in some cottage industry come together, we will consider the question of giving them help. The Government must have the conviction that money that we give will not be abused."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know whether the Hon. Minister for Firka Development who said that he was in intimate collaboration with the Hon. Minister for Industries, since this is a matter vitally affecting the development of industries in the whole Province, will take his help?"

THE HON. DR. S. GURUBATHAM:—"We are working together. The Department which is concerned with cottage industries is concerned with Industries also."

M. S. ABDUL MAJID SAHIB BAHADUR:—"As the answers given by the Hon. Minister with regard to handloom weavers are very unsatisfactory, as thousands of weavers who had not joined co-operative societies will not be given any aid or protection and as this is a very unsatisfactory state of affairs, I would ask you to permit an half an hour debate."

MR. SPEAKER:—"I have already allowed half an hour for putting supplementary questions. Therefore I am not agreeable to allow half an hour debate."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Will the Hon. Minister for Industries see that the large number of handloom weavers are treated properly, particularly in view of cloth shortage and in view of thousands of men engaged in the industry?"

THE HON. SRI H. SITARAMA REDDI:—"There is no use in trying to put questions to other Ministers, when one of them is answering. We have discussed the matter recently. If there are urgent points to be considered, it can be done."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"The Hon. Minister for Firka Development has averred that he is in intimate collaboration with the Hon. Minister for Industries. Therefore I request him to help the other Minister to answer questions to the satisfaction of the House."

Extension of Prohibition in the non-dry districts.

* 388 Q.—BEGUM SULTAN MIR AMIRUDDIN: Will the Hon. the Minister for Firka Development be pleased to state whether the Government propose to extend Prohibition to Madras City and the eight non-dry districts in the Province in October next as previously announced or whether they have abandoned that idea?

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THE HON. DR. S. GURUBATHAM:—"The Government propose to extend prohibition to Madras City and the other eight non-prohibition districts in the Province from 2nd October 1948."

11-30 a.m. **SRI M. G. NATESA CHETTIYAR:**—"May I know what changes in procedure have been effected for the successful working of the prohibition policy as a result of the experience gained in the other districts?"

THE HON. DR. S. GURUBATHAM:—"There has been no change in our policy, Sir."

BEGUM SULTAN MIR AMIRUDDIN:—"Is it a fact that the Hon. Minister has some misgivings about the success of prohibition in Madras City? If so, may I know what special measures he intends to take to make prohibition a success?"

THE HON. DR. S. GURUBATHAM:—"That is not special misgiving about Madras City. What I said was that Madras City was more difficult."

MUHAMMAD RAZA KHAN SAHIB:—"As Europeans and some Anglo-Indians and others will get foreign liquor under a permit, what agency have the Government appointed to supply them foreign liquor?"

THE HON. DR. S. GURUBATHAM:—"There will be a suitable agency to provide them."

SRI K. VEERANNA PADAL:—"విజనీ మద్యం (పాంథాలలో) మద్య పాన నిషేధాన్ని త్వరితం అమలు జరుపుతారా?"

THE HON. DR. S. GURUBATHAM:—"The Agency Tracts is a separate problem. We have not had time enough to prepare for it. It will be taken up as soon as possible."

SRI M. G. NATESA CHETTIYAR:—"What I wanted to know from the Hon. Minister was not a question of policy. I wanted to know whether the Government have any new method or procedure for the successful enforcement of prohibition in view of the experience gained in the other districts."

THE HON. DR. S. GURUBATHAM:—"I have already answered the question, Sir. We are going to appoint Propaganda Officers. We are also changing the agency for the ameliorative work. We shall be handing over the other work to the police."

M. S. ATAULLAH SAHIB BAHADUR:—"Are the Government aware that lots of crates of foreign liquor have already gone underground, and if so, what steps do they propose to take them over?"

THE HON. DR. S. GURUBATHAM:—"If anybody gives us information, we will take action."

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BEGUM SULTAN MIR AMIRUDDIN:—"May I know, Sir, the approximate number of Anglo-Indians who will be given permits in the City and what steps the Government are taking to see that liquor supplied on these permits do not leak out to other quarters?"

THE HON. DR. S. GURUBATHAM:—"All this, the Government are conscious of. We are doing our best. The number will be known only after 2nd October."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, have the Government issued orders calling upon not only firms but also individuals who have stocks of liquor—foreign or otherwise—to declare their stocks to the Government before the 2nd October?"

THE HON. DR. S. GURUBATHAM:—"Yes, Sir."

SRI D. V. RAMASWAMI:—"Is the Hon. Minister aware that in the Agency Tracts, particularly in Madgole and Araku, propaganda has already been carried on that they should be prepared for prohibition, that the people there, are ready for it, and if so, will the Government be pleased to consider the question of extending prohibition to the Agency Tracts also?"

THE HON. DR. S. GURUBATHAM:—"I am glad to hear that information. The Government also are anxious to introduce prohibition there, but it is in a different position altogether from the rest of the Province."

M. S. ABDUL MAJID SAHIB BAHADUR:—"May I know what is the agency for the import and distribution of foreign liquor to the European addicts in this country who hold permits?"

THE HON. DR. S. GURUBATHAM:—"The agency will be the Government themselves."

MR. H. O. FOWLER:—"May I know whether the introduction of total prohibition will bring about any unemployment in the present excise staff?"

THE HON. DR. S. GURUBATHAM:—"No, Sir."

SRI T. VISWANATHAM:—"May I know from the Hon. Minister what is the particular difference he alludes to with regard to the Agency Tracts and whether he is prepared to extend prohibition immediately to those tracts. In view of the fact that it is very important for the success of prohibition in Vizagapatam district and in other parts of the Presidency also that it should be introduced first and foremost in the Agency tracts?"

THE HON. DR. S. GURUBATHAM:—"The administration is different. We cannot immediately introduce it there. We have no organization yet working there."

SRI G. KUMARASWAMI:—"In view of the statement that it is difficult to make prohibition a success in the City of Madras, may I know from the Hon. Minister what exactly is the difficulty and how he propose to overcome it?"

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THE HON. DR. S. GURUBATHAM:—"It is not taken for granted. We expect difficulties because it is a huge city with a large population in a compact area. We have to work the scheme in a different way."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"What arrangements have the Government made to take over the stocks with the individuals and firms and how do they propose to dispose them off?"

THE HON. DR. S. GURUBATHAM:—"The stocks will have to be declared. The Government are going to take charge of the stocks and keep it with them. Then they will make arrangements to dispose them off. If within three months this cannot be disposed off they will be destroyed."

SRI KALLUR SUBBA RAO:—"Sir, on the 30th instant the shops are to be closed on account of the elections and prohibition is going to be introduced from the 2nd October. On the 1st October therefore there will be a feast for all these people. May I know why the shops should not be closed on the 1st October also?"

THE HON. DR. S. GURUBATHAM:—"We shall consider that also, Sir."

SRI V. I. MUNISWAMI PILLAY:—"In the matter of granting permits, will the Government have one rule for Indian and non-Indians and not make any distinctions on account of colour?"

THE HON. DR. S. GURUBATHAM:—"The Government cannot guarantee that, Sir."

SRI V. M. RAMASWAMI MUDALIYAR:—"Have the Government any idea of the probable quantity of liquor that will be required for issue against permits and what proportion will it bear to the normal consumption of foreign liquors?"

THE HON. DR. S. GURUBATHAM:—"It is too early to give figures. It is only after 2nd October that we will know this."

SRI V. RAGHAVAYYA:—"Are the Government prepared to extend prohibition to the Agency Tracts also provided the agency workers and the District Congress Committee members agree to help in the prohibition work, particularly in view of the fact that the Aboriginal Tribes Enquiry Committee has recommended strongly the immediate introduction of prohibition in these areas?"

THE HON. DR. S. GURUBATHAM:—"The Government themselves are anxious to do it. Administratively it is a different area. When our administrative position allows it, we will introduce prohibition there also."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Have the Government read the news item which appeared in the papers to the effect that no organization on behalf of the Anglo-Indians

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has approached the Government for exemption? If it is true, why have the Government given them exemption even though no organization has approached the Government for it?"

THE HON. DR. S. GURUBATHAM:—"That has been the policy of the Government during the last two years. We are trying to control it. We have said that within the next five years there will be total prohibition even for Anglo-Indians."

Heavy flood in the Coleroon.

* 389 Q.—SRI S. NAGARAJA MANIGAR (on behalf of Sri P. Kakkan): Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that there was a heavy flood in the Coleroon on 17th August 1948 all on a sudden near T. Paloor, Udayarpalayam taluk, Tiruchirappalli district;

(b) whether it is a fact that hundreds of women and men and a greater proportion of cattle died, and if so, whether the Government would furnish the actual number affected by the calamity; and

(c) whether it is a fact that such dead bodies were not removed for days together and were lying near the banks of the river?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) & (b) No. It is reported that the water level in the Coleroon was below the maximum flood level and that there were no casualties.

" (c) Does not arise."

SRI S. NAGARAJA MANIGAR:—"Was there not a report from a member of the Provincial Congress Committee to the effect that there were casualties and may I know whether such a report was not made to the Hon. Minister in person or in writing?"

THE HON. SRI M. BHAKTAVATSALAM:—"I am not aware of it. The Government are not aware of it."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Is it not a fact that the river Cauvery and the Coleroon overflowed and the water entered some parts of the town of Tiruchirappalli?"

THE HON. SRI M. BHAKTAVATSALAM:—"I have given the answer to the specific question on the 17th August. It is reported that the water level in the Coleroon was below the maximum flood level."

SRI S. NAGAPPA:—"Arising out of the answer to clause (c), am I to understand that there were no dead bodies at all lying there for two or three days without being removed?"

THE HON. SRI M. BHAKTAVATSALAM:—"Yes, Sir. That was our information."

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Number of Prohibition cases in the Madura district.

* 390 Q.—SRI M. A. EASWARAN (on behalf of Sri S. C. Balakrishnan): Will the Hon. the Minister for Firka Development be pleased to state—

(a) the number of Prohibition cases filed in the courts in the Madura district after the introduction of Prohibition;

(b) the number of persons who have been convicted or punished; and

(c) the number of habitual offenders who have been convicted or punished repeatedly?

THE HON. DR. S. GURUBATHAM:—“(a) The number of cases under the Prohibition Act filed in the courts in the Madura district during the period from 1st October 1947 up to 31st August 1948 is 2,561.

“(b) The number of persons who have been convicted is 2,275.

“(c) The number of persons convicted under the Prohibition Act more than once is 14.”

SRI A. SUBRAHMANYAM:—“Sir, மதுரையில் எத்தனை போலீஸ் உத்தியோகஸ்தர்கள் தண்டிக்கப்பட்டிருக்கிறார்கள்?”

THE HON. DR. S. GURUBATHAM:—“இன்னொரு கேள்வி போட்டால் அதற்கு answer பார்த்து சொல்லலாம்.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Is it because the Prohibition department and the Excise department have failed in the enforcement of Prohibition that this work has been entrusted to the police?”

MR. SPEAKER:—“This is about the number of cases in Madura district.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“What are the reasons which have made the Government entrust this work to the police?”

THE HON. DR. S. GURUBATHAM:—“The police are the proper agency to control this and so it is entrusted to it.”

SRI S. NAGAPPA:—“May I know which of the crimes is rampant in this area—illicit distillation, smuggling, possession of liquor or drunkenness?”

THE HON. DR. S. GURUBATHAM:—“All these are prevalent. If the hon. Member wants details he may put a separate question.”

Enforcement of the Shop Assistants Act in Pudukottah State.

* 391 Q.—SRI M. A. EASWARAN (on behalf of Sri A. Vedaratnam Pillai): Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Shop Assistants Act is being enforced in the Pudukottah State after its merger;

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(b) if so, since when; and

(c) whether the Government have received any complaints from any of the parties regarding the enforcement of the Act in Pudukottah State?

THE HON. SRI H. SITARAMA REDDI:—“(a) No, Sir. The Act has not yet been extended to Pudukottah.

“(b) Does not arise.

“(c) Yes, Sir. A complaint was received from the hon. Member himself.”

Katpadi Town-Planning Scheme.

* 392 Q.—SRI R. SUBBA AYYAR: Will the Hon. the Minister for Firka Development be pleased to state—

(a) whether it is a fact that the Government have approved the Katpadi Town-Planning Scheme; and

(b) whether it is a fact that under the said scheme more than one hundred acres of wet land have been proposed to be acquired for house-building?

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

“(b) Yes, Sir. The Government have given very careful consideration to the scheme. I have inspected the locality myself. The wet lands included in the scheme are of a very poor type where an occasional crop of paddy is raised. As such, the loss of these wet lands will not affect food production.”

SRI S. NAGARAJA MANIGAR:—“Sir, may I know whether in all places where such useless wet lands are found permission will be given for the construction of buildings although it is against the Act which has recently been passed?”

THE HON. DR. S. GURUBATHAM:—“That question does not arise.”

SRI S. NAGAPPA:—“Will not the acquiring of such lands be an offence under the Act which has been recently passed to the effect that no house should be constructed on wet lands?”

MR. SPEAKER:—“That Bill has not been passed yet.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I ask the Government what was the original extent of land sanctioned by the Government for this scheme and the various cuts made in it from time to time?”

THE HON. DR. S. GURUBATHAM:—“In February 1947 the total acreage asked for was 1,431 acres; in December 1947 it came down to 779 acres; in April 1948 it came down to 558 acres and in September 1948 it came down still further to 435 acres.”

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SRI V. I. MUNISWAMI PILLAY:—“ May I know whether in the proposed area taken for house-building, any of the lands held by the Harijans for cultivation has been included? ”

THE HON. DR. S. GURUBATHAM:—“ It is as a result of the representations of different types of people and different interests that we have brought down the extent to 435 acres. On the representation of the hon. Member I have released the lands of the Harijans from the operation of the scheme.”

SRI V. M. RAMASWAMI MUDALIYAR:—“ Are the Government aware, Sir, that the original scheme was prepared for 1,400 acres and the scheme was pushed forward and that this curtailment of more than 60 per cent of the original scheme has considerably affected the very prospects of the scheme being put through successfully? ”

THE HON. DR. S. GURUBATHAM:—“ We have to take into consideration the food scarcity in the country and have as much land as possible for cultivation. The original scheme comprised of 1,441 acres and it included 1,022 acres of wet land and affected two big tanks with the help of which two crops of paddy were raised. That is why the Government cut down the extent.”

SRI V. RAGHAVAYYA:—“ May I know whether the scheme includes provision of houses for the poor people as envisaged by the Hon. Minister himself recently? ”

THE HON. DR. S. GURUBATHAM:—“ Yes, Sir. We have asked for a number of poor class houses to be constructed. The scheme involves four villages. One of the conditions is that these villages should be included without affecting the people and that better provision must be made for the people. If possible the Government also would be able to provide some amenities to the poor people.”

11.45 a.m. SRI V. M. RAMASWAMI MUDALIYAR:—“ Have the Government taken any steps to prevent the 1,000 and odd acres that have been released from the scheme from being exploited by the landowners of those areas who are negotiating for the private sale of these properties at a much higher rate than what the Acquisition Officer had fixed for these sites? ”

THE HON. DR. S. GURUBATHAM:—“ The Government does not intend to interfere as long as the lands are being cultivated, but if they are going to be built up, the Government will interfere.”

SRI N. S. VARADACHARI:—“ This scheme intended to add a second Vellore on 435 acres which distributed at two grounds per house will really provide for an additional population of 60,000 to this town? ”

THE HON. DR. S. GURUBATHAM:—“ I do not know how the hon. Member arrived at 60,000.”

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

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

Clause 26.

SRI V. RAGHAVAYYA:—“ When will the House adjourn, Sir? ”

THE HON. SRI KALA VENKATA RAO:—“ To-morrow evening positively. Hon. Members are requested to stay till then.”

* THE RAJA OF VENKATAGIRI:—“ Sir, I move the alternate amendment which I have given notice of. In doing so, I must observe that the points raised by me and the submissions I have made to the House citing various cases in support of my contention that proprietary right vests in us, have not been answered. It may be asserted once, twice and thrice by the Hon. Revenue Minister here that we are not the proprietors of the soil; and we may also assert on our part a hundred times that we are the proprietors of the soil. The fact however remains that law is law, as is supported by the various decisions referred to by me and by the various instructions given to the Collectors on the eve of the Permanent Settlement and also various other relevant documents referred to by me. I would not deal again at any length with these matters except for the purpose of saying that my amendment . . . ”

MR. SPEAKER:—“ I think the hon. Member is moving the amendment beginning with the words ‘ The said basic annual sum shall be deemed to be the sum arrived at . . . ’ ”

THE RAJA OF VENKATAGIRI:—“ Yes, Sir; that is so. I now find I have to move this amendment with a view to secure some relief to the zamindars, though not the relief to which they are entitled under the law and in equity in respect of compensation, calculated on a proper and lawful basis for its assessment. I am only moving my amendment as far as it relates to the basis and shall not refer to the scales. I shall deal with the scales when that question comes up later. This amendment deals only with the basis referred to in clause 26. (Some hon. Members were seen talking with each other.) I am sorry, Sir, that when I am making these observations, some of my hon. Friends pay very little attention; I expected that at least the ordinary courtesy of paying some attention to what a member of this House who is vitally affected by this legislation says would be shown to him, so that he may have the satisfaction that what he says has been or will be taken into consideration, irrespective of the result that may follow. Anyhow, I have to do my duty and I have to secure the satisfaction that I have got my observations recorded at least in the proceedings of this House.

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[Raja of Venkatagiri] [27th September 1948]

Sir, I was observing that the basis adopted in the Bill is really unjust because what is therein is one-third or one-fourth, as the case may be, of the gross income based on ryotwari rates after settlement. I may submit though it may not affect me—on the other hand, it may be of benefit to me—that the ryotwari rate is not the proper basis. Just and legal basis should be the present income minus the peishkush and cesses and a certain percentage representing the administration charges for assessment of compensation. I may give you the case of a zamindar whose present income is about Rs. 10 lakhs, and it is feared that after the adoption of the ryotwari rate his income might go down to about Rs. 6 lakhs; and if one-fourth of that is to be taken as the basis for the purpose of calculating compensation, the amount would come to about Rs. 1½ lakhs; and so, if these meagre and inadequate scales of this Bill are to be applied the total amount he would get would be only Rs. 16 lakhs, the income on which would represent less than one-tenth of his present income. I therefore submit that the present basis adopted in the Bill should not be the basis for the purpose of assessing compensation, but the present income should be taken along with the other items which I have mentioned while quoting the case law with regard to proprietorship vesting in the zamindar. If the present income is taken as the basis, I think in several cases, the hardship would not be so unmitigated and it would also give facility to the Government to give compensation without waiting unnecessarily for the completion of survey and settlement. As I already said, it would take ten years for its completion. If my suggestion is adopted, it would also reduce to a certain extent the legal weakness, the legal flaw that is there in the Bill. Moreover, the zamindar will be spared the misery of having to wait and spared his suffering from mental agony and economic and other inconveniences, and he may be enabled to receive his compensation, however inadequate and unjust it may be, quickly. If my suggestion is not adopted, even if the Government are inclined, it may not be possible for them to pay the compensation before survey and settlement is completed. That is my reading of the Bill and I am supported by the advice I have received from my legal advisers. Since the present rents, as I was quoting, represent what we are legally and equitably entitled to, they should be taken as the basis for calculating compensation. I may also submit that my proposal would not affect the tenant's position for the reason that this would not prevent the Government from adopting the ryotwari rate subsequent to notification and payment of compensation. With these words, I hope and trust my Hon. Friend, the Revenue Minister, will accept this amendment."

MR. SPEAKER:—"I think the hon. Member can move only the first portion, i.e., 'Substitute the following for clause 26' and leave out the other words in the first and second lines. That portion must come when we come to clause 36."

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THE RAJA OF VENKATAGIRI:—"Yes, Sir, when I started my speech, I stated that I was moving my amendment only so far as it related to the basis. My amendment is:

'Substitute the following for clause 26:—

"The said basic annual sum shall be deemed to be the sum arrived at by adding to the gross demand on all lands of the estate on the date of the notification of the estate, the income from all miscellaneous sources such as charges for water, charges for unauthorised occupation of land, income from pastures, fisheries, forests, mines, quarries, etc., including the whole of jodi, kattubadi and other amounts payable to the landholder previous to the date of notification of the estate, and by deducting therefrom the peishkush and cesses lawfully payable by the landholder and 5 per cent of the gross income towards establishment charges and 3 and 1/3 per cent of gross demand on irrigated lands towards irrigation charges."

SRI M. G. NATESA CHETTIYAR:—"I second the amendment, Sir."

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noon.

THE HON. SRI KALA VENKATA RAO:—"Sir, all these points have been discussed more than once before and I do not, therefore, like to go into those questions over and over again. I am sorry I am unable to accept the amendment."

MR. SPEAKER:—"Does the hon. Member want to have a right of reply or shall I put the amendment to vote?"

* THE RAJA OF VENKATAGIRI:—"Sir, the points which I have raised, namely, whether it would not be possible for the Ministry to make payment adopting the present basis, or whether they would be in a position to do so only after the survey and settlement is completed and whether it would not increase the hardship of the zamindars by reducing the income of the zamindar to 1/10th in certain cases, have not been answered. I am sorry to hear the Hon. Sri Kala Venkata Rao saying that he has already dealt with the points. The point which I have specifically raised was, even if the Ministry was so inclined and had the facilities to make the payment before survey and settlement was completed they could not do so under the present Bill and it remains unanswered. I would now request the Hon. Minister what his answer would be, because I do not remember having read his reply in regard to these aspects of the question during the course of the general debate. Sir, his answer must be convincing and then it would be time for me to withdraw or press my amendment."

THE HON. SRI KALA VENKATA RAO:—"Sir, the two points raised by the hon. Member do not relate to the clause under discussion but when we come to the proper clause, I shall give the answer."

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THE RAJA OF VENKATAGIRI:—"However, Sir, since I feel that my points have not been answered and I am not going to make any other speech, I would press my amendment."

The amendment was put and lost.

MR. SPEAKER:—"Is the hon. Member, Rajah of Venkatagiri moving his other amendment? It is better to move it after amendment No. 275 is disposed of."

THE RAJA OF VENKATAGIRI:—"Yes, Sir."

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

'For the words "a landholder" wherever they occur the words "the landholder" shall be substituted.'

It is only a drafting amendment."

The amendment was put and carried.

* SRI A. KALESWARA RAO:—"Sir, I move that sub-clause (ii) (b) and sub-clause (iii) of clause 26 be omitted. These two clauses relate to lanka lands. Sir, after going through the whole matter I am confirmed in my opinion that under the Permanent Settlement Regulation, the zamindar is merely mentioned as a proprietor, but nothing is said about waste lands, minerals, fisheries, forests, lanka lands, etc. Therefore, in the actual working of the Permanent Settlement Regulation, mention is made merely of two or three things generally, namely, administration, public land assessment and the mode of collecting it and except these things, nothing is contained in it. Now, we have only to look to the Regulation of 1822 and to later decisions. The interpretation given on the Permanent Settlement Regulation was that the zamindars are proprietors and this was accepted by the administrators and the courts for some time and so they went on in their own method. That was the idea of the feudal system which the then Governors-General, Lords Wellesley and Cornwallis had in mind but it was later found out and clearly expressed in several judgments that in India a different system prevailed. What was that system? That system was, the cultivator of the land was the actual owner and the other things belonged to the village community. Now, therefore, except his private land, the zamindar has no interest in any land or immovable property. Here is a provision that compensation should be paid for lanka lands also. There are three kinds of lanka lands now. Certain lanka lands are given pattas to ryots and I am not objecting to that. That is sub-clause (a). All lanka lands for which the ryots got pattas, are ryoti lands and the Government get certain ryoti rate and the ryoti rate will be taken as the income, out of which one-third will be taken as the basic income. For that I have no objection. There are certain other lanka lands for which pattas are being considered to be given to zamindars as the private land of the zamindar. Though I objected to pattas being given

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to the zamindars in respect of these lanka lands, we have accepted that clause. Now, there are other lanka lands which belong to the village community and the landholder has no right in these lanka lands."

THE HON. SRI KALA VENKATA RAO:—"I would like to know from the hon. Member who is collecting the rents on these lanka lands?"

* SRI A. KALESWARA RAO:—"It is the same as the lands in the possession of the zamindar which you are going to take from him. What are you going to do with community land and waste land—supposing he has encroached upon such lands and occupied them, though he has no right to do so? So long as he is managing it, he merely collects rent. Are you going to do anything with that? Why should you pay compensation on that land where only ryotwari assessment is levied. So, Sir, why should you take into consideration such category of lands. The third category of lanka land which naturally would go to the Government—the income of which would be either ryotwari rate or the actual net income derived by the Government—all these things should not at all be taken into consideration. My fundamental point is, that they may get patta for their private lands in their possession or in the possession of their ancestors. As I have already told you, when the common law and legal theories began to be developed and the question of Indian tenures began to be examined, they thought they should get these as private lands. With regard to other things the ryot is entitled to get patta on the ryotwari basis. Of course, he may get his basic income calculated on one-third of the ryotwari rate, but with regard to other lands which do not belong either to the zamindar or the ryot, they should belong to the village community or the National Government that steps into the shoes of the village community. Therefore, Sir, I object to lanka lands coming under the category of sub-clause (b) of (ii) and under the category of sub-clause (iii) being taken into consideration when basic income is assessed. That is my point, Mr. Speaker. I therefore move that sub-clause (b) of (ii) and sub-clause (iii) be omitted."

SRI V. RAGHAVAYYA:—"Sir, in seconding the amendment, I wish to say that it looks as if the Hon. Revenue Minister and the hon. Mover of the amendment are of the same view in one respect, namely, that the village community land ought not to be covered. (The Hon. Sri Kala Venkata Rao: 'About that there is no dispute.') But Mr. Kaleswara Rao's objection seems to be that the wording of the sub-clause as it is, does cover that also. Therefore, Sir, in the interest of clarification for future generations, as well as the Tribunals who may not know the mind of the Hon. Revenue Minister—in fact nobody knows it and perhaps he himself does not know his own mind always—I think it is better that he clarifies the whole thing. (The Hon. Sri Kala Venkata Rao: 'I would like my hon. Friend to define what a lanka is, what

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is the present rate of a holding, how the present Bill seeks to alter it and how the basis annual sum is calculated and so on.) It does not exercise the Hon. Revenue Minister if he intends a particular thing to translate it into exact wording and I suppose when he agrees with Mr. Kaleswara Rao that the village common land could not be covered by this clause, it is necessary that he should make it clear. (The Hon. Sri Kala Venkata Rao: 'It is very plain; it only says that this also goes.') Sir, the Hon. Minister seems to be touchy whenever reference to the wording or drafting of a clause is made. Of course, when he does not claim authorship for that himself entirely, he need not be touchy about something which, as he very often says, is a lawyer's job and when lawyers quibble, it is the lawyers alone that can come to his rescue. I would, therefore, request the Hon. Minister to accept the suggestion of my hon. Friend, Mr. Kaleswara Rao and make the point clear."

12-15
p.m.

* THE RAJA OF VENKATAGIRI:—"Mr. Speaker, my hon. Friend, Sri A. Kaleswara Rao said that there is nothing in the Permanent Settlement Regulation to support our contention that we have got certain proprietary rights even over these lands. I can quote several instructions that have been issued to Collectors, etc., in 1802 but I would refrain and simply request my friend to go through them and then tell us whether really we have got support for our contention or not. I request him to enlighten me whether in 18 Madras these waste lands were not dealt with by the famous Judge and also I would request him to read paragraph 27 of the Instrument of Instructions; and Rule 31 also says that there is no encroachment on the rights of the zamindars as they existed in 1802. All these show that and even the Regulation of 1822 says that the rights as they existed in 1802 should be rights that should be enforced and it does not make any distinction in favour of the zamindar or in favour of the tenant. Unless, as a layman I have such an incapacity to understand the law, I am unable to follow my hon. Friend Sri Kaleswara Rao when he deals with this aspect of the law. What the Bill seeks to give is only on the basis of the income to the zamindar and it is not any other right that is proposed to be given to him and therefore, I do not think that the amendment can be supported by the House."

SRI K. BHASHYAM:—"Mr. Speaker, lanka lands are giving us a lot of headache though I know lanka cheroots do give us headaches now and then because they are so very strong. Lanka lands do seem to give us a good deal of trouble in this House."

"They are neither fish nor flesh or red herring because they are not lands which are really ryoti lands. They are not waste lands and they are not forest lands but they seem to be a special kind of lands for which some special kind of treatment is necessary. I am told, Sir, that some of them are fairly permanent in

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which I take it—if I am wrong I may be corrected—occupancy rights will be introduced and occupancy rights will be given to the tenants who are settled upon them. But there are others which are not permanent but which are merely shifting by the tides of the river and it is not possible to say where they are and how the zamindars acquire the right to sell them in public auction and realise money and I do not know on what basis they are doing it—whether on the basis that they are their private lands or that they are waste lands. But the question is that these are cultivable lands and are fertile and the zamindars do realise a lot of money by auctioning them sometimes it goes up to ten times than what they normally obtain from a ryoti wet land. Unless it is made clear to the House on what basis the zamindar has been deriving income from these lands, it will be difficult to say that the zamindars are entitled to this income. These are lands owing their existence to the tidal action, the diluvial action of the rivers and some accretion or addition is made to the lands of the zamindar; sometimes it may be washed away and put in another zamindari. Therefore it is a shifting piece of land and it is difficult to believe how a zamindar can be getting permanent income out of such lands. If the Hon. Minister wants to say that because the zamindars have at any rate for some time been auctioning them and getting some income out of these lands, he is proposing to introduce the clause so that the income must be added to the basic sum which is going to be calculated for purposes of compensation, I submit that it must be made absolutely clear in what manner and by what process the zamindars became entitled to income from such lands so as to enable the Government to pay compensation. I feel, Sir, that some more light must be thrown upon it and you cannot say because something has been going on for some time, that should form the basis of compensation and the Government must pay compensation for it. After all the Government money is public money, to which all are contributing by way of taxes—merchants, lawyers and other persons—and it is necessary that you must guard the treasury against any undue payment by way of compensation. What I want to point out is that it must be made absolutely clear that the right which he has been exercising is one to which he is entitled and I hope the Hon. Minister will be clear about it and give us the basis on which he concedes this to them before we can accept this clause."

* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, I tried to explain last time what lanka lands are. These are very limited in extent. Of the total lanka area only one-third may belong to one or other zamindar. These are of two types. The high level ones which are not eroded and the low level ones which may be eroded either in part or in whole reformed or submerged. The point is whether lanka is a communal land. It could never have been a communal land. It is a land on which the zamindar has been collecting rent."

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SRI V. RAGHAVAYYA:—"It is included in the peishkush."

* THE HON. SRI KALA VENKATA RAO:—"I agree; but what does that mean? It means that it was land on which zamindars were collecting something under the category of miscellaneous income and we have to pay compensation. For purposes of charity it is characterised as miscellaneous and it is not as if something extra is being paid. It is not vacant land which can be left out of account and as a matter of fact, we are taking vacant lands also into account under the scheme of the Bill because we have been advised that no income which the zamindar gets to-day should be left out of account when the basic sum is being worked out. I feel there is no need to have this amendment."

SRI V. RAGHAVAYYA:—"Supposing the Government do not show certain strips of lands as ryoti lands for purposes of compensation to be determined for the zamindar, may I know whether the Government will not treat them as stated lands and make it available for the poor rather than give them away to the zamindars, simply because for purposes of calculation of compensation they have been included?"

* THE HON. SRI KALA VENKATA RAO:—"That is the mistake which my hon. Friend has been committing. If he had heard my earlier speech, he would have found that so far as we know the zamindars do not have any private land in any lanka either in the kistna lankas or the Godavari lankas and now the ryot could have his occupancy rights if he had been cultivating it continuously from 1937. No zamindar can claim private land in so far as he has not been continuously cultivating it from 1896 and to our knowledge there is no a single case of that type. If it is waste, it reverts to the Government and its assignment can be according to the land policy of the Government. So Sri Raghavayya must be satisfied over the matter."

* SRI A. KALESWARA RAO:—"Mr. Speaker, the Hon. Minister argues very conveniently and that is the trouble between him and me. He admitted, he asserted and he swore and propounded the theory that the zamindars are merely rent collectors but at the same time he says that he had been advised to pay compensation according to the income they might receive from any source. It is true, they must be paid compensation not because they own property but because they are your servants and they have been so for many years and you are terminating their services and giving them some compensation, you may call it bonus or compensation. That is why I have been stating that the Hon. Minister must stick to his guns but he does not; that is my complaint. He is advised to give compensation on lanka lands, compensation on forests, compensation on mines, on fisheries on everything possible except private lands and Mr. Speaker, I am going to point out that the whole method is absolutely wrong. Mr. Venkatarama Sastri and other gentlemen who gave evidence before the Committee said: Thank you, Government, you are

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giving compensation on mines and on fisheries, on forests, whereas the hon. minister has been saying that they are merely servants doing collection work—some sort of collection officers. Whether it is lanka lands, fisheries, forests or anything, the whole point is that you admit their right. So far as the community lands are concerned, they can be divided into three classes; the first is private land, the second ryoti lands and the rest are all waste lands. Lanka lands, forests, mines, and fisheries all belong to the village community and communal lands are of a different category and what is the use of trying to confuse me over the words 'communal lands' and community land. I am speaking of community lands belonging to the village community. They must become ryoti lands but at the same time no zamindar is going to get patta as there is no private lands in lankas. My point is that pattas should be given to all the ryots wherever they are but the Hon. Minister is not willing to give them patta unless it is proved that the ryot has been in possession from before 1939. There are lands which belong to the village community although they do not belong to the ryots or to the zamindar as his private lands. Sometimes the zamindar may encroach upon it and occupy it. The Hon. Minister may say that under the Estates Land Act, the zamindars cannot occupy either waste or ryoti lands but he is wrong. I am sorry I cannot accept the position taken by him and I, therefore, press my amendment."

* THE HON. SRI KALA VENKATA RAO:—"Sir, I am very sorry that nobody can convince Mr. Kaleswara Rao. He has got his fads; and I have got my fads. (Sri T. Viswanatham: What about me?) He has only arguments, Sir. I cannot understand him and I am unable to follow him. What is done here is only for clarity, so that the measure may stand the test in a court of law. Village communities, to which reference was made, have ceased to exist for a very very long time. We have yet to build them. Till then we need not wait. I am unable to accept the amendment." 12-30 p.m.

SRI V. RAGHAVAYYA:—"Sir, I wish to make one representation. Is the Hon. Revenue Minister helping zamindars in a future litigation by admitting and conceding their right to have a basic amount fixed as compensation in respect of those lands which are clearly not in their possession. As Mr. Bhashyam pointed out, these lanka lands are liable to appear and disappear according to the changes in floods. Why should he give an unnecessary loophole?"

THE HON. SRI KALA VENKATA RAO:—"I do not know whether my hon. friend has ever seen a lanka land. I do not know whether he has understood the question of alluvion and diluvion. I can assure him that the best way in which this kind of land can be dealt with has been done in this clause. So I oppose the amendment."

The amendment was put and lost.

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THE ZAMINDAR OF MIRZAPURAM:—"Mr. Speaker, Sir, I move in sub-clause (iii) for the word 'net', substitute the word 'gross'. Sir, this is a similar amendment to the previous one."

SRI M. G. NATESA CHETTIYAR:—"I second the amendment."

THE HON. SRI KALA VENKATA RAO:—"Sir, I am sorry I cannot accept the amendment."

SRI T. VISWANATHAM:—"Sir, in this clause we are dealing with an important question, and before I am able to understand the meaning of the amendment, it is moved and rejected in a trice."

MR. SPEAKER:—"The hon. Member should follow quickly. I am giving enough time to each clause."

SRI T. VISWANATHAM:—"What I am saying is, the Hon. Revenue Minister should explain why he rejects the amendment."

The amendment was put and lost.

* SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, I beg to move 'Omit sub-clause (iv)'. Sir, this is an important amendment. Not only should we not enhance compensation to be paid to the zamindars, but there is also another legal complication that is likely to arise, which should be prevented. The Hon. Revenue Minister said that these zamindars are mere rent collectors; and their services can be terminated. He says, the Legislature is a sovereign body. When you are a sovereign body, why do you go into every item of property, like forests, mines and quarries to give compensation. Thereby you are admitting they are owners of the property. I pointed this out in the select committee but it was not heeded. I repeat, by this clause you are admitting that the zamindars are the owners of mines, fisheries, quarries and so on. Mr. Prakasam has made it clear, that the zamindars are proprietors of nothing except their private land. By this clause you are bringing in confusion. Already there is confusion between communal and community land. The Hon. Minister says that he cannot accept my amendment; because he is otherwise advised. His advisers are confused with regard to the miscellaneous income. You say, three years income will be taken and the average will be struck. By doing this, you are admitting, the zamindars are owners of the property. Your statement that this legislature is a sovereign body becomes an empty word. The whole objection of Mr. Prakasam to this Bill is that it is introducing a dangerous principle, that is, you are admitting ownership of zamindars to property. He has brought out in his report that the fisheries, quarries, mines all belong to the village community. The Hon. Minister says that I am following a fad. Yes, it will be a fad, if I am consistent; if one is inconsistent there is no fad. That the zamindars are not owners, but are mere rent collectors, is the

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contention of Mr. Prakasam; and that was the contention of Sri C. Rajagopalachariar, when he was at the helm of affairs in this Province. I am in excellent company with them in my statement. (Laughter.) Sir, I move my amendment."

SRI T. VISWANATHAM:—"For these very sentences, Sir, I second the amendment." (Laughter.)

SRI K. BHASHYAM:—"Sir, only one thing I have to submit. This clause deals with miscellaneous revenue derived from all other sources in the estate specified in section 3, clause (b). Does it mean, that if any zamindar has a quarry and has been making enormous profits, say, lakhs of rupees, the compensation is to be calculated on that basis. Or is it a case where a zamindar, like the Raja of Venkatagiri, who opens up mica mines . . ."

THE RAJA OF VENKATAGIRI:—"Sorry, I have only one mine."

SRI K. BHASHYAM:—"Or say if any zamindar opens up mica mines and makes enormous profits, is the compensation to be fixed on those profits?"

"I do not mean to say that he works all the mines. Let me put it like this. Suppose some zamindar has got a mica mine and that he has been working it for a number of years and has made a lot of money. Does it mean that one-third of the average net annual income from these mines should also be included in the calculation of the basic annual sum? I submit, Sir, that the expression 'miscellaneous revenue derived from all other sources in the estate' is rather misleading. I should like therefore that the Hon. Minister for Revenue makes this point clear, or let him amend the section itself, so as to make this point clear." 12-45 P.M.

* SRI V. RAGHAVAYYA:—"Mr. Speaker, Sir, I wish definitely to lodge my protest against this clause at this stage. The Hon. Minister for Revenue is unfortunately sailing between Scylla and Charybdis. He wants an escape from this inconvenient position. If he wants to save this Province from the huge debt of compensation to be paid to these zamindars, let him please do it now. But if he is trying to concede the right of compensation even for these mines, forests and other things which have not been till now definitely recognized as being eligible for it, I submit, he will be creating a precedent which he cannot wipe out. Perhaps the difficulty of the Hon. Minister for Revenue seems to be that the Government of India Act requires compensation to be paid, if properties are taken over. If he brought in the word compensation, perhaps he is afraid that section 280 of the Government of India Act would have to be applied, and if the compensation is not adequate, he fears that the whole legislation would be declared *ultra vires*. Therefore he wants to escape from this position and in trying to do so, he is trying to create a series of admissions by the legislature from which he will not be able to escape. The zamindars are simply biding their time so that they

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can take advantage of these admissions, and put them before a court of law later on. So the Hon. Minister for Revenue cannot save this Province, because the Government have committed themselves to this payment of compensation, which they could not go back upon. If you want to be rid of the mischief of section 299 of the Government of India Act, please hear and now declare that you are not going to pay any compensation in the real sense of the term, and that what you are going to pay is only a solatium. If you declare the compensation now, some later Ministry might take advantage of it and they might say that their predecessors have accepted it. When you do not concede it, then there is some chance for posterity."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Mr. Speaker, Sir, I should like to submit that as far as the Government are concerned, they are not proceeding on a right basis. If you want that this legislation should be valid, you must recognize all the interests that you are acquiring. It is necessary that you must state in clear terms what are the interests you are going to acquire. That is the first stage. Having recognized the rights that you are acquiring, you must pay compensation. The advice that the Government seem to have received has been that if they do not recognize the rights, then the legislation would be bad. That is the first point. The second point is, that if you recognize the interest that you are acquiring, then the compensation that should be paid must be proper and legal compensation and if it is not illusory, the legislation will be valid and no court will call in question the quantum of compensation. I think that is the position that the Government are taking.

"Now, Sir, although I do not approve of this point of view, I should like to say this much. My hon. Friends, Mr. Kaleswara Rao and Mr. V. Raghavayya seem to think that everything can be denied, just as in a suit which is proceeding, the defendant denies all that is contained in the plaint. If the plaintiff says that the defendant owes so much to the plaintiff, the vakil on the defendant's side would completely deny it and would begin to argue on that basis. His object is, 'let the court decide.' That seems to be the attitude taken up by these two hon. Gentlemen. But we must forget, Sir, that we are pleading either for the defendant or the plaintiff in this legislature. I ask, if you deny all the rights of these zamindars, and say that they are not entitled to anything, how far will it stand? How far will it help you? There is an old saying that when a cat drinks the milk, it shuts both its eyes and thinks that the whole world has become dark and that nobody could observe it drinking the milk. So, let us not shut our eyes to all the legal aspects of this matter and think that nothing would happen. That will not help us at all. Let us not here discuss this question as if we are pleaders of the defendants. We are legislators. We must know what are the rights we are acquiring and section 299 of the Government of

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India Act says that if you acquire any interest, you must pay compensation. The difference between myself and my Hon. Friend Mr. Kala Venkata Rao is this. I say, you must pay proper compensation. He says, if I pay compensation which is not illusory, then the legislation is good.

"What are the items of land and properties in an estate? There are forests. It is a fact that for the last 150 years, these zamindars have been enjoying income therefrom. Then there are quarries and also waste lands and they have been deriving income from all these lands. And now you want to take over these lands without paying any compensation or even the little compensation that my Hon. Friend the Revenue Minister wants to give. Then what would happen to this legislation as far as this part of the question is concerned? That is a point which we have got to consider.

"Now, take the ryotwari areas. In all these areas, there are miscellaneous kinds of properties, such as forests, quarries and waste lands, and the Government are the owners. What they did was that in 1802 they simply transferred all these rights to the Government. So the Government now claim that all these lands, forests, rivers, etc., are their own property and that they are the owners. That is why they sometimes sell darkhast lands. Sometimes they sell forest produce. In the same way, in 1802 when the Permanent Settlement Regulations were introduced, what they did in the case of estates was, they simply transferred all these forests, quarries, waste lands, etc., to the zamindars. It was a great mistake committed at that time, but having done that and having allowed these zamindars to enjoy the income out of those properties for the last 150 years, just as the Government have been enjoying the income from these things in the ryotwari areas, do you think that in the year 1948, when you say that you are acquiring these interests, your denial that these zamindars are not entitled to any compensation, will be accepted by any court of law? Certainly not. I am not able to understand that kind of argument adduced by some of my hon. friends here. They say there must be an estoppel. Estoppel, against what? Estoppel against the statute? I do not think there can be any estoppel against the statute. Therefore, Sir, my complaint against the Government is that they are not recognizing all these rights of the zamindars and even if it can be argued that they are doing so, they are not paying proper compensation, so as to be beyond the clutches of section 299 of the Government of India Act. But at the same time, I may state that the proposal of the Government goes to some extent in compensating the zamindars and it is certainly necessary to do so. But having mentioned these interests, and having admitted that the Government are going to acquire these interests, they must give some compensation which must not be illusory, and if that is done, then perhaps they will be safe from being questioned in a court of law."

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MR. SPEAKER:—"Before I now call upon the Raja of Venkatagiri to speak, I should like to bring to the notice of the hon. Members of this House that in discussing this Bill, of late there have been too much of personal attacks. I find that certain hon. Members are indulging in attacking other hon. Members in the course of their speeches, and I think it is most unparliamentary. Unless they are brought to my notice, usually the Chair does not interfere with the proceedings of the debate. The Chair is supposed to be blind in respect of these things. In this connexion I may tell the House that Speaker Lenthal said when Charles I entered the House of Commons to arrest certain Members, 'I have neither eyes to see nor tongue to speak, except what the House is pleased to direct me'. So also here, I do not interfere in the debates of this House unless such things are brought to my notice.

"Let me also, in this connexion, refer to an incident that happened in the Central Assembly when the late Hon. Mr. V. J. Patel was President of that House. A certain Member of that House said that 'the Hon. Member has not the intelligence to understand what I said'. The Hon. Mr. Patel took objection to it and asked the member to withdraw and make an apology in the open House. The usual definition of the term 'unparliamentary' is that 'no reviling or nipping words should be used'. As I said, of late I find that there is unfortunately a growing tendency towards too much of personal attacks and I hope that hon. Members will listen to me and bear this in mind in future."

* THE RAJA OF VENKATAGIRI:—"Mr. Speaker, Sir, I did not propose to intervene in this debate at this stage, but for the fact that certain observations have been made by some of my hon. Friends opposite which require that I should make some 1 p.m. submissions to you, Sir. It is reported as follows in Volume I of Indian Appeals. In that Justice Peacock has stated that 'in accordance with the rules as to the interpretation of the Statutes the Preamble forms no part of the enactment' and he also observed that 'it is the terms of the regulation that should really govern'. Sir, while we maintain that we had the ownership rights even prior to 1802, the 1802 regulations specifically confirmed them by vesting in us these proprietary rights. How it is distinct and different from the ownership rights I would like to be enlightened by my hon. Friend, Sri Kaleswara Rao who said that forests, minerals and all these waste lands are communal properties. The law is clear and there has been enough case law in regard to the joint as to which are communal lands and which are the properties of the landholder. I need not go into it, Sir, except to say, that as regards the forests it has been established in many cases like Singampatti case—even in the case relating to the Venkatagiri Estate—that these zamindars have got proprietary right. So also in regard to the minerals. As I was submitting to the House, Sir, even for unworked minerals, when the Land Acquisition Act was applied compensation was given,—

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I mean the Mahabalipuram case. Similarly in another case where shell was dug by a ryot, the court observed, that while the surface rights for the purpose of cultivation is vested in the ryot, the minerals that were found under the surface were the property of the landholder; this is so even in the case of the patta land. Sir, in the face of this now to attempt to say that we have no proprietary right, I may respectfully submit to my hon. Friend, Sri Kaleswara Rao, is not interpretation of the law as I expect him to do, he being a man of such longstanding experience. (Sri T. Viswanatham: 'He was the lawyer of the zamindars only'.) Whatever it may be, Sir, that is what I expected him to do I am disappointed. He made another observation, Sir, that if in this Bill the rights were recognized then the Government would be vesting certain fresh rights in us. It is not so, Sir. The rights are there. Perhaps it would be safer to recognize certain rights and pay us compensation so that the legality of the measure may be strengthened. Of course there is that point, namely, whether the compensation accorded is proper compensation or not. Simply because you make any provision in the Bill for compensation regarding certain items of revenue, it does not mean that in regard to those items, an illegal Bill would become legal. Perhaps, it is much safer to recognize them now and pay compensation. Of course when this comes from me, my hon. Friend, Sri Kaleswara Rao may take it with a certain misgiving. But I must say that when I plead for compensation, I plead for proper compensation. When I place this opinion before the House it is with a real desire to see to the extent possible that this legislation is made valid. Sir, in my own case again a certain hill was acquired and a lot of money was paid to me. The point was raised whether even in regard to the income derived by the zamindar from mines there should be compensation. I submit, Sir, when the Ministry decided upon a measure, a reform of this kind and that a revolutionary reform, it is the duty of the Ministry to take into account every item of the property and see that justice is done and proper compensation is paid. My hon. Friend, Sri Raghavayya, has raised the point, whether this Legislature by approving those measures, would not be burdening the country with an unbearable burden. I submit, Sir, that even if all these recognitions are made fortunately the burden in the case of Madras is bearable; it is not only a question of being bearable, Sir, but it is absolutely remunerative and very beneficial. For that reason we say that a better compensation could be given to see that the principle, namely, that when the State acquires property it should not make a profit is not violated. A violation of this principle would weaken the law also. These are the points, Sir, which I would request the Hon. the Revenue Minister to remember in effecting this tenancy reform. Let him not ignore certain fundamental principles which go a long way in deciding either the legality or the illegality of this measure. For these reasons, Sir, I oppose the amendment so eloquently moved by my hon. Friend, Sri Kaleswara Rao."

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* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, Sir, I am in a very difficult situation of being defended and criticised in turn by friends of different persuasion. At one stage the Raja of Venkatagiri defends me and at another point the hon. Mr. Kaleswara Rao will defend me and they change sides immediately regarding certain other clause. (Sri T. Viswanatham: 'You have two sides!') My hon. Friend, Mr. Viswanatham, also has two sides, Sir, the back and the front and he cannot escape the Nature's set up. Leaving the joke apart, Sir, I would like to say that at every turn the same point is being repeated. One side says that the zamindar has got the proprietary right and the other asserts that the zamindar has not got any proprietary right. I agree with the second side, Sir, and there I am in the august company—I do not claim the august company of my Guru or His Excellency Rajagopalachari, Sir—but I am in the august company of Sri Kaleswara Rao himself in declaring that the zamindar has no proprietorship in the land. Mr. Raghavayya need not interrupt me, Sir. There are bigger people in the country and they have all gone into the question and tendered us advice. And we have taken into consideration many aspects so as to save the Bill in the courts of law. The criticism that is being levelled at the various stages that the Bill is based upon confusion, misunderstanding and inconsistency and the rest . . ."

MR. SPEAKER:—"That is personal attack."

THE HON. SRI KALA VENKATA RAO:—"Somebody was saying so, Sir. I am not saying this against anybody. I am also saying that to say like that is not good."

SRI T. VISWANATHAM:—"Is it unparliamentary, Sir, to say 'confusion'?"

MR. SPEAKER:—"It is want of parliamentary etiquette. It is more in the nature of a personal attack."

THE HON. SRI KALA VENKATA RAO:—"Anyhow, Sir, I am not using those words against anyone in the House, and I do not propose to use them. If that kind of phrase comes from my elders, Sir, perhaps it shows them up."

"There is the criticism, Sir, that because I said that this House is sovereign, we have every right to do anything we like. That is not the correct interpretation. I must say that though we have the strength of a giant we can't use it like a giant for a good or a bad purpose. I must say, Sir, that meticulous care has been taken to see that the Bill will stand the test in any court of law. The hon. Member, Mr. Kaleswara Rao, was pleased to think that by changing the wording in the Preamble or a certain wording in the clauses the Bill will include some of his ideas. I say, Sir, that meticulous care has been taken. This is the correct wording, the correct idea and the correct drafting. Sri V. Raghavayya, the poorman's advocate always thinks of nationalization. For all these big entities, forests, fisheries, mines and the rest we are

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paying compensation on incomes derived when those are worked out by the Government and added to the basic annual value. Nobody can say that we are committing any error of judgment in the matter. Therefore, Sir, I think that in spite of all the argument of the hon. Member, Sri Kaleswara Rao, I am unable to accept this amendment."

SRI V. RAGHAVAYYA:—"I want a doubt to be cleared, Sir."

MR. SPEAKER:—"For every clause the hon. Member gets a doubt. His doubt will be cleared."

SRI A. KALESWARA RAO:—"I wish to say one or two words with regard to estoppel, Sir. If it can be said, Sir, that there can be no estoppel against the statute then it can also be stated that there can be no suit against the Government. If the parties go before a court, if the zamindars have a legal right to go to a court for getting enhanced compensation and the Government is the defendant, then all the rights and liabilities and responsibilities that occur between the plaintiff and the defendant also will be there, namely, limitation, estoppel, res judicata, etc. All these things will be there. Therefore I cannot understand how it can be said when a suit lies against the Government which is making the statute, that there can be no estoppel. Therefore it is inconsistent. It is not right. That is my first submission with regard to this. Then my hon. Friend, Mr. Baig said . . ."

MR. SPEAKER:—"Will the hon. Member kindly resume his seat? I do not want to interfere, but I should like to point out this. As English is a foreign language to us, we should know something about these points. I am not saying this as a criticism. The hon. Member just now said: 'My hon. Friend, Mr. Baig'. In Parliament when hon. Members belonging to opposite parties are referring to each other they say: 'the hon. Gentleman'. For instance, when an hon. Member on this side refers to an hon. Member belonging to the opposite party, he must say: 'The hon. Gentleman.' If the reference is to a member of the same party then he can say: 'My hon. Friend'. English is a foreign language and we must know all these things. When somebody reads our proceedings he will understand whether the hon. Member speaking is referring to a Member of his party or to a Member of the opposite party. When hon. Members are referring to an hon. Member of opposite parties they must say: 'hon. Gentleman' and when the reference is to a Member of the same party they must say 'hon. Friend'."

SRI K. BHASHYAM:—"Will it be correct, Sir, to say 'my hon. Enemy'?"

MR. SPEAKER:—"There is nothing like 'an hon. Enemy', in parliamentary language."

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THE RAJA OF VENKATAGIRI:—"On a point of information, Sir. What will be the position of one like me who does not belong to either party?"

MR. SPEAKER:—"The hon. Member does not belong to the ministerialist party. He is in the opposition. He has to be addressed as hon. Gentleman by the hon. Member Mr. Kaleswara Rao."

1-15 p.m. THE RAJA OF VENKATAGIRI:—"I am not in the opposition, Sir."

MR. SPEAKER:—"The hon. Member has to be addressed as hon. Gentleman by Mr. Kaleswara Rao."

* SRI A. KALESWARA RAO:—"Sir, the hon. Gentleman, Mr. Ali Baig, has made a comparison between Government villages and zamin villages. Government are sovereign. The rights which existed are only those which existed between the State and the subject. The zamindar does not come into the position of Government. The Government are now taking away the zamindars' possession of the estates. So, the Government is different. This is an important point. Therefore, whatever does not belong to the ryots belongs to Government. That is also my submission. Whatever does not belong to the ryots belongs to the village community. The question is whether the zamindar can trespass upon the rights of the village community and whether all the rights of the village community also are handed over by the East India Company to the zamindars. That is a big theory and doctrine which we have to keep in view. The Interpretation Regulation of 1822 says that not only the rights of the ryots but also the rights of the village community should not be disturbed by the introduction of the Permanent Settlement. That is Mr. Prakasam's view and of course it is our view also. When once we say that the zamindar is an office-holder and no more than that, he is not an owner at all. Therefore, I humbly submit that it is not correct to say that he is the owner of the soil. Either say that they are holders of office, and pay them compensation as such, or accept them as owners of the property. Then you get some basis. They say that the compensation is not adequate, just and proper. They may go to a court of law. But I do not think the hon. Gentleman, the Raja of Venkatagiri, is going to do it. There are so many who may go to a court of law. We cannot prevent anybody. All the difficulties are there. Therefore, Mr. Prakasam and I have given amendments with regard to the Preamble of the Bill, etc. We have stated that this sort of calculation on the various items is wrong and prejudicial and that it would jeopardise our case. Pay as much compensation as you can. But why should the Hon. Revenue Minister pay more compensation? People's money should not be spent in that manner. I objected to lankas being specifically brought in the select committee. I am strengthened by the views held by the

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joint committee of the Andhra Provincial Congress Committee. They say that compensation is too excessive, and that the Government should act on the basis of the peishkush. They specifically said that mines, forests and lankas should not be included in the calculation. On all these grounds it is not right to pay more compensation, because they have enjoyed so much during the last 150 years. We are only changing the mode of administration which has not been properly carried out for the benefit of the people, and which has not been conducive to the progress of the ryots. Pay as much compensation as you like, but please do not include mines, forests, etc., into the calculations. They are all given by God, and they should go to the village community. It is not proper that those items should be included with landed property. It is dangerous. Going half-way is more dangerous than going to the full length from a legal point of view. They do not deserve so much compensation. We are in the process of leveling up and down and bringing about economic equality as far as possible. Therefore, the Government should not pay more compensation. Do not create new capitalists in the country. They will dominate society, and it will be dangerous to the society."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"On a point of personal explanation, Sir. What I submitted was that in the ryotwari area the Government are exercising certain rights and they have recognized the proprietary rights in zamindari areas also by having paid in many cases compensation for acquiring rights in hills and other places. In several cases in which the Government and the zamindars were parties, the rights of zamindars in forests, lankas and mines, etc., have been recognized by Government. What I said was . . . (Interruption by Sri T. Viswanatham.) But, you have been doing it all along. That only shows that these were granted to the zamindars and the rights which the Government had were transferred to the zamindars."

SRI V. RAGHAVAYYA:—"Sir, what I gathered from the

THE HON. SRI KALA VENKATA RAO:—"Sir, if Mr. Raghavayya puts his doubt in the form of a question, I can answer."

SRI V. RAGHAVAYYA:—"Unfortunately, people on this side are cleverer."

THE HON. SRI KALA VENKATA RAO:—"Sir, I do not know when my hon. Friend went to the other side."

SRI V. RAGHAVAYYA:—"Sir, since the Government have agreed to the right of compensation for worked mines and also for unworked forests, may I know whether the Government do not feel or realize that while conceding the right of compensation for worked mines, they are unconsciously allowing themselves to

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be liable for a claim for unworked mines also? (Interruption.)
The question is: are the Government aware that by conceding
the zamindar's right to compensation for worked mines they are
conceding the claim for unworked mines also?"

THE HON. SRI KALA VENKATA RAO:—"My simple
answer to the question is 'No', Sir.

"My hon. Friend, Mr. Kaleswara Rao, referred to the advice
of the Andhra Provincial Congress Committee. I could not accept
that advice because the basis of the advice tendered to us by the
all-India Congress Committee is different."

The amendment was put and lost.

* SRI M. G. NATESA CHETTIYAR:—"Sir, I move—

'In sub-clause (iv), in line 1, delete the words 'one-third of'.
Sir, I want to know why only one-third of the income from misce-
laneous sources is fixed as basis for calculating compensation.
Is not peishkush levied already by the Permanent Settlement
comprise the assets from miscellaneous sources also? Are two-
thirds taken away from annual miscellaneous income also as
peishkush? At the time of the Permanent Settlement was not
peishkush levied on the estate as a whole including all the misce-
laneous income. Again, Sir, it is opening the question of rights
under the Permanent Settlement. Time after time and clause
after clause there has been discussion in this House in respect of
the rights regarding every item of property. Whether it is
property or only office, is again brought in. Still the Hon.
Minister is not pleased to place his authority on the table. He
says that this is more than a conclusive affair. I am afraid
his presumptions are more motivable than fair judgments that
have been delivered up to now by any responsible authority.
As regards mineral rights, the Board's Standing Order No. 25.
I-A 79 recognizes and declares that mines and minerals are the
property of the zamindars. Act I of 1908, the first Act to define
the substantial and relative rights and obligations of landlords
and their tenants or ryots entitles the zamindars to reserve mining
rights under a particular section of that Act. These miscella-
neous incomes and incomes derived from extension of cultivation
are the very things claimed to have been given to the zamindars
under the Permanent Settlement. The Permanent Settlement.
I may say, Sir, is more or less . . ."

MR. SPEAKER:—"The hon. Member will continue his
speech after lunch."

THE HON. SRI KALA VENKATA RAO:—"But not with
reference to Permanent Settlement, Sir."

MR. SPEAKER:—"The House will now adjourn for lunch
and meet at 2-30."

The House adjourned for lunch.

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(After lunch 2-30 p.m.)

* SRI M. G. NATESA CHETTIYAR:—"Sir, I was saying
that the incomes from the miscellaneous items from the estate
should not be subjected to new assessment of peishkush and that the
net income as a whole must be taken into consideration as the basis
for the payment of compensation. I would like to impress that
point in the minds of some hon. Friends. I may state that even
to-day, the proprietary rights of the zamindar in the waste land, the
forest and the poramboke are being taken into consideration but
under this Bill steps are taken to interfere with these rights of the
zamindar. Supposing, Sir, in a village, the Government want to
dig a well. As I said before, the Permanent Settlement vested in
the zamindar the proprietorship, and therefore, the Government
should get the consent of the zamindar before digging a well in a
zamindari village. Again if they want to dig a well in a poram-
boke in an estate, the Revenue Department at once sends up propo-
sals and then gets the consent of the landholder to dig that well and
if such a consent they alienate by the Provisions of Land Acquisition
Act. Again, Sir, in respect of mining also, the same procedure
is adopted. Suppose there is a treasure-trove in an estate, the
Government cannot claim it as its own at once. When there
is no claim by any other party or any other member of the public
and if the treasure-trove is not traced to be belonging to any
particular individual, then the landholder is given as one entitled
to it after paying certain royalty to the Government.

"Then, Sir, as these rights are vested in the zamindar, the
various miscellaneous incomes from mines, minerals, forests and
other sources are included in the calculation of the peishkush
and no demand is made newly on those accounts."

MR. SPEAKER:—"All these points were already mentioned
by the hon. Member."

SRI M. G. NATESA CHETTIYAR:—"Sir, it is quite true
that all these points have already been mentioned. But, Sir, my
Government Friend, the Hon. Minister, is in a very advantageous
position and I am in a disadvantageous position. Therefore, I
have to state my case so fully and so repeatedly, even though it
is tiring so far as the Government is concerned. My Government
Friend has been repeatedly saying that the zamindar has no pro-
prietary rights and we are not tired of hearing it, though the
proprietary right is vested in us and that right has been possessed
and enjoyed for a number of years. Therefore, he need not get
tired of what I am putting forth to show that we are entitled to
these rights. It is unfair to say that we should not do so simply
because my Government Friend is in a stronger position.

"Now, coming to my amendment, I have given various other
amendments in respect of this clause. I have a doubt as to whether
I would be enabled to move my amendment to insert a new
clause 26 (a) at this stage."

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MR. SPEAKER:—"If this clause is passed, it will become out of order."

SRI M. G. NATESA CHETTIYAR:—"My doubt is even when I am speaking on clause 26, I may speak about that new clause also."

MR. SPEAKER:—"No, it is not possible for the hon. Member to do so."

SRI M. G. NATESA CHETTIYAR:—"That doubt has arisen, Sir, because that new clause will also be covered by this clause. It is more or less an amendment to this clause. Therefore, I do not know how I can be precluded from moving the amendment regarding new clause 26 (a). Therefore, Sir, I request the Hon. Speaker's indulgence to allow me to speak on that also."

MR. SPEAKER:—"Now, if the hon. Member wants, he can oppose the whole clause when it is put to vote and then the hon. Member can give his reasons. That would be a better thing."

SRI M. G. NATESA CHETTIYAR:—"I thank the Hon. Speaker for the indulgence shown to me, for speaking on the new clause 26 (a)."

MR. SPEAKER:—"Not now. When I put the whole clause 26 as amended to the vote of the House, then, it is time for the hon. Member to speak against it, if he wants."

SRI M. G. NATESA CHETTIYAR:—"Therefore, Sir, now, I will confine myself to my amendment to sub-clause (iv) of clause 26, which says, that in line 1 of that sub-clause, the words 'one-third of' be deleted. Sir, in respect of the mineral rights, I quoted, Standing Order No. 25 (1)-A 79 which has been recognized by the present Government itself and which has been in vogue for a long time and this right has been conferred by executive and administrative orders. Therefore, to say that the zamindars have not got mines and mineral rights, is wrong. Act I of 1908 has also given the zamindars these rights. These rights belonged to the zamindars even under the Permanent Settlement Regulations. Therefore, the basis of arriving at the net income according to 26 (iii) (b) is unfair because, Sir, the income is derived even now along with the land revenue. There are ryots who pay even grazing fees for grazing purpose in porambokes and non-ryoti lands, waste lands, pasture lands, etc., belonging to the zamindar. Pasture land is separately kept and the ryots pay fees for the grazing of their cattle. It is being collected along with the land revenue and it is also paid knowingly by the ryot. So, on these miscellaneous incomes, it is certainly unfair to levy any additional peishkush. It is all supposed to be the private incomes of the landholders and as a matter of fact, for the purpose of assessing cess on the rent-roll, these fees have been excluded as private income of the zamindar. Supposing, Sir, I hold a private land in an estate, on

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the income from the private land also. I am not assessed cess and therefore no additional taxation is imposed by the Provincial Government in addition to the land revenue that is levied. Under those circumstances, Sir, I do not understand how one-third the income only can be taken as the basis for payment of compensation. My complaint is that when fees are collected for the use of these pastures, fisheries, forests and other things along with the rent, why should they be assessed separately and an additional burden imposed on the zamindar? It is also sometimes usual for the landholder to sell in public auction the produce from the forests, and also lease the rights of fishing in tanks, rivers, streams, etc., and various other things or give them on contract. Under those circumstances, why should any additional burden be placed on the zamindar and why should not the gross income be taken as the basis for compensation? It is wrong to say that only one-third of the net income should be taken as the basis. There are many things which had come into being after the Permanent Settlement and for which the zamindar collects fees. I may state in my own case that there was a village in my estate. It had no forest for grazing cattle or for getting fuel for the tenants. Therefore, I purchased a forest property for Rs. 20,000 as a separate entity in order to facilitate my tenants to take manure leaves for the agricultural lands and for grazing their cattle, for bringing firewood and wood for making their ploughs, etc., and the tenants paid at the rate of two annas per rupee on the rent they pay. No cost is assessed at all because the Government themselves treated the fees collected from the ryots as private income of the landholder. In fact there was such an instruction from the Government not to assess-cess on incomes derived from home farm lands forests, mines, etc. Therefore, I want to know very specifically, when you are going to acquire all the forests, whether you are going to compensate for that property which I have purchased separately for the benefit of my ryots for the use of grazing their cattle, for taking manure leaves, for taking firewood, etc., and which is treated as a separate entity."

MR. SPEAKER:—"Even in the morning the hon. Member has taken five minutes and now he has taken nearly fifteen minutes."

SRI M. G. NATESA CHETTIYAR:—"I am finishing, Sir. Therefore, Sir, there is no reason to say that the Government would take only one-third of the net income as the basis. It is wrong in principle and therefore, I submit that the gross income must be taken into consideration as the basis for the payment of compensation. Otherwise, this Government will be quite in the line of expropriating the private property of the zamindar after the communistic principle."

* THE RAJA OF VENKATAGIRI:—"Sir, every clause, every amendment, and every speech has necessarily to deal with properties, and proprietary rights, for the simple reason that proprietary rights are sought to be taken away and something else is given for

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p.m.

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them. (Interruption.) I would not go into the details of it elaborately. My hon. Friend, Sri Kaleswara Rao, had claimed the right to be in the august company of those two eminent countrymen of ours in the field of law. I wish he had claimed the right to be in their company in the field of statesmanship. I do not subscribe to their views in spite of my great respect for them because I feel I have to pay more attention to the opinions of exceedingly eminent friends of mine who are actively participating in the sphere of law—we have to pay our respectful attention to the views expressed by those who are qualified better, by virtue of their active participation in the sphere of law to-day.

“Sir, in regard to this amendment, there is one point that I would like to stress upon. There are several items of property dealt with in sub-clause (iv) of this clause. Many such items, such as forests, mines, fisheries and various other species of property have been enumerated in clause 3. In respect of these, sub-clause (iv) of this clause contemplates only one-third of the net annual income as compensation. On the other hand, the compensation contemplated in sub-clause (i) of 27 (2), is ‘One-third of the gross annual ryotwari demand,’ subject to certain deductions. I would submit, that this distinction and difference should be removed, and the wording under the sub-clause should be ‘net income,’ and not ‘one-third of’ the net income annually got by the landlord. Therefore, I would submit that the words ‘one-third of’ be omitted in sub-clause (iv), line 1 of clause 26.

“Another thing I would submit to you is this. The full net annual income should be given to the landlord, and that should form the basis on which compensation should be worked out, because all the proprietary rights that we claim are ours and are now sought to be taken away. My hon. Friend, Sri Kaleswara Rao quoted the 1822 regulation, in support of his contention. I may for your information, Sir, submit that that very regulative was quoted by Mr. Collett in that famous judgment which he delivered in our favour. I am sure my hon. Friend would be aware of it. But just to refresh his memory, so that he may look at it in the light of that judgment, I am submitting this to you, Sir. For these reasons, I hold that the proprietary rights are there, and therefore the net annual income, and not one-third of the net annual income, should be taken as the basis of compensation.

“With these few words, I second the amendment of my hon. Friend, Sri M. G. Natesa Chettiyar.”

THE HON. SRI KALA VENKATA RAO:—“I wish to state that the whole question has been discussed when we discussed the relation between one-third of the net annual income, and the compensation. No further elucidation is necessary. I am sorry I am unable to accept the amendment.”

The amendment was put and lost.

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MUHAMMAD RAZA KHAN SAHIB:—“Sir, I move that—
‘in sub-clause (iv), for the words “one-third . . . section 3, clause (b)”’, substitute the words “the market value of all other sources in the estate specified in section 3, clause (b)”’.”

THE HON. SRI KALA VENKATA RAO:—“Sir, both the things have already been discussed—the market value being paid, and also the one-third being calculated for compensation. I think no re-discussion is necessary. I feel that this amendment is out of order.”

MUHAMMAD RAZA KHAN SAHIB:—“If that is so, Sir, then it is clearly out of order. But when I spoke to you just now, you said it was in order.”

MR. SPEAKER:—“If the hon. Member wants, when I put the clause, as amended, to the vote of the House, he can oppose it.”

MUHAMMAD RAZA KHAN SAHIB:—“But, Sir, my reasons for moving it are quite different from what the Raja of Venkatagiri has given. I shall submit certain reasons which the Hon. Minister has not yet heard.”

MR. SPEAKER:—“But the House has already given a verdict on a similar amendment. So this amendment is out of order, and cannot be moved.”

* SRI T. VISWANATHAM:—“It is true, Sir, that the question of one-third has been discussed under this particular clause. But the reference here is not to the market value, or the miscellaneous revenue as defined in section 3, clause (a), but to the cost of the estate by itself. And therefore I think hon. Gentleman, Mr. Raza Khan, is quite in order, in moving his amendment.”

MR. SPEAKER:—“I think it is really out of order. If the hon. Member wants, he can oppose the whole clause, when it is put to the vote of the House as amended.”

* THE RAJA OF VENKATAGIRI:—“Sir, I move that—
‘in sub-clause (iv) of clause 26, for the words “but not including lands in respect of which a landholder is entitled to a ryotwari patta as ascertained under section 29”’, substitute the words “including charges for water, such as faslijasthi and thirvajasthi charges for unauthorized occupation of land, etc.”’.

“Sir, the Bill, as it is drafted, does not make any provision for the inclusion of charges for water, such as faslijasthi, etc., and charges for unauthorized occupation of land. Sir, I submit that what the zamindars have been getting, and what would fall into the coffers of Government even during their administration should be taken as the basis, and it is only fair that these things also should be included, as they are also items of revenue, in the list of items on which the compensation amount would be computed.”

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SRI M. G. NATESA CHETTIYAR:—"Sir, I second the amendment."

* THE HON. SRI KALA VENKATA RAO:—"The purpose of the amendment is to include in the miscellaneous revenue, charges for water, faslijasthi, thirvajasthi, etc. I am unable to accept the amendment for the following reasons.

"Firstly, the charges for water are generally included in rent collected by the landlord. Secondly, charges such as faslijasthi and tirvajasthi, and for unauthorized occupation of land are not recurring annual incomes. Their levy is only conditional upon the ryots taking water unauthorizedly, or raising a second crop on a single-crop land. The miscellaneous revenue referred to in clause 26 (iv), i.e., the present clause is to be determined in accordance with clause 29 which is to follow. That clause says that the amount will be the average of the revenue derived by the Government after the notified date and not by the landlord before that date. Therefore, there is no point in bringing the income derived in the past into this clause. Therefore, I oppose this amendment."

3 p.m. * THE RAJA OF VENKATAGIRI:—"Sir, I am unable to follow the reasoning of the Hon. Minister. He says that all the net annual income derived from such sources during the fasli year referred to in clause 26 and the next two faslis would be included in this, and therefore what was already got by the landlord should not be included. My amendment says that the faslijasthi and thirvajasthi charges and charges for unauthorized occupation of lands should be included. After all, only the average income during three faslis will be included. In several estates, there are always faslijasthi and tirvajasthi charges. These form part of the revenue . . . (The Hon. Sri Kala Venkata Rao: 'Do they not form part of rent?') They do not. What is stated in clause 26 is one-third of the gross annual ryotwari demand in respect of all lands in the estates. Demand is different from income. Faslijasthi and tirvajasthi charges will be different items. What I submit is all these three items, at any rate, the first two items of charges that would be given for unauthorized cultivation, should be included. These may be included because only the average for three years will be taken for the period the estate would be under the administration of the Government. I say that the Government should include the average annual income they get. The Hon. Revenue Minister referred to them as if they are casual occurrences. It is not so. Let them make the period five years if necessary and not three years, and see what incomes are fetched from these items. I submit to you, Sir, that in my own estate these charges represent about 9 to 10 per cent of my wet demand. I get about Rs. 50,000 from these sources from my estate. The wet areas fetch me about Rs. 5 lakhs and odd. I submit that this is a very important item which cannot be ignored. I do not think it is fair that it should be treated very lightly. Let the Government go into the question very carefully instead of coming to any conclusions on the

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basis of certain notes put up by the Secretariat. I have got all respect for the Secretariat, but they are still liable to err. In the light of the remarks I have made, I would request the Hon. Revenue Minister to reconsider the whole question and if necessary to bring an amendment at a later stage if he finds that there is justification."

The amendment was put and lost.

Mr. SPEAKER:—"The amendments of the hon. Members Messrs. Raza Khan and Natesa Chettiyar are out of order. They can speak opposing the inclusion of the whole clause in the Bill."

MUHAMMAD RAZA KHAN SAHIB:—"Sir, I am against the whole clause. My reasons are these. The Hon. Minister is taking over the rights of the zamindars and he has come to the conclusion that the basic value should be one-third of the ryotwari demand which should be reduced by 8½ per cent for irrigation and establishment charges. I see no justification for the Government not paying any compensation for lands other than agricultural lands. I wish to bring to your notice, Sir, that in some zamindaris, besides the lands set apart for agricultural purposes, there are other lands left for industrial purposes. I mean lands which might be in occupation and possession of some industrial enterprisers; there are many such lands. Further in every estate there may be mines, minerals, quarries, forests, etc. One argument of the Minister is, whatever may be the difficulties of the zamindar, my justification for this Bill is I want to improve the condition of the poor ryots who have been suffering under these zamindars for decades, if not for centuries. There may be some justification for the Government to argue in that way, that ends justify the means. My point is the tenants and the poor agriculturists are not going to enjoy or derive any benefit out of mines, minerals, forests, quarries, etc. These things will be in the possession of the Government. My objection to this clause is this; the Hon. Minister is creating a great anomaly for himself. I shall give him some instances. One zamindar might have purchased a zamindari for very valuable consideration, more because it contains some mines, minerals, forests, quarries and things of that sort. Is the Hon. Minister entitled to take possession of these things after paying only a very small compensation? I can picture to you concrete examples. A man has invested one lakh of rupees, not because of the existence of the agricultural lands, but because it contains mines, minerals, etc. Simply because such lands are within the zamindari area, the Government want to purchase them after paying very small compensation. The zamindar is dispossessed of his property for no fault of his, but for the fact of the property being in his zamindari. If such lands are outside the zamindari area, they are not touched.

"I need not repeat what I have been saying. The Hon. Minister says he is helping poor agriculturists. This is a question of taking over definite property. There are two ways for

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the Government in this matter. They can take only agricultural lands and leave the rest. The Government stands to lose nothing by so doing. You may take all the agricultural lands and pay compensation to the zamindar, as is proposed by you. If you take over mines, etc., you are expected to pay their market value. The Hon. Minister may feel that the Government is not in a position to pay the full market value. The question is not whether you are able to pay the market value or not. It is a question of a fundamental principle. You are taking over property from particular individuals. It is but right that you should pay its market value, which is fixed by yourself. The zamindars may demand 20, 30 or 40 times. You can fix it yourself at some reasonable level, and say we are paying you so much. Or, you may take over only agricultural lands. You are fixing a uniform rate of 8½ for all lands—irrigation sources, mines, etc. If I am not correct, he may correct me, because the Hon. Minister has read the Bill a number of times. I am perfectly right in saying that the Government is taking possession of properties of people deliberately. A number of families have been living on small incomes they get from these properties. It is rather cruel on the part of the Government to dispossess people of their properties. The amount, which the Government will pay according to this clause, will not at all be in proportion to the market value. Therefore I feel that the Hon. Minister must delete the whole clause. I oppose the whole clause being in the Bill."

* SRI M. G. NATESA CHETTIYAR:—"Sir, the other day I was telling this hon. House that the East India Company or the British Government did not come here for establishing or following Manu's Code of Law or any Asiatic system. I have already before me statements which come from the mouth of the Britisher himself, and from the East India Company. I have in my possession authorities which state that they were exactly proprietary rights that were conferred on the zamindar when the Permanent Settlement was introduced. A Collector of Salem, who served the Government in Fort St. George, has written a book called 'Salem Collectorate', after going to England in 1853. The book he has written is on the land revenue system that prevailed before the East India Company came here and what the Court of Directors in England wanted to establish in this country. After the conquest of the Salem district in the 18th century, Sir Thomas Munro, who was later Governor of Madras and who was a great advocate of the ryotwari system, wanted to confer proprietary rights on the ryots and have direct contact with the ryots, for he did not like a landlord class as in England to be introduced in India. Therefore a very regular and accurate survey of 8,000 square miles was conducted with regard to the total area under cultivation and the total area lying waste. The area lying fallow was found to be three times the area cultivated. He cajoled the tenants to cultivate the lands, but he did not suc-

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ceed. The condition of the lands in that area was very bad. The capital outlay required for cultivation was found to be an uneconomic investment. Under the circumstances, the Court of Directors insisted on the Government at Fort St. George to introduce a Permanent Settlement in respect of revenue alone. As far as Salem district was concerned, it was done with that definite idea. Then other districts also came under this category. Thus, if we go into the details of the revenue administration in the Presidency, we will find that almost all the Crown lands, which were sold in public auction and which are now partible zamindari, were once surveyed regularly and assessed unalterably on the basis of the then cultivated lands and the amounts collected then. One-third of the income was left to the landholder and further to increase his income he was given three acres of waste land for every acre of cultivated land. He was also given the forests, fisheries and other miscellaneous items. Here is a passage from the 'Salem Collectorate' by J. W. B. Dykes which substantiates what I submit:

'It was quite enough that the system tallied with English ideas and John Bull's mode of going. . . . To carry out this most notable scheme was also most English. There should be no arbitrary orders, no irregular carrying out of measures, however arbitrary or irregular in themselves; there should be a law and there should be courts of justice to carry out this mighty injustice.' (Laughter.)

These were the observations made by that English Collector who was forced to introduce a Permanent Settlement by the Court of Directors. He says that it was a mighty injustice done to the ryots. He was not willing to carry it out. This Englishman did not come here to establish the Code of Manu or an Asiatic revenue administration in the country. He wanted to apply his own landed property law and wanted to create a new class of people with a right in the soil. These people with this privilege were brought into existence by the Permanent Settlement.

"Sir, the same gentleman in page 181 of his book says:

'In the second year of this century, the Government of Fort St. George, commonly called the Presidency of Madras enacted 35 regulations three of which created a new property in the land and established legal rights in direct opposition to the time-honoured customs of India. Regulation XXV of 1802 sets forth that the proprietary right in the soil should be vested in the zamindars and their heirs and successors for ever.'

This is sufficient proof that the intention of the East India Company was to confer the proprietary right in the soil on the zamindars in the Permanently Settled estates.

"Again, Sir, with regard to the progress of the tenants and agriculture generally, an officer of Fort St. George was deputed

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to go into the various districts, study the conditions there and make a report. He submitted his report in 1893. He says in his report"

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

* SRI M. G. NATESA CHETTIYAR:—"I have only just begun, Sir. I have not quoted many authorities which I want to quote. This is a very substantial clause."

MR. SPEAKER:—"The hon. Member may have three minutes more."

* SRI M. G. NATESA CHETTIYAR:—"In 1893, he said . . . (At this stage the Hon. the Revenue Minister was seen conferring with the Hon. Speaker.) At least if the Hon. Minister listens to what we have to say, we will have some satisfaction, Sir."

* THE HON. SRI KALA VENKATA RAO:—"These are all old reports and they are not new ones, Sir. No fresh arguments are being put forward by the hon. Member. If the hon. Member puts forward anything new and useful, it will be better, Sir. These things have been said very often and we are tired of hearing the same thing repeated."

* SRI M. G. NATESA CHETTIYAR:—"There is absolutely no use of his saying like that, Sir. He is not fair to the class of people who have been doing service to the people and who have been doing social justice all along. (Laughter.) I claim I have been doing social service as much as the Hon. the Revenue Minister claims that he has been doing social service and social justice by this Bill. I want to prove that the Hon. Minister is really doing injustice to the people who have done social service. At any rate, I have records to show that so far as partible zamindaris go, they have done greater social service than what the present Government intend doing by this reform. Under the circumstances, I am afraid it will be no good if the Hon. Minister's mind is so much closed and if he is so much obsessed with his own views. I need not waste the time of the House any further, Sir."

MR. SPEAKER:—"Then the hon. Member may resume his seat."

* SRI M. G. NATESA CHETTIYAR:—"At least, I want to impress on the House that what the Hon. Minister proposes to do is absolute injustice and that he must be fair to all. I do not mind if he does this as an individual Member of the Government, but he is here as a representative of the great organization, the Congress to which the country owes its freedom. I will only say that he is not serving himself, or the people or the great

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organization to which he belongs when he says he is doing this to render social justice to the people. I am afraid, Sir, his assumptions are wrong. He has not a monopoly of service. I do not want to proceed any further and tire the Hon. Minister by 'repeating' these things. Whatever is said here, he feels, is a nuisance. He never thinks that there are other people who can give some useful information. He thinks he is"

MR. SPEAKER:—"Order, order. Mr. Viswanatham will now speak."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I suppose we are having a sort of general discussion on clause 26 after having gone through the various clauses and understood or misunderstood some of their implications. I have already made my observations on sub-clauses (i) and (ii). With regard to sub-clause (iv), there seems to be a slight misapprehension in the mind of the Hon. Minister which disclosed itself when the amendment was under discussion with regard to water-rates, faslijasti and thirvajasthi. All that I want to clear is that misapprehension. He has all along had intimate knowledge of Government lands and the assessment of Government lands, but he has not been correctly informed on the affairs and conditions in zamindari estates. A few days ago, I submitted that there were great tracts of waste land attached to these estates and the Government expected these zamindars to extend cultivation. If we look into the zamindari accounts—I know it because I am sometimes obliged to pay money to the zamindar—they have got a separate item called—just like the Government—miscellaneous revenue. And just like the Government who do not include this miscellaneous revenue in the land assessment, so also in respect of all dry lands which are brought into cultivation and when extra water is supplied by the zamindars, the ryots have to pay the water-rate, exactly like the ryotwari tenant paying to the Government such rates, and that is a regular source of revenue. I request the Hon. Revenue Minister to note that it is not included in the general assessment. That is also called thirvajasthi in some estates. That also includes two things, viz., the water-rate and the taram of the land which is changed into a higher taram, just as in the ryotwari area. In such cases, they are forced to pay an additional rate. These assessments are imposed by the zamindars just as the Government impose assessments on the ryotwari tenants. In order to clear that misapprehension that they are not regular revenue, I wanted to intervene in this debate.

"Again, I agree with some of the hon. Members who pointed out that so far as that clause is concerned, the net annual miscellaneous revenue is not quite the proper way of looking at it. So far as that clause is concerned, the estate holders may be given the full benefit, particularly after the Hon. Minister has rejected

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the amendment moved by Mr. Kaleswara Rao to the effect that all these things should be completely taken up by the Government. And having agreed to give compensation to estate-holders, I submit it is only proper, equitable and just that they should be given such compensation in their entirety. I am now speaking neither for nor against the amendment but what I say is, when you do a thing, do it properly. When you say it forms part of the property of the zamindar, then you must give compensation fully and squarely. Do not try to give with one hand and snatch it away with the other hand. That is all my submission to the Hon. Minister.

"Then with regard to the net annual income, it is almost impossible to make out what it is. With regard to other things, the Hon. Minister was fairly careful in drafting. Even in the Government departments, it is not always easy to allocate expenditure on the various items definitely, and there are always certain unallocated items of expenditure. Similarly here, it is not possible for anybody to say that so much of the expenditure is attributable to the collection of revenue on the miscellaneous items. Therefore, I submit the Hon. Minister should make it gross revenue; that would clear matters and it would be easy both for the Tribunal and the Government and also for the parties concerned to have an ascertained figure. It is only in the interests of certainty and definiteness that I am suggesting that having been prepared to give a lot of compensation and being ready to take a good deal of property from these persons, we ought not to higggle for these small things and land ourselves and others in a good deal of avoidable disputes. I submit, therefore, that, with regard to clause (iv), they may be given compensation on the entire amount they are getting. Of course, I would have been glad if we dropped out the whole thing and told them: 'these are all our lands, lands which belong to the Government and the Permanent Settlement never gave them to the zamindars'—that would have been quite definite, and I would have been quite glad. But my hon. Friend is not very strong in that and is wavering about it. And so, having decided to give compensation, give it properly. If you do not give it properly, those people will not be satisfied; the policy of appeasement would not work well unless you appease them fully. Tinkering with this question will not do; you must give them full compensation, particularly with regard to item (iv). I am not speaking either for or against the amendment, as I said, and I wanted only to give out my view on the question, Sir."

THE HON. SRI KALA VENKATA RAO:—"Sir, I am very sorry that there has been again a repetition of what has been said on all the clauses, a repetition of what they have stated over and over again. The hon. Sri Natesa Chettiyar has left the House and, therefore, it is no good commenting upon what all he

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said. I do not very much mind what he spoke at the end of his speech. I now move, Sir, that the clause be accepted *in toto* as amended."

Clause 26, as amended, was put and carried.

Clause 27.

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

'For sub-clause (1), substitute the following:—

"(1) *The gross annual ryotwari demand in respect of the lands referred to in section 26, clause (i) and (ii), shall be the total of the ryotwari assessments imposed in pursuance of a settlement effected under section 21 on the lands occupied by any person other than the landholder on the notified date.*"

It is only better drafting of the clause already in existence there, Sir. I move that this amendment may be accepted."

The amendment was put and carried.

SRI K. BHASHYAM:—"Sir, I want to have an explanation. I had a talk with the Hon. Revenue Minister; he was good enough to say that the clause required redrafting; I think a redraft was also prepared and it was shown to me. Now, I do not know why the Hon. Minister is not moving it."

THE HON. SRI KALA VENKATA RAO:—"Sir, I am moving it; I think it has been circulated to the hon. Members."

SRI K. BHASHYAM:—"I am glad for the information; he will excuse me for not being present in time to see that amendment. I am not, therefore, moving my amendment, Sir."

THE HON. SRI KALA VENKATA RAO:—"Sir, I move that—

'In clause 27 (2), for the first paragraph, substitute the following paragraph:—

"The deductions referred to in section 26, clauses (i) and (ii) shall be—

(a) *Five per cent of the gross annual ryotwari demand as computed above in respect of the lands referred to in the said clause (i) or (ii), as the case may be, on account of establishment charges, deficiencies in collection and the like; and*

(b) *Three and one-third per cent of such gross demand on account of the maintenance of irrigation works in the estate.*"

It is a better drafted clause now, redrafted on the advice of Sri Bhashyam, and I request the House to accept the amendment."

The amendment was put and carried.

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MR. SPEAKER:—"I am now putting clause 27 as amended to the vote of the House."

Clause 27, as amended, was put and carried.

Clause 28.

* SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, of course we have to talk on the same point again and again. As the hon. Gentleman the Raja Sahib of Venkatagiri said, the whole thing revolves upon property rights, compensation and details of the assessment of compensation. Therefore, however irksome it may appear to be to some friends, we have to talk about the same things, but in a different strain, in a different language, with different arguments and with different emphasis, as my friend here reminds me. That is what happens."

"The hon. Gentleman the Raja Sahib of Venkatagiri has said that . . ."

THE RAJA OF VENKATAGIRI:—"On a point of order, Sir. You have observed just before lunch that a member sitting on the Government side should address Members sitting on the Opposition side as 'hon. Gentlemen'; and since I do not belong officially either to the Opposition or to the Party in Power, and since I am a friend of all the sections, I would like all Members belonging to all parts of the House to address me as 'friend' and not 'gentleman'."

MR. SPEAKER:—"The hon. Raja of Venkatagiri does not belong to the Ministerial party; so Mr. Kaleswara Rao is right in addressing the Member as 'hon. Gentleman'."

THE RAJA OF VENKATAGIRI:—"But should I not have at least one section of the House calling me a 'friend'; therefore, a compromise may be arrived at that in regard to people like me, both parts of the House may call us 'friends'."

MR. SPEAKER:—"But the hon. Member does not belong to the Ministerial group."

SRI T. VISWANATHAM:—"I suggest, Sir, 'Gentleman' and 'Friend' may both be dropped; then it will be all right."

SRI PYDAH VENKATANARAYANA:—"Mr. Speaker, Sir, just arising out of the information you have given us, what about the Members belonging to the same party attacking each other?"

MR. SPEAKER:—"Hon. Friend' attacking another 'hon. Friend'." (Laughter.)

SRI A. KALESWARA RAO:—"My hon. Friend, Mr. Venkatanarayana, need not be afraid that I am going to attack him. The hon. Raja Sahib said, when I claim I am in the company

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of leaders like Sri Prakasam and Sri Rajagopalachari, that we should give greater weight to active lawyers who are practising in courts and who are giving their weighty opinions to clients, zamindars and others who seek their opinions by paying fees. That is of course a different matter. Here it is a case of legislation which includes not only a proper knowledge of law but also its application to the conditions of the society which we are living in and which we want to improve. Legal knowledge is not confined to present practising lawyers. The question is whether these gentlemen know the fundamentals of law properly and in a sound way, and also all the decisions. After all, these decisions were given long ago; since the Estates Land Act was passed in 1908 there have been many decisions, and also before that time. With regard to proprietary right, if the zamindars are really owners, the Transfer of Property Act should apply, i.e., the relationship between lessor and lessee. The courts have held that the Transfer of Property Act rights won't apply, that this relationship between a zamindar and a ryot is only a tenure. Again, conditions in India are entirely different from those in England and the Transfer of Property Act cannot apply here. Why did the zamindars not get compensation when their kudivaram and other rights were lost in favour of the tenants in 1908? So, all these arguments are now beside the point, but the only question now is, whether the lanka lands referred to in clause 28 are the property of the zamindars. Of course, they are there as managers, they take possession of the estate and manage them according to the intentions of the Permanent Settlement Regulation XXV of 1802 and levy a certain rate on lands and take a portion as remuneration for the services rendered by them. They got the rates of assessment, all the rates were calculated and taken into account and a portion of that was given to the zamindar as remuneration. For instance, in the case of Chellapalle, out of the income of Rs. 49,000, Rs. 40,000 was taken away by the Government and only Rs. 9,000 or Rs. 10,000 was given to the zamindar as remuneration for the services rendered by him and for establishment charges. In addition to that, the zamindars were allowed to let in tenants into waste lands and they enjoyed the profits derived therefrom—not profits by letting in tenants and ejecting them as they liked—by way of collecting customary rents under customary conditions. So also if they have enjoyed certain other things in their possession, it did not mean that they got prescriptive rights over them, but it was with the permission of the Government they were enjoying all those things. Now, that we are dispensing with their services, we need not take them separately into consideration. Take the case of the district boards, for instance. Naturally, the district boards are an entity, a legal entity; they have rights over third parties; they get moneys, they can sue the parties and succeed, but when the district boards are abolished, all these things go and whatever things are there, they revert to the Government.

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So, also, the zamindari institution, as a mode of administration, was established by the East India Company. Now, the present Government thinks it is irksome; it is no good; it is not good to the tenants for whose benefit it was intended. As the Permanent Settlement Regulation of 1802 says it was established for the sake of permanent security, for the sake of prosperity, for the increase of agriculture and for the ryots coming in and cultivating the lands, the Permanent Settlement Regulation was introduced, so that one zamindar may not be driven out and another brought in over and there will be the permanent village communities who would be protected and everything necessary for the prosperity and progress of the people would be done by these people. It is a trust as it were. It is said that the landholder class was found necessary by a foreign Government to support the British Imperialism. Perhaps when I say this, my zamindar friends will accuse me, but that was the feeling in the mind of the people and in fact in the despatches of Lord Cornwallis and others it was stated that the landlord system as it existed in England must be established here and it was for that purpose they established it here. During the 150 years they were here, even though several encroachments and trespasses were made by these people and they got possession of lankas, mines, forests and everything else which did not belong to them and also in the matter of interfering with the rights of the village communities, the British Government kept quiet. Now that the National Government want to send them away, these lankas should not be assessed separately. Therefore, Sir, this clause 28 is wrong. It proposes to give to the zamindar what he is not entitled to. The provision relating to the calculation of the net income on the average of twenty years and in the other case on the basis of the average of five years, is really bad, not good and the tax-payers also cannot pay on that basis. Therefore, I submit, the Government are not right in introducing the clauses at the Select Committee and presenting them here. I move, Sir, that clause 28 be omitted."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, if I second the amendment moved by my hon. Friend, it is not because I do not see the necessity for such a clause as this. As a matter of fact, we have accepted the position under clause 26 that one-third of the gross annual ryotwari demand in respect of all lands in the estates must be included in the matter of basic annual valuation and we have accepted also the same basic annual ryotwari demand in respect of lanka lands. Therefore, so far as clause 28 is concerned, a provision like that is necessary, but the clause as drafted is so vague, uncertain and indefinite that one cannot accept it. If you look at each one of the clauses, you will find that in each case the matter is left in a vague manner. Of course, even for the best settlement officer, it is not possible to compute properly. In the first place, it is said that the average of the net annual

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income derived from lanka lands shall be the average of the net annual income derived by the landholder from such lands during a period of twenty complete fasli years immediately preceding the notified date, but where they have not been in existence for twenty years but only for a shorter period, not being less than five complete fasli years immediately preceding the notified date, then during the complete fasli years for which the lands have been in existence, but if the period is less than five years, the mode of computing should be prescribed by the Government. Why not say at once what rules they are going to apply in cases contemplated by each sub-clause of clause 28 (1). Therefore, Sir, I would like to point out that in this matter, you are leaving a large margin for the Government to make their own rules and regulations for the purpose of—I do not want to say, manipulating—varying the computation of the average net income. (The Hon. Sri Kala Venkata Rao: 'The hon. Member has not perhaps seen the new amendment which has been circulated.') The Hon. Minister says that some new amendment has been circulated now, but it relates to sub-clause (2). So far as sub-clause (2) is concerned, it refers to cases of remission for bad seasons. I am here referring to sub-clause (1) where lanka lands having been in existence for less than five years and how is the annual net income to be calculated in such cases? It has not really been laid down in the Bill itself, but it is sought to be left to the Government for the purpose of doing it. In the same way, the proviso lays down that where the particulars necessary to compute such average are not available for the full period or where the particulars available appear in material respects to be incorrect, the computation may be made in such manner as may be prescribed. Therefore, not only in this case, but also in cases where the subordinate revenue officials themselves think that the material available for purposes of calculating the amount is not correct, even then it is a matter for the Government to come and prescribe in what way the net income is to be calculated. Therefore, in both the matters, the Government take upon themselves very large powers for the purpose of seeing how this annual net income should really be calculated. Unless the Hon. Member in charge of the Bill comes forward even in his preliminary speech and says what he proposes to do and what rules he proposes to make in respect of these matters, how can we accept it or give large powers to the Government. I do hope that before we see the end of this section, the Hon. Minister will tell us somewhat in detail what he has in mind, what kind of rules he has in mind and what are the principles he has in his mind for guiding the various Settlement and Survey officials who may have to deal with the matter, especially in cases where the particulars available 'may appear in material respects to be incorrect.' But, who is the person to judge that the particulars available are incorrect? Is it the Government that is going to decide it or the Settlement Officer who is on the spot and finds that the particulars given are incorrect? This matter also is left

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vague and I would like even now the Hon. Revenue Minister to make the points clear or so amend this sub-clause as to make the points clearer.

“ Again, Sir, sub-clause (1) (b) says, where such lands have not been in existence for a period of five complete fasli years as aforesaid, their average net annual income shall be computed in such manner as may be prescribed. Why should Government think of doing these things by rules to be prescribed hereafter? Why not they take us now into their confidence and tell us on what basis they want to do it? I say that all these matters are left vague and uncertain to be determined by the authorities who are going to administer them later on and also the particulars to see whether they are correct or not, and the authority for deciding the matter are all left vague. So, Sir, while I concede that a provision for the computation of income from lanka lands is necessary in clause 28, the provision that is made here appears to be so indefinite that one cannot accept it. It will, therefore, be better that the rules to be laid down in future are also laid before the House for the purpose of discussion by this House.

“ Sir, so far as the second part of the amendment is concerned, sub-clause (2) says: ‘ From one-third of the average net annual income as computed above, there shall be deducted such amount as may be prescribed on account of remissions for bad seasons and the like, in the same manner as in the case of Government lanka lands.’ It says that bad seasons are also to be taken into account. The new amendment to this clause seems to be slightly better. Even then, who is to judge bad season. Bad season is a very vague term. Is it the case of famine prevailing in certain areas or when famine is notified in the Government Gazette or are bad seasons going to be determined upon by the Survey and Settlement Officers? Again, Sir, these are not words which carry any legal sense and are not definite and therefore it leaves a lot of room for disputes between the parties, and the Government being troubled, at each stage to give guidance or to entertain appeals made by the parties concerned. Therefore, Sir, these things should be made clear and ought not to be left to officers to implement or supplement them in any way they like. The Legislature is a supreme body, a sovereign body and unless all the particulars are placed before it, it is impossible to accede to sub-clause (1).”

* THE HON. SRI KALA VENKATA RAO:—“ Well, Sir, I have noted with care the remarks of my hon. Friend, Mr. Bhashyam, with reference to the rules to be made under this section. As far as we know, Sir, this drafting of the clause is based upon the experience we have had about Government lankas. Therefore, while I am moving my other amendment to clause 28 detailing the manner in which we will deal with this matter any further difficulties that may be experienced will be considered when the rules will be drafted.”

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SRI K. BHASHYAM:—“ Of course, Mr. Viswanatham and the Hon. Revenue Minister may be knowing the facts, because they come from the same district but we come from a far off district. Except in a case in which I appeared, I do not know anything more about the matter and for the benefit of other members also, it would be better to let them have an opportunity of knowing what the rules are going to be.”

* THE HON. SRI KALA VENKATA RAO:—“ Every Member 4 p.m. is entitled to get copies of these books and study them and if they have not done so, I cannot help. I do not think I can accept Mr. Bhashyam's plea of ignorance about these things. His experience is far more than what he claims. As I said with reference to these Settlement Rules, as an M.L.A. I did get copies of the books supplied to me by the Government during the last ten years; they are with me and if hon. Members write to the Secretary of the Legislature, they can get all these publications and they can keep them as long as they continue to be Members. Anyhow as promised I will also circulate these things to the Members.

“ With reference to Mr. Kaleswara Rao's criticisms, as you know, Sir, his view is that some of these things should not be compensated. I am very thankful to him for his consistency but for the reasons I have mentioned, I am unable to accept his amendment.”

MR. SPEAKER:—“ Is the hon. Member withdrawing the amendment? ”

SRI A. KALESWARA RAO:—“ No, Sir.”

The amendment was put and lost.

THE RAJA OF VENKATAGIRI:—“ Arising out of certain remarks made by my hon. Friend, Sri Kaleswara Rao . . . ”

THE HON. SRI KALA VENKATA RAO:—“ But they cannot be answering each other.”

* THE RAJA OF VENKATAGIRI:—“ I am not entering into details and but for the interruption of the Hon. Minister my explanation would have been over. I understood from what fell from Sri Kaleswara Rao that the opinion that I quoted of Sir Alladi Krishnaswami Ayyar was given in his professional capacity. It is wrong and that is why it has necessitated a personal explanation. The opinion which I have quoted at length was published in the *Hindu* and it was Sir Alladi's reply to Mr. T. T. Krishnamachari's statement in the Press. I did not quote from the opinion given by him either as my or any other zamindar's lawyer but it was a certain observation of Mr. T. T. Krishnamachari that provoked Sir Alladi Krishnaswami Ayyar to make these very pertinent observations and splendid exposition of law.”

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THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, I move—

'In clause 28, for sub-clause (2) substitute the following:—

"(2) The deduction referred to in section 26, clause (iii) shall be such amount as may be prescribed on account of remissions for bad seasons and the like, in the same manner as in the case of Government lanka lands."

The object is to clear certain difficulties of the nature pointed out by Mr. Bhashyam."

The amendment was put and carried.

Clause 28 as amended was put and carried.

Clause 29.

* SRI A. KALESWARA RAO:—"Mr. Speaker, I move—
'that the clause be omitted.'

"As I am moving the amendment on principle, I am not able to oblige my Hon. Friend the Revenue Minister by withdrawing it. This is far more serious than the question of lankas. He is including items of income which prima facie belong to the village community, that is, to the public. After such a long period of 150 years, the hon. Mr. Prakasam boldly tried to restore that back to the village community and Mr. Karanth also knows that mines which did not exist in the private lands of the zamindars, pertained to the village community. We have various panchayats, forest panchayats, irrigation panchayats, ordinary local panchayats and also the panchayats for judicial purposes. And our Swaraj is based upon panchayat raj. It is the village community which we have to restore. If unfortunately, the village community system which was in existence in this country for thousands of years died being neglected by the East India Company by their having established a centrally strong Government; along with the village industries and the village panchayat, shall we say, there should be no village panchayat or no village industries. No, Sir; it is wrong; we shall go back to our own villages to our old village institutions and our village civilization. The village community is a thousand years old; it existed from the days of Akbar to Aurangzeb and when anarchy set in owing to the collapse of the Mughal Empire, it continued intact in the Pandya and Chola Kingdoms and under the Golconda Kings. It is our sacred duty to restore that conception of village panchayats. Forests, mines, etc., are there for the enjoyment of the villagers; waste lands are for the villagers. On the contrary we see that the Government are recognizing the rights of zamindars to waste lands and even uncultivated lands are being recognized as the property of the zamindars and the income which the Government are going to get for three years is also to be taken into account for purposes of compensation. I submit it is a wrong thing and a worse thing

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than that there cannot be any. Of course I can understand if any income derived now is included—that is at least plausible and logical, though it is not legal and correct. There are village waste lands from which they are not getting any income and they belong to the village community and if new tenants are introduced by the Government and the Government get anything out of them, is it to be paid to the zamindars? That means that you recognize that it is the absolute property of the zamindars. Pasture lands were used by the villagers and forest lands are for them. These are not enjoyed by the zamindars and they do not get any income from them. But they are also to be taken into account for purposes of compensation, as income derived from them for three years—the present year and two years during which the Government will work them—will form the basis of compensation to the zamindar. The Government may work the mines and the Government will see to the exploitation of the forests and forest produce and the income on these things will go to the zamindar. Waste lands—they will induct the ryots into them and the rents will be received by the Government but the income from them will be taken into account for compensation purposes. The knowledge and the technical skill and experience of our officers are brought to bear on the development of these mines, fisheries and waste lands but the income is to be taken into account in calculating the compensation to be paid to the zamindar. What does it mean except an express and open acceptance of the rights of the zamindars in all these lands and properties? This, Sir, is a denial and a negation of the principle of the Government which the Hon. Minister has been asserting—that they are mere rent-collectors and they have no more right than to manage certain estates given for their management by the East India Company, the predecessor Government. During the last one hundred and fifty years, during which time we were helpless to do anything to improve the condition of the tenants. This is the first time that the whole thing has taken a definite shape. During 1937 Congress Government, our Rajaji and Prakasam were in the Ministry and Sri Kala Venkata Rao as legislator also supported them; we were all there and I was Chief Parliamentary Secretary but we went out of office. Here is Mr. Prakasam's Bill! It is wrong and inequitable and unjust and it is dangerous to the whole situation to concede the right of property to the zamindars in respect of these things. I, therefore, submit that this clause should be altogether removed."

SRI D. V. RAMASWAMI:—"Mr. Speaker, I second the amendment moved by my hon. Friend, Sri Kaleswara Rao. I remember, Sir, the previous Ministry led by Mr. Prakasam contemplated the introduction of a Bill called the Village Panchayats Bill which is based on a ruralisation of our country. If we remember this, then all the arguments put forward by my hon. Friend will be intelligible and can be appreciated. If we

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forget how far we have progressed in the direction of making the village community beneficiaries under a national Government then certainly a clause like this will receive support. I earnestly appeal to the Hon. the Revenue Minister not to forget what progress we have made in creating an atmosphere suitable to the ideas that have been propagated by the great Indian National Congress that the village panchayat system will be made practically responsible for the enjoyment of common rights in communal lands and waste lands and that the rights over other property which have not been tapped for exploitation will be reserved for the use of the village communes."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—" Mr. Speaker, there is no quorum."

(The Division bell was rung and the discussion was resumed after the required quorum was obtained.)

MOHAMED ABDUL SALAM SAHIB BAHADUR:—" On a point of order, Mr. Speaker, I want to know from the acting Leader of the House, whether it is a fact that one of the Ministers has resigned."

THE HON. SRI KALA VENKATA RAO:—" Mr. Speaker, I object to such points being raised when the House is busy discussing the Bill. I request you, Mr. Speaker, not to allow him to do it. This is no point of order."

MR. SPEAKER:—" I can know what is raised by way of a point of order only when it comes out of his mouth; I am not in a position to know what he is going to submit till then and I cannot foresee what he is going to say."

" I wish to tell the hon. Member that this is not the time to elicit information that he requires when we are in the middle of a discussion and the hon. Member should choose an appropriate time later on."

" The hon. Member Sri D. V. Ramaswami may continue his speech."

SRI D. V. RAMASWAMI:—" I strongly support the amendment."

* SRI K. BHASHYAM:—" Mr. Speaker, as a lawyer I think I must put some questions in order to clear some doubt that might arise in the actual working of the Act. The implication of the section is that for three years after the Government takes possession of the property after notification, the basic annual value cannot be ascertained because the basic value includes also one-third of the annual income from miscellaneous sources and this miscellaneous source is left over to be determined after the Government take possession of the property after the notification—that is, the average of three years' income—and till then the question of determining the basic annual sum will be left in the

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lurch. Therefore, Sir, while provision is made for payment of compensation, indirectly the payment is put off for three years from the date of the notification. It is unconsciously a clever way of putting off payment of compensation for three years; that is how I really look at it. And then, Sir, only one point more; it is said that the average net annual miscellaneous revenue from the sources referred to in clause 26, sub-clause (iv) shall be the average of the net annual income derived by the Government from such sources during the fasli year referred to in clause 27, sub-clause (1) and the next two faslis. The fasli year referred to in clause 27 commences from the notified date, if such date was the 1st day of July and on the 1st day of July immediately succeeding the notified date, if such date was not the 1st day of July. It means, in effect, the zamindar will have to wait for three and a half to four years before he gets actually compensation. This is hardly fair, and I request the Hon. Minister to clarify the point." 4.15 p.m.

* SRI T. VISWANATHAM:—" Mr. Speaker, Sir, the clause under discussion relates to the computation of net miscellaneous revenue. Sir, in ryotwari areas, the items which make up to give what is called miscellaneous revenue are jodi on minor inams, water-rate on inams, charges for water in villages, which are estate villages, which the Government collect from the estate, enhanced water-rate, irregular irrigation charges, etc., in all numbering eleven to twelve items. Now on reading clause 26 (iv) and clause 29 together there is some difficulty—I shall not use the word 'confusion,' after your ruling this morning that that word brings more confusion (Laughter)—to understand what the real purport is. They refer to miscellaneous revenue and at the same time they restrict certain sources. Is it to be understood that the Government mean all the miscellaneous revenue sources from which they collect their revenue from lands under their management? The hon. Mover of the amendment said, 'what is the object in asking the vested interests to wait for three to four years, managing the estates under the best expert management of the Revenue Department of the Government of Madras, and thus increase their revenue, then push up their value from all the sources of revenue, then pile up the revenue for these persons, whom you are dismissing for incompetency!' (Laughter.) I submit there is something here which requires clarification here, apart from the difficulty raised by Mr. Bhashyam. Before the Tribunal can decide what is to be the amount of compensation it has to wait for three years for the Government to complete their calculations. Sir, I have always been saying that the entire method and scheme of this measure are defective in the sense that there is no ascertained income upon which you could pay compensation. I have always submitted it is the present income of the estate that should be taken into account to determine the amount of compensation. In addition to the uncertainties of clause 26, this clause is also there. The implication of this clause

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is that before the tribunal determines the amount of compensation, it should wait until the Board of Revenue tells that it has managed the estate for two years and such and such a figure is the income from the estate. This means all persons who have an interest in the estate and thus who are entitled to compensation will have to wait for three years or more, likely for four to five years, as the Tribunal may take some time to decide the amount of compensation. That is why I say clause 29 should be omitted."

* THE RAJA OF VENKATAGIRI:—"Mr. Speaker, Sir, I oppose this amendment. (A voice: 'I anticipated it.') A very good Friend of mine says he has anticipated it and that it is an usual occurrence. It is so, Sir. I am not at all ashamed of the consistency with which I plead my just cause. I take pride in repeating it, though several friends of mine may get tired of listening to me. With due apologies to them, I proceed to speak, because I want to be a friend of every section of the House. My hon. Friend, Sri Kaleswara Rao has again dealt with the question whether we have proprietary right in the estate, whether forests form part of communal lands, whether all the minerals vest in the landholder and so on. I quoted at some length on previous amendments the various decisions of the courts on the matter. I thought hon. Members have understood my view point. Any how I will not take up the time of the House now about that point. I will content myself by saying that we have proprietary rights as upheld and recognized by courts and authorities and so compensation should be paid to us for them. The observations made by Mr. Bhashyam and Mr. Viswanatham are absolutely correct, because this clause if allowed to stand will put off the payment of compensation. Therefore I would like the Hon. Revenue Minister to bestow some attention on what they have pleaded for. It may be, when the representative of the zamindar quotes law, no attention is paid to it. But when those observations come from their own partymen the Ministry might pay some attention. The essence of the whole legislation lies in the quickness with which compensation is paid. I am afraid this clause, as it is worded, stands in the way. Therefore the Hon. Revenue Minister, instead of merely saying that he has already dealt with all these matters, while speaking on other amendments, should go in detail into this aspect and do the needful to see that payment of compensation is not put off for a long time."

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p.m.

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, there was some complaint made about this clause in the Select Committee and a discussion took place over it. There is something to be said for the view that if you postpone the ascertainment of the net annual miscellaneous revenue from these sources to the years after the Government have notified the estates and taken them over, there would be delay in the calculation of the total compensation. As against this view, there is also this thing to be considered,

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It is difficult to ascertain the annual miscellaneous income unless an estate is actually notified and the Government take over its management. I know that this clause puts a tremendous responsibility upon the Government. An official who takes over charge of an estate and who may be negligent in his duties may, if not prevented by the landholder whose estate has been taken over, by sheer neglect bring about a loss of revenue from these sources. Sir, I am not so much concerned with clause 29 as with clause 33 which is worded on the same lines and which applies to very small estates, now called by the Hon. Minister for Revenue 'inam estates.' The principle is the same in both cases. The language and the wording are the same. In the case of smaller estates, it is just possible that the Government may not be able to pay adequate attention and if you take the subsequent three years' net annual miscellaneous income for purposes of calculating the basic annual sum, it would lead to great difficulties. It may in the alternative be suggested, that we should take the average income derived from the estate previous to the notification. This would perhaps enable both the landholders and the Government to come to a proper settlement as to the average net annual miscellaneous income. I was myself in favour of this procedure in the case of bigger estates. Take for instance the revenue from the forests. It is a well-known fact that these zamindars have not spent enough money in conserving the forests. Situated as they were, it was not possible for them to do so. But when the Government take over these forests, they cannot afford to be so negligent. They must spend enough money to conserve these forests, and these forests would certainly become better by the change-over. Then the net annual miscellaneous revenue from those sources may be really much less than what now appears to be the annual miscellaneous revenue. That is why I suggest to the Government that they may at least, in considering clause 33, because the principle underlying both is the same, amend it in such a suitable manner as would give some alternative basis which might make the proposition more simple and less complicated."

* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, Sir, on account of the recent war, a number of landholders cut away many of these forests, which ought not to have been cut for some more years to come. Therefore we first considered whether we should base this income on three years' revenue preceding the notification. We found that those who had destroyed the property would stand to get more compensation than those who have kept the forests in tact. In order to get over this situation we had to take the other alternative and come to the conclusion to which we have come to and provided for it accordingly in this clause. That was our main reason, Sir. The delay that will be caused over this is a thing which we should try to avoid to the best of our ability. But it must be remembered that every estate does not contain a forest and therefore many estates can be acquired

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in the meanwhile and if there are any estates with huge forests, naturally it will take some more time and that cannot be avoided. For the survey of these forests also it would take two or three years at least.

"Then Sir, my hon. Friend, Mr. Kaleswara Rao, based his arguments entirely on a matter of principle. I need not therefore discuss that question of principle again, but I would only request him to withdraw his amendment."

SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, my hon. Friend the Revenue Minister has admitted that mine is a question of principle. How can I withdraw, when it is on a principle? That principle runs through the whole of the discussions on this Bill and I do not want to repeat it again, because I have already explained it at great length before, and I stand by that principle. I only want to tell my hon. Friend, the Rajah of Venkatagiri this much. The Estates Land Act of 1908 gave some concession to the zamindars with regard to mines, and forests in a doubtful way. Nothing was said about their occupation or enjoyment of possession or any other thing and so all the decisions which have been referred to were only subsequent to it. All these are therefore useless, when we are going to the fundamental principle. We have to take the situation as it is under consideration; we have to take the equity of the case into consideration and we have to take the rights and privileges of the persons affected into consideration and decide the matter accordingly. The Government by taking over these items of property could get more income, and then this dangerous principle of taking three years' income as the basis for calculating compensation would really become a very bad one. So I press my amendment, Sir."

The amendment was put and lost.

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

'in clause 29, for the words "during the fasli year referred to in section 27, sub-section (1) and the next two faslis", substitute the following:—

"during the fasli year commencing on the notified date, if such date was the 1st day of July, or on the 1st day of July immediately succeeding the notified date, if such date was not the 1st day of July and the next two fasli years".'

"Sir, this amendment is only to clarify the position and may be accepted."

The amendment was put and carried.

Clause 29 as amended was put and carried.

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Heading after clause 29.

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

'in the heading after clause 29 for the words "Inam villages", substitute "Inam estates".'

"Sir, this is a clause similar to clause 26 and refers to inams. This is only a change in the title, but there is also a slight change regarding the basic annual value. Many of the amendments which have been given notice of in respect of the 1936 inams and which are still there would become unnecessary for the purpose of discussion in this House, if this amendment is carried."

The amendment was put and carried.

Clause 30.

* THE HON. SRI KALA VENKATA RAO:—"Sir, I beg to move that—

'in clause 30—(i) In the opening paragraph, for the words "inam village," substitute the words "inam estate."'

(ii) For the words "a landholder", wherever they occur, substitute the words "the landholder".'

"Sir, these two amendments are mere consequential amendments and may be accepted."

The amendment was put and carried.

* SRI T. VISWANATHAM:—"Sir, I beg to move—

'in sub-clause (i) of clause 30, for the words "ryotwari demand in respect of all lands in the estate", substitute the words "income in respect of the inam lands held by an inamdar in an inam village and as prevalent by 1st November 1933".'

"Sir, my hon. Friend, the Revenue Minister said that most of the amendments were given notice of, because we did not, at that time, decide the exclusion of what are called the 1936 inams, from the operation of this Bill. He therefore thinks that since such a decision has been taken, most of these amendments are unnecessary. But the real trouble, Sir, is this. After the exclusion of what are called the 1936 inams, what are the inams that remain, and what are the provisions which have got to be applied to such inams one has to know? I should be very glad if the Hon. Minister for Revenue would explain to us what are actually the inams that would be left out after the exclusion of the 1936 inams and what distinction there is between the 1936 inams and the pre-1936 inams."

* THE HON. SRI KALA VENKATA RAO:—"On a point of order, Mr. Speaker. Mr. Viswanatham wants me to explain the distinction between the inams of 1936 and inams prior to that

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date. These amendments clearly refer to the inams of 1936. Since the 1936 inams have been excluded by the definition of inam estates, which we have already adopted previously, I do not think the amendment of my hon. Friend, Mr. Viswanatham, is in order and therefore there is no need to move his amendment, Sir."

* SRI T. VISWANATHAM:—"Sir, I shall explain my point clearly. After the 1936 Act was passed, one of the effects of that Act was the amendment of sub-clause (d) of clause (2) of section 3. Prior to the 1936 Act, the definition of the term 'estate' as in this sub-clause was like this:

'Any village of which the land revenue alone has been granted in inam to a person not owning the kudiwaram thereof, provided that the grant has been made, confirmed or recognised by the British Government, or any separated part of such village;'

The 1936 Act amended the above sub-clause as follows:—

'Any inam village of which the grant has been made, confirmed or recognized by the British Government, notwithstanding that subsequent to the grant, the village has been partitioned among the grantees or the successors in title of the grantee or grantees.'

"The chief difference between these two definitions, was that the previous one related to the grant of the right to the collection of land revenue to a person who did not own the kudiwaram thereof. That was the essence of the definition of the pre-1936 inams and when the 1936 Act was passed, the definition of inam was amended as stated before. It also said that this definition should be deemed to have come into existence from 1908. It did not say that the definition takes effect from only 1936, and that hereafter the courts to whom parties might address themselves should take this definition into account from the passing of that Act. That is to say, the 1936 Act gave retrospective effect to the amended definition and so that definition must be deemed to have come into existence from the very beginning of the Act, namely 1908.

"Sir, you might remember that in connexion with one of the amendments to clause 3 of this Bill, which we discussed at an earlier stage of this debate, this House accepted the position that those inams which became estates by virtue of the 1936 Act, would be excluded from the operation of this Act. But it seems still doubtful as to what are those particular inam villages which have been taken out of the purview of this Act. I submit, it is a very legitimate doubt. I am not standing here to refer to the same matter over and over again and ask for an explanation, but I maintain that that point is not still free from doubt.

"What did the 1936 Act do? That Act gave a legal presumption. There was no presumption as to whether inamdars had both the warams or not previously. But in 1936 this legal presumption was also given to be acted upon by the Tribunal which is now copied again in another section which was the subject matter of some debate on the floor of this House under a previous clause.

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We had a discussion upon that subject. The trouble so far as I see 4-45
is, what are the 1936 inams and what are the 1908 inams? Any p.m.
way, let us assume that there is some vague thing which is common
in the mind of especially the Hon. the Revenue Minister and my-
self which will be out of the purview of the Bill. Still there will
be some inams which will be affected by the operation of the Act.
And with regard to the operation of the Act, I submit, that the
calculation of the revenues of such inams should be on the basis of
the rents which were prevailing on the 1st November 1933. The
reason why I say so is this. If the 1936 Act, as I have already
submitted, related back its new definition to 1908, what really
happens is that for these 1908 inams the fair rent is the actual rent
which is considered equitable and fair by a court of law. If to-day
under the provisions of this Bill a person goes to a court of law
for the fixation of equitable and fair rent, the court is not going
to look into what are called the 1936 inams as different from the
pre-1936 inams. So far as the existing rent is concerned there is
no such distinction. The 1936 Act has given you a presumption,
in favour of the occupancy right of the tenants and then it also
gave another presumption, that wherever there is a dispute about
the equitableness or fairness of the rent, the rents prevailing as on
the 1st November 1933 should be taken into account. And there-
fore it is only reasonable for me to say that in the case of inams
the rents prevailing on the 1st November 1933 should be taken
into account and not according to the provisions which are
described under clause 30 of the Bill. That is my point. I do not
know whether I am quite clear and I want to make myself clear
by summing up what I said. With regard to the inams, although
there may be some vague kinds of inams which are coming under
the purview of the provisions of the Bill, I submit by virtue of this
very legislation that the rents prevailing in them on the 1st Nov-
ember 1933 must be deemed to be equitable and fair. We have
made a distinction between the inam estates and the ordinary
estates on the ground that there is a difference in the origin of the
grant. Having made that distinction it is only proper that the
rents which are by law declared to be equitable and fair in the
previous statute should be adhered to. That is my point, Sir.
That is the reason why I state that my amendment should be
accepted and that is why it is in order."

* SRI K. BHASHYAM:—"Sir, I am seconding the amend-
ment for this purpose. This is a sort of precautionary amend-
ment. We are not sure as to what classes and what different
natures of inams are there in this Presidency. So far as the Bill
is concerned it aims at only some kinds of inams, inams which
were there before 1802, inams which were there after 1802, inams
which came after the Act of 1908 and inams which came in 1936.
On investigation by the Government by the constitution of a pro-
per body the Government might come across other inams which
may not come under any of these categories. I am not saying
what they may be or how they may be. But certainly there may

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be such inams, because we have not got all the particulars of the inams before us. It may be possible to envisage certain inams not coming under any of these categories. Therefore I support the amendment only for the reason that in the case of such inams also the rent that was prevailing in 1933 may be taken as the basis. It is only from that point of view, Sir, that I support it."

THE HON. SRI KALA VENKATA RAO:—"Well, Sir, this is an intelligent question for an intelligent set of people. According to me the Bill is very clear, particularly after we introduced the definition of 'inam estate' in the clauses of the Bill. Everybody knows what are the 1908 inams and what are the 1936 inams. In order to separate both these categories we introduced clause 8-A. If you remember aright, Sir, there was a lot of discussion about the need to introduce that clause. Then the question was why clause 8-A was brought in at all. To-day the question is raised as to the need to separate these two categories. It is only to prepare separate lists of these two categories of inams and make it clear, that clause 8-A was introduced. And it is followed up here. Mr. T. Viswanatham is right, Sir, in claiming that even for those inams which are not deemed to be 1936 inams, the basis of compensation should be on a different footing than those stated here. Really if we thought of excluding the 1936 inams even before the Select Committee stage this clause would not have been added, because the definition of 1908 inams could be easily adopted. If 'melwaram' alone was given to the inamdar the same clauses which applied to the zamindars could have applied to 1908 inams also. But having committed ourselves to treat the 1908 inams as 1936 inams we could not go back upon it. Therefore, that class of inams is getting an enhanced compensation which is intended for the 1936 inams only, i.e., the formula of reducing the rental, minus quit-rent and jodi and no administration charges, minus 3½ per cent for irrigation charges where irrigation works are there, and on that basic value to work out the compensation. That is the position. I think the 1908 inams are treated fairly well in spite of the fact that only melwaram was granted to them. This amendment is not just, Sir."

SRI T. VISWANATHAM:—"Mr. Speaker, I have carefully followed what the Hon. the Revenue Minister expressed. He said: Having committed ourselves to a particular principle, namely, that the 1908 inams also will be treated as 1936 inams, we introduced this particular clause. But when once (pauses)."

MR. SPEAKER:—"Let the hon. Member continue."

* SRI T. VISWANATHAM:—"There are two persons, Sir, with whom I am vitally interested, namely, yourself and the Hon. the Revenue Minister, yourself to control me and this gentleman to understand me."

"Sir, he said, 'Having accepted the principle that the 1936 inams also will be included in the Bill I introduced this particular clause.' He further said: 'Now that we have excluded it. I

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have introduced another clause to ascertain which are 1936 inams and which are not 1936 inams, namely, clause 8-A.' And therefore he still thinks that there is a distinction between those two under the existing law. Possibly my exposition was not clear. In spite of this clause 8-A, I submit that he cannot make a distinction between the pre-1936 inams and the post-1936 inams. My point is, therefore, that although he has put in another clause to know which are 1908 inams, i.e., inams in which only melwaram was granted and which are other inams in which a presumption will be made that melwaram was granted, still the matter is not quite clear. Let us assume, that where such distinction is not clear some machinery will be set up to make it clear. Even assuming we have got an idea as to which inams are inams in which only melwaram was granted and as to inams in which there was no melwaram granted, still I submit, Sir, that having regard to the difference in the nature of the grants between the inam tenure and the zamindari tenure, it is not fair at all to reduce these rentals even below a rate which was accepted previously by the Legislature. Different rates of rent have been accepted. The Legislature after careful consideration, after presuming the occupancy rights and after discussion, showed the concession and said that the rents as on 1st November 1933 were fair and equitable. In the circumstances, notwithstanding the machinery set up under clause 8-A, notwithstanding the distinction between these two kinds of inams and notwithstanding any clear conception as to the difference between the two, I submit that these inams are totally different from the estates and therefore the reduction of the rental to the ryotwari demand is not fair to those estate-holders. I submit that the level of rent must be as it was on 1st November 1933 and therefore I submit to the Hon. the Minister for Revenue that after all there is still much time, and he can reconsider the matter and we can take up this matter to-morrow instead of simply rushing it through now."

THE HON. SRI KALA VENKATA RAO:—"I have nothing to say now, Sir."

The amendment was put and lost.

THE HON. SRI KALA VENKATA RAO:—"I move, Sir—
'in clause 30, in paragraph (b) of sub-clause (ii), the word
"or" occurring after the words "all lanka lands" shall
be omitted'."

The amendment was put and carried.

MR. SPEAKER:—"I am going to put clause 30 as amended."

* SRI N. S. VARADACHARI:—"Sir, when the Hon. the Minister said that after the exclusion of certain types of inams the other estates are only grantees of melwaram and would have been clubbed with the bigger estates for the purpose of compensation and for all other purposes under this Act, I was really

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surprised at the statement. Whatever that may be, Sir, for compensation purposes he himself admitted that the sliding scale was necessary in order to distinguish between estates big and small. If really the logic of his proposition is carried to the fullest extent, he would perhaps not even have had the sliding scale. Apart from that, as I have always pointed out, there is difference, if not in the essence of the tenure, at least in the nature of the holding between the two landholders, the holder of a zamin estate and the holder of an inam. In this case, the only justification for increased compensation now allowed to certain type of inamdars under clause 30 and the clauses following is because they are very small people and they should be helped to maintain themselves at least at subsistence level, even while the estates are being taken away from them. There is always confusion in this House, Sir, when anyone pleads for increased compensation for certain types of landholders for he is at once regarded as the enemy of the ryot. I have never had any objection to parcelling out these estates amongst the ryots who hold the land to-day strictly enjoining the keeping of the peace on all alike, the landholder and the ryot, which clause 3 of the Act purports to do. I am not one of those, Sir, who would advocate the tarring of all with the same brush, regarding every one as capable of equally bearing the burden of sacrifice. Some may be able to bear a heavier burden and some may not be able to bear the burden which is sought to be imposed on them by the Hon. the Revenue Minister. That is why I have objected from the beginning that there should be wise discrimination not in respect of the tenures which both these landholders may be said to possess, but in respect of their capacity to shoulder the burden. The first principle in all compensation in civilised society is that the person who is given the compensation must be able to carry the burden which is placed on him. We must ask ourselves, 'Does it weigh lightly on him? Can it enable him to pass his days in comparative peace?' I see, Sir, the hon. Gentleman opposite is shaking his head and it almost seems to suggest that this is not the principle to be applied in the case of compensation. He may be conversant, Sir, with legal terms. He may be conversant with law and he may have obtained legal opinion on these matters. But speaking as a Member of the Legislature and holding myself responsible to the public which consists of various strata of society, I must impress on the Government that the need for a distinction between one class and another does not necessarily arise out of the logical implications of any legislative enactment or of any administrative arrangement, but arises solely out of the principle whether a particular person is enabled to properly bear the burden that is placed on him or not. That ought to be the guiding principle for legislators whatever principles lawyers may apply to compensation. As one of the legislators of this House, feeling that this principle is violated in particulars even in this Bill as modified by Government to-day, I wish to point out that while people must be thankful to Government for increasing the compensation in the case of

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these estates, Government have not even carried out one suggestion which they made to the Select Committee that they would have in the sliding scale a provision for those whose net income as calculated would come to less than Rs. 500. They even made that suggestion at the time but it has not been given effect to. If the basic income is less than Rs. 500, the Hon. Minister said that he would consider and think over the position and will increase the number of times the compensation payable to such landholders. It has not been done for some reason or other. While I accept that in the present amendment which the Government have introduced, the melwaramdar in an inam estate is better treated than the melwaramdar in a zamindari estate, I must say that in some, if not in many cases, these people will be asked to shoulder a burden far too heavy for them and they may not be in a position to maintain themselves even at the subsistence level. I ask Government if this is a fair consideration of their case. If we had all the data regarding these inams, i.e., the extent of the land, the number of holders, and the number of ryots who cultivate these lands, then, I say that there would have been adequate justice done to these people. In the case of these estates, there are many pattadars who are going to be given ryotwari pattas and who are really richer than the inamdars to-day. We are throwing away property to them." (Interruptions.)

MR. SPEAKER:—"Hon. Members perhaps think that it is now past five. We will sit till this clause (clause 30) is finished."

SRI N. S. VARADACHARI:—"Sir, I will conclude shortly. My only suggestion is this that if considerations such as mentioned by me had been given due weight, then I say, Sir, there would have been a further figure in the sliding scale and perhaps more concessions would have been given to these people. That is all that I wish to say. While I favour the total disbandment of these estates and conversion into ryotwari tracts, I do say to Government that they are transferring perhaps very rich tracts of land to people, who pay nothing whatsoever to Government in return, and who are much richer than the inamdar himself who is in possession of the estates. I must record this statement publicly and get the public analyse the statement to the best of their ability so that I may stand vindicated in the cause which I had taken up only in the interests of social justice and not for pleading the claims of this or that type of landholders."

THE HON. SRI KALA VENKATA RAO:—"I have nothing more to add to what I have already said, Sir."

Clause 30, as amended, was put and carried.

III.—DISCUSSION *RE* BUSINESS OF THE HOUSE.

MR. SPEAKER:—"To-morrow, after lunch, the House will sit for an hour and adjourn at 3-30."

SRI T. VISWANATHAM:—"May I submit, Sir, that one hour's sitting will not do any good. (Hon. Members: 'Mike,

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mike.) I am making a suggestion which is very pleasant to all the Members, namely, that we adjourn at 1-30 p.m. to-morrow, and we need not come back and sit for only one hour. But if we have to sit in the afternoon, let us sit till 5 or even later."

MR. SPEAKER:—"In one hour we can do a lot of work."

SRI T. VISWANATHAM:—"Sir, let not the Revenue Minister be parsimonious about time also. We can certainly have this Bill passed. The Bill has been before the public for long, and it is as good as passed. We shall adjourn at 1-30 to-morrow instead of at 3-30."

MR. SPEAKER:—"I shall consider this and give my decision to-morrow. The House will now adjourn and meet at 11 a.m. to-morrow."

The House then adjourned.

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APPENDIX

[Vide answer to starred question No. 387 asked by Sri S. Nagaraja Manigar at the meeting of the Legislative Assembly held on the 27th September 1948, page 123 supra.]

List of small-scale cottage and village industries in the Madras Province.

- | | |
|---|---|
| Food— | Paints, oils, soaps and perfumery— |
| 1 Cured, smoked and canned fish. | 1 Eucalyptus oil. |
| 2 Dairy products. | 2 Fish oil and fish liver oil. |
| 3 Dried, preserved or canned fruits. | 3 Vegetable oils. |
| 4 Fruit juices, cordials and essences. | 4 Essential oils. |
| 5 Special foods—malt, shark liver oil, emulsions, etc. | 5 Soaps. |
| 6 Biscuits and confectionery. | 6 Perfumery. |
| 7 Jaggery and country sugar. | 7 Paints. |
| 8 Poultry farming. | 8 Varnishes. |
| 9 Pisciculture. | 9 Disinfectants. |
| 10 Sheep rearing. | Wood— |
| 11 Bee-keeping. | 1 Cabinet making. |
| 12 Manufacture of edible products like beaten rice, pappadams, and vermicelli, etc. | 2 Turnery. |
| Tobacco— | 3 Wood carving. |
| 1 Tobacco curing. | 4 Cart and jutka building. |
| 2 Beedi manufacture. | 5 Clogs. |
| 3 Cheroots. | 6 Lacquer work. |
| 4 Snuff manufacture. | 7 Combs. |
| 5 Sorting of tobacco. | 8 Couch building. |
| Cotton— | 9 Furniture manufacture. |
| 1 Hand spinning. | Metal industry— |
| 2 Handloom weaving. | 1 Light metal casting of brass, copper, bronze, aluminium, etc. |
| 3 Hosiery. | 2 Iron safes and locks. |
| 4 Cotton carpets. | 3 Bell metal making. |
| 5 Lace and embroidery. | 4 Iron tools making. |
| 6 Manufacture of cotton tape, waiststrings, fish-nets, etc. | 5 Tin making. |
| 7 Dyeing and printing. | 6 Smithy. |
| Silk— | 7 Manufacture of steel trunks, boxes, etc. |
| 1 Sericulture. | 8 Metal toys. |
| 2 Ericulture. | 9 Cutlery works. |
| 3 Silk reeling. | 10 Nails and screws. |
| 4 Silk weaving. | 11 Railings, rings and tubes. |
| 5 Gold and silver lace. | 12 Jewellery works. |
| 6 Lace garlands. | 13 Lead vessels. |
| 7 Ligature guts. | 14 Brass handles. |
| Wool— | 15 Steel furniture. |
| 1 Spinning and weaving. | 16 Builders' hardware. |
| 2 Pile carpets. | 17 Domestic hardware. |
| 3 Woollen blanket and doubly weaving. | Coir industry (Mat industry)— |
| Tanning and leather industries— | 1 Kora mat. |
| 1 Tanning. | 2 Bamboo thatti. |
| 2 Boots and shoes. | 3 Sunhemp and date mat making. |
| 3 Leather goods manufacture. | 4 Coir netting, spinning and weaving. |
| 4 Glue manufacture. | Glass— |
| Ceramics— | 1 Bangles. |
| 1 Pottery. | 2 Glass retorts. |
| 2 Crayons. | 3 Lapidaries. |
| 3 Clay images and toys. | 4 Making of black glass beads. |
| 4 Bricks and tiles. | 5 Mica splitting. |
| 5 Cement concrete products. | Stones— |
| 6 Flooring tiles. | 1 Sands' grinding stone. |
| | 2 Slates and slate pencils. |
| | 3 Soap stone. |
| | 4 Stone carving. |
| | 5 Marble industry. |
| | 6 Stoneware pipe manufacture. |

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Artistic crafts—

- 1 Pith hats.
- 2 Ornamental fans.
- 3 Engraving of silver, copper and brass.
- 4 Ivory carving.
- 5 Musical instruments.
- 6 Brass, silver and horn insect.
- 7 Button making.
- 8 Coconut shell carving.
- 9 Boat building.
- 10 Framing and mounting pictures.
- 11 Making of fly shuttle looms.
- 12 Bamboo basketry.
- 13 Rattan work.
- 14 Doll making.
- 15 Fancy wooden articles.
- 16 Basket making.
- 17 Palm leaf boxes.

Miscellaneous industries—

- 1 Manufacture of caps.
- 2 Match industry.
- 3 Fancy horn articles.
- 4 Leaf plaiting.
- 5 Umbrellas.
- 6 Chunks and chunk beads.
- 7 Screen industry.
- 8 Manufacture of scented bathis.
- 9 Sandal.
- 10 Inks.
- 11 Jute canvas making.
- 12 Electric fittings and appliances.
- 13 Starch from tapioca, tamarind seed, palmyrah, etc.
- 14 Stationery articles.
- 15 Charcoal burning.

THE MADRAS LEGISLATIVE ASSEMBLY

Tuesday, the 28th September 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.

Anti-Hindi propaganda by Tamil Pandits.

* 392-A Q.—SRI S. PARAMANANDA RAYAR: Will the Hon. Minister for Education be pleased to state whether it has been brought to the notice of the Government of any Tamil Pandit who has discouraged the study of Hindi by openly making propaganda?

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

“It has been brought to the notice of Government that Tamil Pandits in certain institutions have been making propaganda against Hindi. The Director of Public Instruction has been asked to take suitable action in the matter.”

SRI S. PARAMANANDA RAYAR:—“In view of the answer will the Government take disciplinary action against the counter-propagandists in case the charge is proved?”

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

“If such cases are brought to the notice of the Government and if there were to be proper evidence the Government will certainly take action.”

SRI P. KANDASWAMI PILLAI:—“In view of the fact that intensive propaganda against Hindi is being carried on amongst boys and girls in schools will the Government send a circular to the heads of the institutions to send a report about the nature of propaganda and the remedy for it?”

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

“The Government are looking into the matter. If, however, the hon. Member has any fact which he could prove and put before the Government, necessary action will be taken.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Are not the Government servants and others entitled to have any opinion they like on the question?”

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

“They are entitled to have their opinion before the orders are passed. But when orders are issued they cannot carry on propaganda against it.”

SRI V. RAGHAVAYYA:—“It is just possible that the concerned Tamil Pandits might have been misled by interested parties. It will be fair if the Government give them a chance by sending out a warning not to take part in such anti-propaganda.”

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

“This question and the answer will be published in the Press and it will be a sufficient warning.”

SRI V. I. MUNISWAMI PILLAY:—“May I know, Sir, if this agitation is being carried on in one particular district or throughout the Tamilnad?”

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

“Instances of one or two institutions have been brought to the notice of the Government and more than that I am unable to say.”

SRI KALLUR SUBBA RAO:—“May I know from the Hon. Minister whether he has found the reasons why the Tamilians have a hatred for Hindi?”

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

“It is wrong to say that the Tamilians have any hatred towards any body. A few interested persons are making anti-Hindi propaganda and some people fall victims to these prejudices.”

SRI A. SUBRAHMANYAM:—“இரண்டாவது பாஷைகள் என்று பல பாஷைகள் இருக்கின்றன. அதில் ஹிந்தியும் ஒன்றாக இருக்கிறது. அந்த இரண்டாவது பாஷைகளில் ஒன்றை படிக்க வேண்டுமென்று உபாத்தியாயரைக் கேட்டுக்கொண்டுதான் படிக்க வேண்டுமென்று விதி இருக்கிறதா என்று கேட்கிறேன்.”

MR. SPEAKER:—“இங்கே இருக்கும் கேள்வி என்னவென்றால் தமிழ் பண்டிதர்கள் ஹிந்திக்கு விரோதமாக பிரசாரம் செய்தார்களா என்பது என்னென்ன படிக்கவேண்டுமென்பதும், என்னென்ன படிக்கக் கூடாது என்பதும் அதில் வராது.”

SRI A. SUBRAHMANYAM:—“Sir, நான் கேட்பது ஹிந்தியை படிப்பதற்கு வற்புறுத்துவதற்கு ஏதாவது விதி இருக்கிறதா என்றும் உபாத்தியாயர்கள் பிள்ளைகளை வற்புறுத்தி படிக்கவேண்டுமென்று சொல்ல ஏதாவது விதி இருக்கிறதா என்பது?”

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

“The question does not strictly arise from the main question. But if the hon. Member wants to have the matter cleared he should put a separate question.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Are the Government aware that there is no anti-Hindi agitation in Andhra and if it exists in Tamil Nadu what is it due to?”

MR. SPEAKER:—“Again this question is about agitation.”

SRI A. SUBRAHMANYAM:—“Sir, கனம் கல்வி மந்திரி அவர்கள் கேட்கிறேன். இப்பொழுது இரண்டாவது பாஷைகளில் பல பாஷைகள் இருக்கின்றன. அதில் ஒன்றை படிக்க பெற்றோர்களுடையுமும் மாணவர்களுடையுமும் இஷ்டத்திற்கு விடப்பட்டிருக்கிறது. அவர்கள் எதை விரும்பு கிறார்களோ அதை படிக்கவேண்டுமென்றிருக்கிறது. அப்படி படிக்கும் போது உபாத்தியாயர்களை மாணவர்களும் பெற்றோர்களும் கேட்டுத்தான் கொள்ளுகிறார்கள். ஏதாவது விதி இருக்கிறதா என்று கேட்கிறேன்.”

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

“இது விஷயமாக மாணவர்களும் பெற்றோர்களும் எந்த பாஷையை படிக்கவேண்டுமென்று விரும்புகிறார்களோ அதையே படிக்கலாம்.”

Number of Muslims arrested in Guntur district.

* 393 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Premier be pleased to state—

(a) the number of Muslims who have been arrested in the Guntur district in the month of June 1948 without arrest warrants; and

(b) whether it is a fact that the persons who were arrested without arrest warrants were kept in sub-jails for more than fourteen days?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—“(a) 121.

“(b) Fifty-seven persons were continued in remand after fourteen days, by virtue of orders under section 344, Criminal Procedure Code.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Are the Government aware, Sir, that such a large number of arrests under section 151—arrest without warrant being issued—have been made and if so, is it proper to arrest without an arrest warrant on such a large scale?”

THE HON. SRI B. GOPALA REDDI:—“Ordinarily this is not so, Sir.”

SRI V. M. RAMASWAMI MUDALIYAR:—“In view of the improved situation alround, may I know whether there will be large releases of Muslims who have been arrested in Madras?”

THE HON. SRI B. GOPALA REDDI:—“All persons arrested after our defence forces marched into Hyderabad, are being released. The cases prior to that event are being considered.”

SRI S. NAGAPPA:—“May I know if some of the people arrested in other districts are being asked to confine themselves to specific areas?”

THE HON. SRI B. GOPALA REDDI:—“Since the situation is still not quite clear they have been confined to their home towns.”

SRI B. S. MURTHI:—“May I know the procedure the Government are contemplating to adopt in the case of detenus prior to the marching of the Indian Army into Hyderabad?”

THE HON. SRI B. GOPALA REDDI:—“When we are sure that the situation is clear without any unforeseen trouble from any quarter then certainly we will consider those cases favourably.”

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MOHAMED ABDUL SALAM SAHIB BAHADUR:—"In view of the improved situation, will the Government consider the offences under sections 107 and 110, Criminal Procedure Code—security cases—which are pending in border districts?"

THE HON. SRI B. GOPALA REDDI:—"I do not think, Sir, that the situation is quite free from all trouble. Hence cur inability to move in that direction."

SRI S. NAGAPPA:—"In view of the fact that the situation has ceased will the Government set free security cases so that they may go to their native places?"

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

SRI B. S. MURTHI:—"May I know whether the cases pending before the Tribunal of some of the detenus are being considered favourably and if so, whether any action was taken by the Tribunal."

THE HON. SRI B. GOPALA REDDI:—"Such cases are periodically sent to the Tribunal which will consider such cases."

Cancellation of the bus route No. 24.

* 394 Q.—**MUHAMMAD RAZA KHAN SAHIB:**—Will Hon. the Minister for Finance be pleased to state—

(a) whether it is a fact that the route No. 24 (Triplicane to Nungambakkam via Royapettah) in Madras City has been cancelled since 1st September 1948; and

(b) if so, what the reasons are for cancelling this route?

THE HON. SRI B. GOPALA REDDI:—" (a) The answer is in the affirmative.

" (b) The average earning on this route was found to be less than the cost of operation of the service."

MUHAMMAD RAZA KHAN SAHIB:—"May I ask, Sir, whether there is a proposal before the Government to run buses during office hours both during morning and evening in route No. 24?"

THE HON. SRI B. GOPALA REDDI:—"Yes, the matter is under consideration."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"May I know, Sir, how, when they are not able to run sufficient number of buses in the existing lines, they are increasing the number of new routes."

THE HON. SRI B. GOPALA REDDI:—"I do not accept the premises, Sir. There are sufficient number of buses running in the existing routes."

SRI KALLUR SUBBA RAO:—"Is it a fact, Sir, that half the number of buses are always in the workshop being out of order?"

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THE HON. SRI B. GOPALA REDDI:—"It is not exactly half; much less than half."

SRI V. RAGHAVAYYA:—"May I know, Sir, if the Government will run a pilot service from the High Court Level-crossing to San Thome Church during peak hours?"

MR. SPEAKER:—"A separate question may be put."

SRI B. S. MURTHI:—"May I know, Sir, whether the Government will permit any private agency to run buses in route No. 24?"

THE HON. SRI B. GOPALA REDDI:—"Not in the city."

SRI S. NAGAPPA:—"Is it a fact, Sir, that in the 3-D route the first bus returning from the Parry's Corner arrives at Alwarpet only after 10 a.m. and as such innumerable and untold difficulty are caused to the office-going population as also to the children going to the schools in Mylapore?"

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

Number of Orphanages in the Presidency.

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

(a) how many orphanages are there in the Presidency for which the Government have given grant-in-aid for 1947-48;

(b) the number of orphanages run by managements belonging to each of the communities—Hindus, Muslims, Christians, Anglo-Indians and Europeans—and what the total strength is in each of the groups;

(c) the total amount of grant given to each group for the year 1947-48; and

(d) the basis on which the grants are given to the orphanages?

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

" (a) 328. (This number includes 3 European and Anglo-Indian Orphanages and 24 European and Anglo-Indian Schools which take in destitutes and paying boarders.)

" (b) Communities—

	Number of orphanages for boys and girls (1947-48)	Number of inmates in the orphanages under each management (1947-48).
1. Hindus	39	2,992
2. Christians	249	24,902
3. Muslims	13	1,322
4. Europeans and Anglo- Indians	3	430

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	Number of orphanages for boys and girls (1947-48)	Number of inmates in the orphanages under each management (1947-48).
5. European and Anglo-Indian Schools which take in destitutes as well as paying boarders ..	24	1,615
Total ..	328	31,271

Amount of
grant.
Rs.

“(c) Orphanages for—

1. Hindus	1,15,923
2. Christians	9,11,474
3. Muslims	91,597
4. Europeans and Anglo Indians	85,918
5. Europeans and Anglo-Indians which take in destitutes as well as paying boarders	3,37,995

“(d) The grant for Indian Orphanages is calculated at a rate not exceeding two-thirds of the net boarding charges of the institution subject to a maximum limit of Rs. 8 a month for each certified free destitute pupil.

“The grant for European and Anglo-Indian orphanages is governed by a separate set of regulations. Under these regulations, a grant not exceeding Rs. 18 is paid in respect of each orphan or child whose parents are in indigent circumstances.”

The arrest of Mr. E. V. Ramaswami Naicker.

*396 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Premier be pleased to state—

(a) the reasons for the arrest of Periyar E. V. Ramaswami Naicker; and

(b) the reasons that prompted the Government to release him?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—“(a) & (b) Sri E. V. Ramaswami Naicker was arrested as it was expected that the members of the Dravida Kazhagam of which he is the leader, were likely to cause a disturbance of the public peace during the visit of His Excellency the Governor-General to Madras last month. He was released after His Excellency's visit was over.”

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MOHAMED ABDUL SALAM SAHIB BAHADUR:—“May I know, Sir, whether Government had sufficient reasons before they arrested Mr. E. V. Ramaswami Naicker?”

THE HON. SRI B. GOPALA REDDI:—“Yes. The Commissioner of Police in the City thought it necessary to arrest him.”

N. MUHAMMED ANWAR SAHIB BAHADUR:—“The question put is about ‘Periar E. V. Ramaswami Naicker’, and the Hon. Leader of the House in his answer refers to ‘Sri E. V. Ramaswami Naicker’. May I know whether the Government have any objection officially to use this prefix ‘Periar’?”

THE HON. SRI B. GOPALA REDDI:—“As he is a Hindu we have addressed him with the prefix ‘Sri’.”

MUHAMMAD RAZA KHAN SAHIB:—“May I know whether the Hon. Minister has seen the report in the Press that it was not exactly due to any apprehension of danger but the members of the party wanted his arrest?”

THE HON. SRI B. GOPALA REDDI:—“I do not know which Press published it. If any Press has published it, it is not a fact.”

SRI V. RAGHAVAYYA:—“Did not the Government suffer in prestige by arresting a leading person like ‘Periar’ who need not have been reasonably expected to indulge in hooliganism which would have endangered the visit of His Excellency C. Rajagopalachariar?”

THE HON. SRI B. GOPALA REDDI:—“I do not think Government's prestige has suffered, but on the other hand it was enhanced.”

SRI ALLURI SATYANARAYANARAJU:—“Is it not a fact, Sir, that Periar E. V. Ramaswami Naicker was responsible for the black flag demonstration when His Excellency Sri Rajagopalachariar arrived in the city?”

THE HON. SRI B. GOPALA REDDI:—“He was in jail, but a section of his followers have shown black flags.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Is it not a fact that the arrest of Periyar E. V. Ramaswami Naicker betrays the panicky mind of the Government, as they thought they would not be able to control the situation, if that gentleman were to be outside the jail?”

THE HON. SRI B. GOPALA REDDI:—“Sir, the Government had to take all preventive measures, when there was the suspicion that he and his followers were likely to demonstrate black flags, and it was therefore found necessary to take some action in the matter.”

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SRI B. PARAMESWARAN:—"Are the Government aware of the fact that some of the Muslims in the City of Madras were indirectly supporting the movement that was started by Periyar E. V. Ramaswamy Naicker?"

THE HON. SRI B. GOPALA REDDI:—"It is quite probable, Sir."

SRI S. NAGAPPA:—"Is it a fact that the Periyar had issued a statement instigating his followers to demonstrate black flags?"

THE HON. SRI B. GOPALA REDDI:—"I do not know whether he issued a public statement in the Press. But we have information to the effect that his followers in the Tamil districts were invited for a conference at his own residence somewhere in Mount Road."

MUHAMMAD RAZA KHAN SAHIB:—"Is the Hon. Leader of the House aware that a good number of members of the Congress party have got full sympathy with Periyar E. V. Ramaswamy Naicker and are indirectly helping him? If so, will the Hon. the Leader of the House make an enquiry to find out whether it is a fact or not?"

THE HON. SRI B. GOPALA REDDI:—"Sir, no enquiry is necessary; if the hon. Member has any information he may kindly pass it on to the Government. As far as I am aware, neither in the city nor in the mofussil centres, has any Congressman any leaning towards the blackshirts movement."

SRI T. S. PATTABHIRAMAN:—"Are the Government aware that stone-throwing has become one of the accepted programmes of the Dravida Kazhagam?"

THE HON. SRI B. GOPALA REDDI:—"I do not know whether it is accepted. But I know many instances where it had happened. For instance, I have seen a stone being pelted in Tiruvalur when I was in Tanjore district."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Since the Government think that it is probable that certain Muslims had sympathy with or took part in the movement started by Periyar, in the City, may I ask whether the Hon. the Leader of the House has got any concrete facts before he could say that it is probable?"

THE HON. SRI B. GOPALA REDDI:—"Sir, some of my friends in Tanjore district have told me that some of the ex-Muslim League members—because they could not come out openly as Muslim League members—have been indirectly supporting this Dravida Kazhagam."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Is it not a fact that some of the members on the present Treasury Benches and a number of persons in the Congress party were formerly in the Justice Party? For instance, Dr. Subbarayan and Mr. Parameswaran were formerly members of the Justice Party."

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THE HON. SRI B. GOPALA REDDI:—"They are not on the Treasury Benches, now, Sir."

MR. SPEAKER:—"The supplementary question put by Mr. Parameswaran is out of order. Before I could give a ruling, the Hon. Minister had answered it. That is why all these questions have arisen. Now I pass on to the next question."

Steps taken to eradicate leprosy.

* 397 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Public Health be pleased to state—

(a) what steps the Government have taken so far to eradicate leprosy in this Province;

(b) the centres where leprosy clinics have been opened after the 1st May 1946; and

(c) how the Government are helping the British Empire Leprosy Eradication Association in preventing and also combating this disease?

THE HON. SRI A. B. SHETTY:—" (a) & (c) Leprosy relief work in this Province is mainly carried on by the following institutions:—

(i) the British Empire Leprosy Relief Association;

(ii) the Lady Willingdon Leprosy Sanatorium at Tirumani, Chingleput;

(iii) other private leprosy asylums; and

(iv) Leprosy clinics attached to the Government General Hospital, Madras, the Stanley Hospital, Madras, and the Erskine Hospital, Madras, and the clinics attached to the District Headquarters Hospitals and almost all Government Hospitals and Local Fund Medical institutions.

Item (i) above.—Since 1939 the leprosy work in this Province is being carried on by the British Empire Leprosy Relief Association on behalf of the Government with an annual grant of Rs. 21,000 (now reduced to Rs. 15,700) and with the funds allotted to it by the Indian Council of the Association and other philanthropic bodies. The Association had also been running the Rural Leprosy Prevention Unit at Polambakkam with an annual grant of Rs. 7,269 from the Government.

(2) As a part of the Post War Scheme relating to "Anti-Leprosy Campaign" and incidentally to relieve the British Empire Leprosy Relief Association of some of its activities the Government have taken over under their control the Silver Jubilee Children's clinic at Saidapet, the Ettapur Children's Sanatorium and the Polambakkam Rural Leprosy Prevention Unit.

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Item (ii) above.—The Lady Willingdon Leprosy Sanatorium which is the centre for leprosy activities in this Province is a Government institution which was till recently managed by the Church of Scotland Mission under an agreement. The institution has been taken over under Government control with effect from 1st April 1948.

Item (iii) above.—There are 12 private leprosy asylums in this Province. The Government are paying annual capitation grants to them. Leprosy work chiefly consists in propaganda survey Segregation and treatment.

(2) The following proposals for an Anti-leprosy Campaign are now under consideration of Government.

(a) the establishment of a Provincial Unit with headquarters at Vellore and a District Survey Unit in the first instance in the South Arcot district for a detailed survey and organization of leprosy prevention work on a provincial and district basis;

(b) the establishment of two leprosy clinics in the Kadam-buliyur Firka in the South Arcot district; and

(c) the establishment of a publicity and welfare Organization to be run by the British Empire Leprosy Relief Association with an annual grant from the Government.

(3) The Government have also sanctioned the payment of half-grants to the Kasthurba Gandhi National Memorial Trust for the construction of a Leprosy Home for Women and Children in the South Arcot district and to the St. Joseph's Leprosy Hospital and Asylum at Kankanady for the construction of additional buildings.

“(b) No new clinics have been opened after 1st May 1946.

“(c) [Please see under clause (a) above.]”

BEGUM SULTAN MIR AMIRUDDIN:—“As one of the most urgent requirements in tackling the problem of leprosy is the isolation of children from infective parents, may I know what steps are being taken in this regard in this Province?”

THE HON. SRI A. B. SHETTY:—“It is a very big question, Sir. According to the information available with the Government, there are said to be about 100,000 infective cases in our Province. In the existing institutions meant for leprosy patients, we are able to accommodate only 2,000 cases. Unless we are able to provide either sufficient facilities for institutional segregation or arrangements for home isolation, it is not possible to segregate so many of these patients.”

M. S. ABDUL MAJID SAHIB BAHADUR:—“Is it not a fact Sir, that among the beggars in the City of Madras, and in the

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Province, there is a considerable number of lepers, and if so, may I know what arrangements the Government are making to house these people in leprosy asylums?”

THE HON. SRI A. B. SHETTY:—“I have already said that it is not possible to isolate these patients. We have not got enough of provision for the segregation of all infective cases.”

BEGUM SULTAN MIR AMIRUDDIN:—“Is it not a fact that there are two types of leprosy—the infective, and the non-infective? Is it not desirable that instead of spending funds merely in the treatment of leprosy the Government should also tackle the root cause of the problem, by isolating the children of infective parents?”

THE HON. SRI A. B. SHETTY:—“The majority of cases are non-infective, and they are what are called neural cases. About 25 per cent of the total number of cases are of the infective type. And as I said earlier, there are said to be about 100,000 cases of the infective type. It is not a practicable proposition to provide institutional segregation for all these cases. The only thing that we can do is to do propaganda and see that people keep children away from infective cases in their own homes.”

DR. M. J. SAMUEL:—“Is it a fact, Sir, that the grants-in-aid given to certain leprosy asylums in the Province have been stopped, and as a result the work of these asylums has been curtailed down, and the patients were forced to leave the asylums and wander about in the streets?”

THE HON. SRI A. B. SHETTY:—“Capitation grants are given to patients in the Mission leprosy homes.”

SRI V. LAKSHMI AMMAL:—“Is it not a fact, Sir, that medical opinion is that the leprosy patients must be segregated? As a number of leprosy patients are seen sleeping on road sides in the night, will the Government consider the desirability of segregating these lepers in the night instead of allowing them to sleep in the night on the roadside?”

THE HON. SRI A. B. SHETTY:—“The experiment of night segregation is being tried, at Polambakkam, and has given fairly good results. But we shall have to watch the experiment for some more time.”

SRI T. VISWANATHAM:—“May I ask, Sir, whether if the municipality manage any asylums they would be given capital grants by the Government?”

THE HON. SRI A. B. SHETTY:—“We shall consider if applications come.”

SRI ALLURI SATYANARAYANA RAJU:—“Are the Government aware of the fact that only ‘naturopathy’ offers an

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effective cure for leprosy, as it has been found in experience by the public, and will they consider the desirability of giving some financial help for encouraging that system?"

THE HON. SRI A. B. SHETTY:—"Sir, nature cures many cases. A large number of neural cases are cured spontaneously even without treatment. It is not due to any treatment by Naturopaths; but due to the action of nature itself."

SRI S. NAGAPPA:—"May I know, Sir, whether these lepers are allowed any financial aid, when they come and settle in these asylums?"

THE HON. SRI A. B. SHETTY:—"Poor patients are given free treatment, and free boarding and lodging."

SRI V. RAGHAVAYYA:—"Do the Government propose to have legislation for compelling the lepers to segregate themselves? If so, may I know whether the Government will take any special care about Chingleput and Nellore, where the disease is on the increase?"

THE HON. SRI A. B. SHETTY:—"There is already provision to that effect in the Leper Act, and in the Madras Public Health Act. But there is a proposal to amend the Public Health Act, because it is unnecessary to segregate non-infective cases."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I know, Sir, whether it is not practicable for Government to deal with these 100,000 cases of the infective type, and make them non-infective ones?"

THE HON. SRI A. B. SHETTY:—"So far, we have not been able to find any specific for effective treatment of leprosy. There is now what is called the 'sulphone' group of drugs, which is being given a trial."

SRI V. I. MUNISWAMI PILLAY:—"As leprosy is very acute in Kadambuliur in South Arcot district, may I know whether the Government propose to take any special steps to eradicate it?"

THE HON. SRI A. B. SHETTY:—"I have already stated that there are two leprosy clinics in this firka."

SRI B. S. MURTHI:—"May I know, Sir, whether the Government are aware of the fact that Ayurveda provides an effective cure for leprosy, and if so, may I know whether there are any Ayurvedic clinics supported by Government grants?"

THE HON. SRI A. B. SHETTY:—"The most common form of treatment is some injection of Chalmugra oil, which is an old Ayurvedic medicine."

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M. S. ABDUL MAJID SAHIB BAHADUR:—"Is it not a fact that some of the inmates of the Chingleput leprosy asylum wander about in the streets of Chingleput, and thus expose the people of that place to the danger of infection?"

THE HON. SRI A. B. SHETTY:—"I do not think they are allowed to go about like that, and mix with other people."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"As the lepers of Madras City are found wandering from one bus stop to another, and causing a good deal of nuisance to everybody, will the Hon. Minister take steps to see that their wandering is made a cognizable offence which should be subjected to police action?"

THE HON. SRI A. B. SHETTY:—"I have already said that the majority of leprosy patients are not infective. It is only about 25 per cent of them that are infective. Unless we provide places for accommodating them, it is not possible to isolate them or prevent them from going about in the streets."

BEGUM SULTAN MIR AMIRUDDIN:—"Have any steps been taken to estimate the extent of the incidence of leprosy among industrial workers? If not, will the Government take steps to investigate into this matter, because leprosy spreads through industrial workers also to a large extent?"

THE HON. SRI A. B. SHETTY:—"Yes, Sir, I have already said that the Government have decided to have a Provincial unit for survey work at Vellore, and a District Survey Unit in South Arcot. And we shall increase the number of District Units, in course of time."

M. S. ABDUL MAJID SAHIB BAHADUR:—"May I know, 11-30 a.m. Sir, what are the responsibilities of the local bodies in this matter?"

THE HON. SRI A. B. SHETTY:—"The Government have assumed the responsibility for leprosy prevention and control."

SRI V. I. MUNISWAMI PILLAY:—"May I know, Sir, when the Hon. Rajakumari Amrit Kaur was here, whether the Hon. Minister acquainted her with the conditions of leprosy obtaining in this Province and whether he has approached her for financial and other help?"

THE HON. SRI A. B. SHETTY:—"The Government of India is well aware of the extent of leprosy and the problem was one of the subjects of discussion at the Health Ministers Conference held recently."

SRI B. S. MURTHI:—"May I ask the Government whether any Government help is being given to the Ayurvedic clinics for curing leprosy?"

THE HON. SRI A. B. SHETTY:—"I am not aware that any Ayurvedic clinics have been established for treating leprosy patients."

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SRI G. KUMARASWAMI:—" May I ask the Hon. Minister in what districts of the Province leprosy is most prevalent? "

THE HON. SRI A. B. SHETTY:—" Madras Province is one of the highly endemic areas for leprosy. But, I cannot give at present the names of the districts where the incidence of leprosy is particularly high."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" Arising out of the answer of the Hon. Minister that he is unaware of the existence of any effective medicine for leprosy in the Ayurvedic Pharmacopœia, may I request the Government to make enquiries of experts in Ayurvedic medicine to see whether there is any such effective medicine because, Sir, I know there are such medicines? "

THE HON. SRI A. B. SHETTY:—" If the hon. Member is in possession of any such information, he may kindly pass it on to the Government."

SRIMATHI V. LAKSHMI AMMAL:—" May I know whether the Hon. Minister is aware that a new medicine has been invented by a lady doctor which cures leprosy wonderfully? "

THE HON. SRI A. B. SHETTY:—" There are what are called the " Sulphone " group of drugs. They are giving fairly good results but still they are on trial."

SRI S. NAGAPPA:—" If the Government have taken the question of curing leprosy in right earnest, will they be pleased to ask the District Medical Officers to post extra doctors especially in villages where there are a large number of lepers? "

THE HON. SRI A. B. SHETTY:—" There are leprosy clinics attached to all Government and Local Board hospitals, and out-patients are being given treatment, there."

SRI T. VISWANATHAM:—" Regarding Ayurvedic clinics, may I draw the attention of the Hon. Minister that there is one large clinic at Waltair and whether the Government will be prepared to give adequate amount as grant-in-aid to that clinic? "

THE HON. SRI A. B. SHETTY:—" I shall have the matter considered if the hon. Member kindly writes to me about it."

SRI V. I. MUNISWAMI PILLAY:—" Are the Government aware that the presence of a large number of neem trees gives relief to the lepers? "

THE HON. SRI A. B. SHETTY:—" This information is news to me."

DR. M. J. SAMUEL:—" Are the Government aware that the incidence of leprosy in the Kurnool district has increased greatly during the last decade and what special steps the Government have taken in order to check this? "

THE HON. SRI A. B. SHETTY:—" The incidence of leprosy has increased everywhere and people should take care to see that children are segregated from adult infective cases."

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M. S. ABDUL MAJID SAHIB BAHADUR:—" May I ask the Hon. Minister what steps the Government have taken in order to isolate cases of leprosy among the prisoners in this Province? "

THE HON. SRI A. B. SHETTY:—" The infective cases have to be kept isolated."

MR. SPEAKER:—" The question is this. If some prisoners are suffering from leprosy and if they are kept in jail, what steps Government are taking with regard to them and whether they are being segregated? "

THE HON. SRI A. B. SHETTY:—" I presume convicts who are affected with leprosy are kept segregated."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" In view of the fact that Government are registering indigenous dispensaries of Sidda, Unani and Ayurvedic medicines, I want to know whether the Government have not come in contact with such an effective medicine either in Sidda or Unani or Ayurvedic Pharmacopœia as will cure this leprosy? "

THE HON. SRI A. B. SHETTY:—" I would invite those experts in indigenous systems of medicine who profess to cure leprosy cases effectively to come and handle some cases in Tirumani Leprosy Settlement."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—" Is it not a fact, Sir, the local boards are unable to tackle this problem, since the Government do not help them with medicines and other things? "

THE HON. SRI A. B. SHETTY:—" In hospitals under local bodies also, Sir, there are leprosy clinics and as I have said before, out-patients are being treated there."

SRI P. KANDASWAMI PILLAI:—" In view of the fact that leprosy is increasing every year in Attur taluk in Salem district, will the Government start a special clinic in that taluk? "

THE HON. SRI A. B. SHETTY:—" I have already said that the incidence of leprosy has increased in very many places and it is not possible to start a clinic in each and every place where there is leprosy."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" Will the Government kindly issue a public invitation to some experts to come to the Tirumani hospital in order to cure leprosy? "

THE HON. SRI A. B. SHETTY:—" I do not think any such invitation is necessary. Leprosy is an age-long disease. I do not know what the experts about whom the Leader of the Opposition is talking so much, were doing all these years."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" In view of the fact that the Government are giving a step-motherly treatment to indigenous medicine, will they think it proper and useful to issue such a public invitation so that people who are interested in

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indigenous medicines may come forward when they come to know that the Government are prepared to encourage them in a proper way side by side with the allopathic system of medicine?"

THE HON. SRI A. B. SHETTY:—"Leprosy patients are here, there and everywhere. It is open to those people to cure these patients and establish their claim about the efficacy of their remedy. Therefore, I do not know why a public invitation is necessary."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, I do not know the reason why the Government feel shy about issuing invitations to those people to come to the Tirumani hospital?"

THE HON. SRI A. B. SHETTY:—"The Government are not feeling shy. On the other hand, the claim which the hon. Leader of the Opposition has made on behalf of these indigenous medicines is a preposterous claim."

SRI S. NAGAPPA:—"In view of the fact that most of the villagers cannot come to the leprosy clinics which are usually situated in District headquarters, will the Government consider the desirability of opening clinics if there are twenty or twenty-five lepers in one village or in a group of villages?"

THE HON. SRI A. B. SHETTY:—"As far as their funds permit, the Government are doing whatever is possible in the matter."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, in view of the wording used by the Hon. Minister that I am making a preposterous claim about the indigenous medicines, may I point out that the statement of Hon. Minister himself does prove my contention that the Government are not giving proper treatment to the indigenous medicine and this country and the world knows that we have got more effective medicines for leprosy in indigenous pharmacopoeia than in other pharmacopoeia?"

THE HON. SRI A. B. SHETTY:—"If we had such effective medicines, I do not understand why there should be so much of leprosy in India and why India is one of the endemic centres of leprosy in the world to-day." (Laughter.)

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"If there had not been these medicines, there would have been many more cases. (Laughter.) In spite of our poverty-stricken conditions and in spite of our low standard of living, still if there is not a very high rate of incidence of leprosy, it is due to the cheap indigenous medicines which help to keep that figure so low as it is to-day."

THE HON. SRI A. B. SHETTY:—"The hon. the Leader of the Opposition may kindly give us what information he has got in his possession. I shall then consider it."

SRI P. KANDASWAMI PILLAI:—"In view of the fact that the homoeopathic system has got a very effective medicine for

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this, will the Government care to get into touch with the homeopathic doctors in order to establish a clinic under that system for curing leprosy?"

THE HON. SRI A. B. SHETTY:—"This is another claim which I do not concede unless there is sufficient proof of it."

MR. SPEAKER:—"Questions are over."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"On a point of information."

MR. SPEAKER:—"If the hon. Member has got anything, let him give it to me in writing. Now, in the middle, I am unable to allow him to raise the point."

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

II.—SITTINGS OF THE HOUSE.

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know the programme of the House, Sir?"

MR. SPEAKER:—"We adjourn at 1-30 to-day and meet again on the 18th October."

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

Clause 31.

THE HON. SRI KALA VENKATA RAO:—"Sir, I beg to move that for sub-clause (1) substitute the following sub-clause:—

(1) *The gross annual ryotwari demand in respect of the lands referred to in section 30, clauses (i) and (ii), shall be the total of the ryotwari assessments imposed in pursuance of a settlement effected under section 21 on the lands occupied by any person other than the landholder on the notified date.*

This is only to clarify the drafting, Sir."

The amendment was put and carried.

SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I move the amendment which stands in my name. It is as follows:—

For the existing sub-clause (1) substitute the following:—

"The gross annual income in respect of the lands referred to in section 30, clauses (i) and (ii) shall be the rents prevailing on 1st November 1933 and where the rents are in kind they shall be commuted to cash according to the average of the price of grains prevailing within the last ten non-famine years preceding the date of the notification which shall be deemed as the income for the purposes of sections 30 and 37."

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THE HON. SRI KALA VENKATA RAO:—"Yesterday, we discussed this aspect."

* SRI T. VISWANATHAM:—"Sir, this Bill contains only three essential elements, estate, inam and compensation. Whatever may be the number of clauses and whatever may be the number of amendments, these words are bound to occur in some aspect of the problem or other. Therefore, I do not think the Hon. the Revenue Minister should feel bothered that we are discussing the same thing over and over again. I submit, Sir, there is some difference here."

11-45
-a.m.

"Sir, yesterday, I have submitted in discussing another clause with regard to the inams that it is absolutely necessary that there should be given full compensation because the rights of the grantees were conceded by the Government and were confirmed by the various Inam Rules and the rights of the landholders and tenants were also confirmed under the Act of 1908. Under clause 28, they were given an assurance that the rents prevailing on 1st November 1933 were equitable and fair rents. Sir, as a matter of fact this legislation is taking us back to the enactment of 1936. I submit that the Amendment Act of 1936 and the provisions of this Bill should be considered together. They form part of the same legislation as it were. The Hon. Minister stated that inam estates which became estates under the provisions of the enactment of 1936 have been excluded and that an enquiry would be set up with regard to them. The rents prevailing on 1st November 1933 must be deemed to be fair and equitable. It is not as if the Act of 1936 is different from the provisions of this Bill. We are integrating the provisions of the Act of 1936 in this Bill. That is why it is necessary and it is just and equitable that the gross annual income of the land should be the rents prevailing on 1st November 1933, because it was rent protected by the Government and the legislature by the Act of 1936. There are even now cases in which grain rents are being collected in some parts of the Presidency, particularly in the Vizagapatam district."

"Some machinery must be set up, where rents are being collected in grain, to commute them in cash according to the average of the price of grains prevailing within the last ten non-famine years preceding the date of the notification. That is my submission."

SRI V. RAGHAVAYYA:—"Sir, I second the amendment."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Sir, my submission is that this amendment does not arise at all. Inam estate has been defined and that definition has been approved by the House. It has been defined to be an estate which was an estate prior to the enactment of 1936. All 1936 inams are excluded. Therefore the rent prevailing on 1st November 1933 does not arise in the case of an inamdar who was an inamdar before the Act of

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1936. I do not see any justification for my hon. Friend moving this amendment at all. I might invite your attention, Sir, to amendment No. 36 to sub-clause (7) of clause 2, by which the words 'inam village' have been substituted by the words 'inam estate'. Inam estate has been defined not to include an inam village which was not an estate within the meaning of that clause before the commencement of the Madras Estates Land (Third Amendment) Act, 1936, but became an estate by virtue of that Act. These cases have been assured fair and equitable rent. There is, therefore, no force in my hon. Friend fixing the rent prevailing on 1st November 1933. So, I oppose the amendment."

THE HON. SRI KALA VENKATA RAO:—"Sir, the hon. Gentleman Mr. Mahboob Ali Baig is correct in saying that the rents prevailing on 1st November 1933 will apply only to 1936 inams. We have excluded these inams from the scope of this Bill. Except for the change of a few words we are discussing the same principle over and over again. Yesterday, my hon. Friend, Mr. Viswanatham, moved a similar amendment and it was rejected by the House. With reference to the latter portion of the amendment with regarding grain rents prevailing, he wants the introduction of a new basis, namely, the average of the rates prevailing within ten non-famine years. Grain rents, wherever they are prevalent to-day, will be commuted into cash rents according to Settlement Rules. The inamdars will not lose anything at all if that basis is adopted. The existing settlement rules will be followed."

* SRI T. VISWANATHAM:—"Sir, I am sorry I was not perhaps very clear. It was stated that 1936 inams have been eliminated and therefore the question of 1933 rates does not arise. What I submit is that a new presumption was given not merely to the inams of 1936, but also to those inams which existed prior to 1936 and which were considered as estates under the Act of 1908. Inams under section 3 (2) (d) of the Estates Land Act are included in this Bill. They are also governed by the Act of 1936. By saying that 1936 inams are excluded from this Bill, the situation does not improve. The Act of 1936 gave a new legal presumption with regard to inams which were treated as grants of only melvaram rights under the Act of 1908. On that presumption clause 28 was amended. In the case of both kinds of inams, 1933 rent was taken as the basis, as an equitable and fair rent. I submit that the reduction to the ryotwari level is not equitable at all. When once it is conceded that the inam is a grant and not a system of revenue farming, it is obvious that any compensation given should have relation to the income which the inamdars derived. It is wrong to think that, simply because 1936 inams are excluded from this Bill, the basis of 1933 rates should not be applied to other inams;

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"As regards the other point, the Hon. Minister stated that he would adopt the Settlement Rules and I hope he will give suitable instructions to the Tribunal in this matter."

The amendment was put and lost.

MR. SPEAKER:—"The hon. Member, Mr. Viswanatham, will move his amendment No. 304 when clause 36 is under consideration."

Clause 31 as amended was put and carried.

Clause 32.

THE HON. SRI KALA VENKATA RAO:—"Sir, I move the following amendment:—

'For the words "The average net income" in line 1 substitute "The average net annual income" and for the words "the annual net income" in line 3 substitute "the net annual income".'

This is only a formal amendment."

The amendment was put and carried.

Clause 32 as amended was put and carried.

Clause 33.

THE HON. SRI KALA VENKATA RAO:—"Sir, I move the following amendment:—

'For the words "during the fasli year referred to in section 31, sub-section (1) and the next two faslis" substitute "during the fasli year commencing on the notified date, if such date was the 1st day of July or on the 1st day of July immediately succeeding the notified date, if such date was not the 1st day of July and the next two fasli years."'

The amendment clarifies the point."

The amendment was put and carried.

12 noon. * SRI N. S. VARADACHARI:—"Sir, I referred to this clause in connexion with the debate on clause 29 which proceeds on the same basis. I could not understand clause 29 which relates to really big estates when there are large responsibilities for administering forests, waste lands, etc., which form part of the estates. In clause 33 I feel that there is the danger of the Government overlooking small sources of income of some areas in single villages. When the Government notify many hundreds and thousands of villages as estates and take them over, it is the bounden duty of the Government to see that the income of these estates is safeguarded and that the officials are properly instructed before the date of the notification. It is stated that the net annual income derived from these sources would be based on the

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income which the Government will derive by working these small assets in the estates in the year of the notification and the next two faslis. I can understand large forests passing into the hands of the Government and the Government appointing adequate staff for the preservation of these forests and for the sale of forest produce, not in one fasli but in three or five faslis. But in the case of small estates where the acreage of such lands may be within 40 or 50 acres, where the income will consist of the income from the sale of manure leaves during a particular season or sale of fuel in a limited area, there is a possibility of the Government overlooking these items and realising little or nothing from them while a cautious and plodding landholder, in spite of difficulties and obstacles might every year realize a not insubstantial income. I wish the Government take note of this, because I do not wish it to be said by any person owning these very insignificant estates that after the notification the net miscellaneous income has been lost to them by the neglect of officers or by the attention of the officers not being drawn to it in proper time or to other causes beyond the control of the officers. It is possible for an officer being put in charge of 10 or 20 such estates or of the estates in a whole taluk not being able to go round each one of these estates and see what these items are. However small these items may be, in their totality they make a substantial amount for compensation purposes. The work in these small estates should not suffer because the same officials have been entrusted with work in bigger estates also.

"Sir, I want to refer frankly to what happened yesterday. To an appeal from an hon. Member that there should be proper compensation for the inamdars the reply of the Hon. Minister was, 'I have nothing to say.' I do not like that those who are placed in power should talk in strident tones of authority. The sweet and compelling power of persuasion also should come to the rescue of the Treasury Benches and not merely force of authority. Though the Hon. Minister has much cause for provocation and he is standing it all fairly well, I request him to make a distinction between appeal and criticism and yield in some cases at least to appeals. Even where he does not yield, let him say a few nice words about it and leave it at that. When we are depriving some people of what they have been having, let us not call them rack-renters, exploiters and robbers. This would avoid a lot of discussion in the later stages of the Bill. The best course is to part company if necessary in a sweet and friendly manner. We need not emphasise certain things which may have come from the history of the past and dwell on them sometimes in a contemptuous manner."

MR. SPEAKER:—"As far as the Government are concerned, they did not say 'rack-renters' and so on."

* SRI N. S. VARADACHARI:—"I would request the Hon. Minister hereafter at least to consider what is said and give a

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sweet answer, though it may be a rejection of the suggestion. Sometimes words properly used will go a long way to satisfy people who may have genuine claims and who will go away without anger or disgust. I would like the Bill to be passed in an atmosphere of perfect cordiality, however imperfect the ideas underlying it may be and however unsatisfactory it may prove in the long run to holders of estates."

THE HON. SRI KALA VENKATA RAO:—"Sir, I heartily reciprocate the sentiments expressed by my hon. Friend, Mr. Varadachariar. I would not like to repeat what all he has said, except that there should be cordiality among all the speakers. Nobody should get excited and begin to attack the Government. For my part I shall try to be as sweet as is humanly possible. With regard to this clause, Sir, there is not much to be said after my amendment No. 306 did set the matters right."

Clause 33, as amended, was put and carried.

Clause 34.

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

- *In sub-clause (a) for the words "the whole of the quit-rent or other amount", substitute "the whole of the jodi, quit-rent or other amount".*

The amendment was put and carried.

Proviso to clause 34.

THE HON. SRI KALA VENKATA RAO:—"Sir, I want to move a verbal amendment to the proviso to clause 34. In the proviso substitute the word 'clauses' for the word 'clause' and add the words and brackets 'and (b)' after '(a)'."

* SRI N. S. VARADACHARI:—"Sir, I am glad that the Hon. Minister has so soon shown his adaptability to request from others. Let me tell this House that it is as a result of the representations made by me yesterday that this was considered by the Department and by him very carefully. This is a very small concession but nevertheless a valuable one. The deductions which are made in the case of big estates are not made from the gross ryotwari demand of the smaller estates. I felt that the proviso which covers only clause (a) should also cover clause (b) so that the two classes of inamdars may get the same kind of relief. The inamdars in Government areas—the Government inams—pay their quit-rent direct to the Government. The other inamdars pay their jodi, kattubadi or poruppu to the bigger landholder who may be called the zamindar. The proviso as originally framed did not give relief to the second class of holders. The Government amendment touches only a very small number of cases. The

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effect of it is this. While the gross ryotwari demand is taken as the basic sum for ascertaining the compensation in respect of small estates, where the jodi or quit-rent payable either to the Government (or to a landholder) exceeds 50 per cent of the gross ryotwari demand, then only 50 per cent should be deducted and no more. A few cases have been brought to my notice in Salem district where the quit-rent has been fixed in some Government villages at as high a figure as the gross ryotwari demand. I have pointed out at least one case to the Hon. Minister during the Select Committee stage of the Bill. There may be more such cases. The second class of cases now sought to be covered by the verbal amendment of the Government arise in the districts of Chittoor, Nellore and other areas. They should be given the same benefit as would be given to the inams in Government areas. I am very glad that these small things are conceded. Small as they are, they are still valuable. They may place a few at least of the landholders on a better footing in respect of compensation. The argument that everybody can be put in the same category is not correct. So I suggested this amendment and I am glad that the Hon. Minister has accepted it and incorporated it in the Bill."

The amendment was put and carried.

Clause 34 as amended was put and carried.

Clause 35.

SRI A. KALESWARA RAO:—"Sir, I move the following amendment:—

- (i) In the first paragraph, omit all the words from "where it has been decided" up to "as the case may be."
- (ii) For "sections 30 to 34" substitute "sections 30, 33 and 34."
- (iii) Omit the second paragraph.

Sir, when we move amendments, some hon. Members laugh, because they know the rate of the amendments. But for the whip issued by the Hon. Revenue Minister that Congress Party members should not vote against the proposals of the Government, we would have succeeded in passing many amendments. So it is not a thing for laughter. We are speaking on the merits of the question. It is for the public that we are moving these amendments.

"Sir, the Bill as it has emerged from the select committee seeks to make a distinction between under-tenure estates which are pre-settlement ones and those which are post-settlement ones. No such distinction should be made with regard to compensation to the under-tenure holders. They want to treat pre-settlement under-tenures on the same lines as they treat inam estates that come under section 3 (2) (d). Certain under-tenures which are pre-settlement are treated for all purposes of this Act, both with regard to the giving of pattas to the landholders and also with

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regard to the payment of compensation, as inamdars. They treat pre-settlement under-tenures as inamdars while post-settlement under-tenures are treated like zamindars. That is the position. I do not understand why an inamdar—whether post-settlement or pre-settlement, whether he is called inamdar or under-tenure holder, whether it is a personal inam or a service inam, should be treated like a zamindar. Zamindars are collectors of rent, mere officers; it is a system of administration; the East India Company entrusted the business of collecting the public land assessment, as it is called in the Permanent Settlement Regulation, to the zamindars, so that they could collect it and make some profit out of it, as remuneration for their services, for their establishment charges, for their family allowances, etc. That system is now proposed to be abrogated, revoked as soon as a national Government came into being, that is the present Government, which want to take possession of all these areas and make them ryotwari like the other Government areas. That is quite an understandable position. But with regard to the inams, they cannot be zamindaris; they are merely grants; an inam means a gift—that is the definition which the High Command also has given. Why should the 1936 inams be excluded; because they are gifts. And what does Moulana Abdul Kalam Azad say: he says the Congress Government should not take away gifts to religious institutions for public services, for past services, for learning; and in so many other ways in which these gifts are given. So, under-tenures also are gifts, whether they are post-settlement or pre-settlement, and it is not possible to distinguish whether they come under 3 (2) (d) or 3 (2) (e)—there is only a hair's breadth difference. The other day I pointed out that by separating the 1936 inams from the 1908 inams, great confusion has been introduced in the country. Inamdars and ryots, both quarrel. The ryots say on the one hand that they are 1908 inams while the inamdars want to say they are 1936 inams and consequently there is much quarrel. With regard to under-tenures, whether they come under clause 3 (2) (d) or 3 (2) (e), it is very difficult to decide. We found ourselves in wilderness; we do not know the inam villages which are pre-settlement or which are post-settlement. In 1860, 58 years after the permanent settlement, the Inams Commission came; they wanted to make an enquiry, but found it impossible to do so and they merely said certain lands as 'inams' and so, some pre-settlement inams also were left out of enfranchisement. So, we are in the wilderness, and even after you see the records and the decisions, it is difficult to say whether an inam is pre-settlement or post-settlement. Why should there be all this confusion? Why should we allow much more litigation? Why should the tenure-holders and the ryots go to a settlement officer, a tribunal or in certain cases before a High Court Judge? Well Sir, we are abolishing the zamindaris; of course I am for the abolition of inam villages also, or under-tenures as they are called, because I want the ryots to be free

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from all landlordism. I want the villagers to come under the Government and enjoy all the privileges which their brethren of the ryotwari villages enjoy. So, with regard to the abolition of the intermediaries, I am one with the Government that they should go, that the forests and communal lands therein should go to the Government, on behalf of the villagers. After all, the Government is the Government of the people and it is the duty of the Government to look after the comforts of the villagers; and all the restrictions in respect of these forests, communal lands, etc., imposed by the zamindars, landholders or mokhasadars, should be removed and all lands should be reduced to the ryotwari level. There I agree. But with regard to the payment of compensation particularly to the small inamdars, they are not impartible estates claiming crores or lakhs of rupees or claiming thousands of acres of cultivated area—they must get an advantage. After all, the inamdars and the mokhasadars are practically in the same conditions, so far as their economic and social conditions are concerned; they have 20, 30 or 40 acres and only very few people have one village or more. Therefore I submit this distinction will lead to much more confusion with regard to post-settlement or pre-settlement under-tenures. My amendment simply says that this distinction should not be made and this clause should be amended in such a way that all under-tenures are treated on the same lines as inamdars who come under clause 3 (2) (d) with regard to compensation, and get a little more. They are poor people, let them get a few more acres of land because they are also like ryots. My argument is on Congress lines and on socialistic lines, that the smaller people should be given something to eat and to live. It is the duty of the Government to protect the lower middle-class people and not send them away to the bazaars. Therefore, 'Sir, I move my amendment.'

SRI D. V. RAMASWAMI:—"I second it."

THE HON. SRI KALA VENKATA RAO:—"I wish to state that this amendment, Sir, is not such an easy matter as my hon. Friend, Mr. Kaleswara Rao said. The other day we decided that the darmila inamdar should not have more rights than an estateholder; Mr. Kaleswara Rao has pleaded and I have pleaded that these zamindars are mere rent collectors. Post-settlement under-tenure means an estate created by these rent collectors. Therefore, they also partake the privileges of the rent collectors and nothing more. If I get an assignment of 10 villages and if I give one village to X as under-tenure, that also becomes a darmila inam, because I have no right under the Permanent Settlement to create new and separate estates. Therefore, there is a clear distinction between estate created before 1802 and one created subsequent to 1802. Mr. Kaleswara Rao's amendment seeks to bring the post-settlement and the pre-settlement estates together. As regards pre-settlement estates, the Government have given a great concession, that they would get compensation on the basis of the inam estates which is a different basis from the one applicable to

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zamindari areas. By accepting this amendment, we will be changing the whole conception of the Bill and the existing law as it stands, and therefore, I am unable to accept the amendment of my hon. Friend, Mr. Kaleswara Rao."

SRI A. KALESWARA RAO:—"The actual point involved in this amendment is compensation for the smaller people. My hon. Friend, the Revenue Minister has said in various places that inams also are like zamindaris; he has now given up that position, I am glad. These are all inams. A collector can give a gift of five acres of land; these gifts, whether portions of inams or villages, are gifts made by the zamindars and they are valid. When we give compensation, they cannot be called officers. You are not abolishing the system of these inams; you are abolishing only the officers, although we are abolishing the inams for another reason, viz., that they are intermediaries and that the system is bad for the ryots. The zamindaris go because we want to change the mode of administration. We have seen from the decisions that even some of the post-settlement tenures have been enfranchised. There are three reasons for my amendment; firstly these under-tenures have been left out, secondly they are inams and thirdly from a socialistic point of view, I want that more compensation should be given to these small people. After all, even in the case of the zamindar, it is a mercy of the Government. We need not go into the existing law at all; we are not interpreters of law; we are only makers of law. When we make new law, nobody can prevent this august House from giving to poor people a little more of compensation, so that they may become useful citizens of the State. Therefore, Sir, I submit the Government's position is wrong."

The amendment was put and lost.

THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, Sir, I move that for the words 'before the 31st day of July 1892' the words 'before the 13th day of July 1802' be substituted. It is only wrong print, and it is now being corrected."

The amendment was put and carried.

MR. SPEAKER:—"I shall now put clause 35 as amended, to the vote."

* **SRI N. S. VARADACHARI:**—"I want to say a word, Sir."

MR. SPEAKER:—"I have already given the hon. Members full freedom to speak. Though I told the House that I would apply the kangaroo closure, I did not do so and I have allowed the hon. Members to have their say. Yet, I find when I am going to put the clause to the vote the hon. Member wants to speak."

* **SRI N. S. VARADACHARI:**—"Sir, just a few words. While I did not want to vote for any amendment to this clause, I do wish to point out some difficulties and perhaps sound a note

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of caution to the Government which has to administer this Bill after it becomes an Act. This question has been subjected to a lengthy debate in the Select Committee, especially clause 9 which is related to this clause. It was for the first time in the Select Committee that a distinction was made between post-settlement and pre-settlement under-tenure estates, and then there was no question of any inam estate being considered by a tribunal as is now provided in new clause 8-A. The object of these two clauses, I understand, is this: now that one set of inams has been excluded, the tribunal ought to be there to find out, or the settlement officer ought to be there in the first instance, to be able to find out whether the estate is an inam where the grant of the melvaram alone was made or whether both varams vested in the landholder. The second set of estates was in respect of under-tenures created before a particular date or after it. In the case of an under-tenure created after a particular date, the presumption was that the grantor could not have parted with more rights than he had at the time of the grant. That is the point which the Hon. Minister has stressed; but let me sound a note of caution. In most of these cases, it is just possible that the Government may run away with the idea that they would have to pay less compensation and say they can declare an inam estate as an under-tenure estate. In many cases, as I have pointed out earlier in the Select Committee, especially in the districts of Chittoor and Nellore and also even in Chingleput, inamdars have not got their title-deeds at all. Some of the inams were created; they were part of the Karvetnagar or the Venkatagiri estates. Since the burden of proof should not be laid on one party to produce documents, we have decided in clause 9 that it should be left to the tribunal to decide on this matter without presumptions either way. It was agreed and the presumption clause was dropped. I wish to point out that it is likely the Government officers may, in the zealous execution of their duty, confuse the inam with an under-tenure estate and make it, according to their wishes, a post or pre-settlement under-tenure estate. A departmental official can go and take evidence and such evidence cannot go behind the date 1802, unless the ryots happen to say, we have been dealing with this gentleman for a long time, you may presume whatever you like. In that case, several inams may find themselves in the position of post-under-tenure estates and that is the danger I want to avoid by cautioning even now; in the first instance, and by making it clear in the House that in several cases, especially in the case of Karvetnagar, Venkatagiri and Kalahasti, where there are a number of zamindars in fixing the peshkash, these inam grants were not taken into consideration, nor any records kept of them and it may just be possible for anybody to raise the contention that what has been recorded up-to-date as an inam is really an under-tenure estate. That is the danger I wished to avoid by giving notice of an amendment to that effect which the Government said they would examine at some later stage. Of course, the Government may have examined it and found it not necessary to incorporate an amendment of this kind with specific

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mention of these three estates where such confusion is likely to occur. I would only draw the attention of the Government to this fact and then leave them to administer the Act as and when it is passed into law, with such instructions as may be necessary to be given to the officers who may be appointed after the notified date to take possession of such estates to see that these are really treated as under-tenure estates. I would only ask the Hon. Minister to take note of this; nothing more than that. After all, where is the occasion for us to say all these things—not on the amendments surely, because they do not form part of the discussion on the amendments. But, the discussion of the clause should certainly bring out these points, which though they may look small, yet go a long way to help the Government in proper administration of the Act.”

* SRI T. VISWANATHAM:—“ Sir, I would like to draw the attention of the Hon. Revenue Minister to the incorrectness of the theory which he is persistently advancing at this stage on the floor of this House. He says that the post-settlement inams are in the nature of estates. How, he does not say. But, he chose to explain just now in his reply to the discussion of the amendment that there is a zamindari that after 1802 a portion is granted to somebody and therefore what is granted as inam to the estate holder, still remains as a zamindari. That is the logic of his argument. (Interruption from the Hon. Sri Kala Venkata Rao.) I am very glad the Hon. Revenue Minister is placing some regard to the decisions of the Privy Council. I would like to have it and go through the decision along with him on the floor of this very House when we refer to that decision. I will try to explain the fallacy of his argument. When an inam is granted by an estate holder, the grantee takes it as an inam. So far as the grantee is concerned, it is an inam; it can never be an estate, because he is entitled to the grant and the revenue which is the subject-matter of the grant. It is only with regard to the estate holder's relation with the Government in so far as it relates to the payment of public revenue that it is treated as an estate. My hon. Friend, the Revenue Minister must be able to see this distinction. Simply because the Government treats it as part of an estate in matters relating to the collection of public revenue under the Permanent Settlement Regulation and the Revenue Recovery Act, the grantee of the particular portion of the estate, can never be an estate holder. For certain purposes, where there are rights—wherever there are tenants in the land, it is justly said that they should have occupancy rights—the ryots have occupancy rights in that piece of land or the village which formed the subject-matter of the gift and the grantee is entitled to have it separately registered. Notwithstanding the fact that the under-tenure can be separately registered under the Act of 1876, and the grantee enjoys it as a grant, it is not an estate within the meaning of the Estates Land Act or within the meaning of the Permanent

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Settlement Regulations. I submit, therefore, the Hon. Revenue Minister should not have a closed mind and say, ‘ what of that,’ but he must be able to see the distinction. Nowhere in the law of grants, nowhere in the history of the Transfer of Property, either in this country or anywhere else, is it deduced from any law or principle of jurisprudence that if in a grant made after a particular date—it may be for purposes of revenue administration—the original estate-holder is treated as the person responsible for the revenue derivable from that portion of the estate also, not from the income derivable from every field of the village grant but throughout the portion of the village which formed the subject-matter of the grant, but, so far as the grantee is concerned, he has nothing to do with the peshkash. He has nothing to do with the Government; he only looks to his immediate landholder. He need not even pay anything to the landholder in some cases. For instance, in the Vizagapatam district, there are a number of such grants, which are generally called mokhasas, because they are either under-tenures given as gifts in consideration of military service or because grantees have done something very good for the estate. They have nothing to do with the Government and the Government do not look to these grantees so far as the proportionate part of the peshkash which is due on that portion of the estate is concerned. So far as the grantee is concerned, it is a grant just like any other grant which might have been and could have been granted prior to 1802. It is that distinction which the Hon. Revenue Minister must at least know, and whether he accepts it or not, it is good to have a correct notion about this matter. You may not accept it for certain reasons and the reasons are obvious, but the correct state of affairs must be known. This is what happened in our district with regard to the grants and I think the same thing is happened in other parts also. If the Hon. Revenue Minister looks into the terms of the transactions, I am sure he will be able to see that it is not even a matter of law but a statement of fact. I want the Hon. Minister not to have any misapprehensions on that score. Therefore, Sir, since the distinction between 1936 and 1908 is illusory and obnoxious, the Government should not insist upon this particular clause and make any distinction. In the payment of compensation, it is proper that the grantee should be paid compensation upon his income. The position of the zamindari is different from the position of the grantee as such and I hope the Hon. Revenue Minister will not misunderstand the position hereafter though whether he pays compensation or not, is another matter.”

SRI M. G. NATESA CHETTIYAR:—“ Mr. Speaker, Sir, I have a doubt in respect of this clause. That is, there are certain cases in which the present estate-holders or under-tenure holders or the zamindars consider themselves as if they are the Government. Yet, there is another class of people, as for instance, a zamindar who holds his zamindari estate as a mere zamindar and

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there are also certain portions which are under-tenure villages, originally granted to some other person and which subsequently he has purchased for valuable consideration. In these circumstances, is it the intention of the Government to pay compensation for the various interests he had acquired for consideration time after time. That is the doubt which I want to have cleared by the Hon. Revenue Minister in respect of the payment of compensation."

THE HON. SRI KALA VENKATA RAO:—"Any under-tenure partakes the nature of a zamindari which was in existence. Hon. Viswanatham need not present a different picture. I quite understand that apart from the zamindar, he has already created under-tenure estates. (Sri A. Kaleswara Rao: 'One word by way of personal explanation, Sir'.) No, Sir, I am not going to yield to the hon. Member.

"Then, Sir, with regard to the point raised by my hon. Friend, Mr. Natesa Chettiyar, it relates to purchased estates and it is a matter which does not arise in this connexion. Therefore, at present I do not propose to answer it."

Clause 35, as amended was put and carried.

Clause 36.

12-45 P.M. SRI PYDAH VENKATANARAYANA:—"Mr. Speaker, I beg to move the amendment standing in my name to clause 36. This clause lays down the scale of compensation and it reads:—

'The total compensation payable in respect of any estate shall, except in the case governed by section 37, be determined in accordance with the following scale' and then the different scales are given. If the basic sum does not exceed Rs. 1,000, it is thirty times.'

MR. SPEAKER:—"The hon. Member need not read out the sub-clauses but he can explain the effect of his amendment."

SRI PYDAH VENKATANARAYANA:—"My amendment is to delete sub-clauses (i) to (vi) and for the words 'be determined in accordance with the following scale' to substitute the words 'the basic annual sum.' If the clause is amended on the lines suggested by me, the various sub-clauses fixing the multiples by which the basic sum is to be multiplied will go and the clause will read thus:

'The total compensation payable in respect of any estate shall, except in the case governed by section 37, be the basic annual sum.'

I submit, Sir, that this is the most important of all the clauses of the Bill; it is the crux of the whole problem and it is the pivot round which the whole Bill revolves. I am sorry much time has been taken away in discussing all the various clauses of the Bill

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while some of them are merely of a formal nature and less important and I am sure after this clause is passed with or without the amendment suggested by me, discussion on the other clauses may suddenly collapse and the Bill may pass the second reading if the Assembly chooses to sit for about a couple of days more. In stating my case, I do not think I can do better than quote the Hon. the Revenue Minister and I have also some additional facts in my possession which I will state. The zamindari system has been created . . ."

MR. SPEAKER:—"It is not necessary now to trace how it was created."

SRI PYDAH VENKATANARAYANA:—"When I am on the question of compensation, I thought I must explain what it is that is sought to be abolished and acquired."

MR. SPEAKER:—"The Bill itself is about the abolition of the zamindari system and if he wants to cover the history of the zamindaris, I do not think it is possible for me to finish the measure within a reasonable time."

SRI PYDAH VENKATANARAYANA:—"It will serve to make it clear what it is that is sought to be acquired and abolished and for what compensation is to be paid and how it will be equitable; what is it that is taken away and what is given instead; these are all the points involved and previous history is very important."

MR. SPEAKER:—"It has been stated a number of times and there seems to be no necessity for repetition."

SRI T. VISWANATHAM:—"He may throw new light upon it, Sir."

SRI PYDAH VENKATANARAYANA:—"This system has been created by foreign invaders and the right that was conferred on the zamindars was merely to manage either single villages or groups of villages, that is, to collect the revenue and to pay two-thirds or some portion of it to Government and in addition to that to maintain staff for the collection of rents and also to keep water-sources and irrigation channels in good repair and carry on ameliorative and welfare work in the villages. I do not think, Sir, the zamindars carried on these duties properly. Had they carried on these duties properly, the net income they would have got would be very small. Instead of that, they increased the rents and they have been enjoying this illegal profit all these years for more than a century. It is an admitted fact that the zamindars had no proprietary rights in permanently-settled villages. The Congress Election Manifesto of course said that equitable compensation is to be paid to them. No doubt if they had proprietary rights which are sought to be acquired, then the scale laid down in the several sub-clauses would be justified; but that is not so. It is

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only an agency that is going to be terminated and I do not, therefore, feel they are entitled to any compensation more than one year's basic annual income. I am also a zamindar myself but I do not derive lakhs of rupees of income like the big zamindars like the Rajasahib of Venkatagiri, Yuvaraja of Pithapur or the Zamindar of Mirzapur. In my own way I am a zamindar and I am getting several thousands of rupees but I do not feel like what the Zamindar of Mirzapuram did when he said that unless the compensation is paid immediately, it would not be possible for him to maintain his status. On that I would like to know what is the status that has to be maintained after the abolition of the zamindaris. He need not spend so much on staff; he may have other properties but that is a different matter and even without the compensation, he can maintain his status otherwise. Even after the Report of the Joint Select Committee, the inams have been"

MR. SPEAKER:—"He need not refer to inams."

SRI PYDAH VENKATANARAYANA:—"They have been excluded because of the great agitation that was put up. Just like that if a betterment tax had been imposed on the people who get the benefit, there will be much agitation no doubt but this compensation question will dwindle down. The advice of the Congress and of the Central Government was to the effect that no inflationary measures should be adopted and if huge compensation is given to them, I am sure they will waste the money and it will not be in the interests of the country as a whole. I request the Hon. the Revenue Minister to accept my amendment."

SRI B. VENKATANARAYANA REDDI:—"అక్కడ, గౌరవ సభ్యులు శ్రీ బైదా వెంకటనారాయణగారు ప్రతిపాదించిన ఈ సవరణను నేను హృదయపూర్వకంగా విశేషించుచున్నాను. గౌరవ సభ్యులు జమీందారు అయియున్న, వారికి తమ జమీందారీమీద సంవత్సరమునకు దాదాపు 20, 25 వేల రూపాయల ఆదాయము వచ్చుచున్నప్పటికీ వారి సవరణవలన వారికి నష్టము వచ్చుననికూడా తెలిసియుండి, యదార్థతను గమనించి ఈ సవరణను వారు ప్రతిపాదించుట చాలా గొప్ప విషయము. జమీందారులు, ఈనాందారులు విరోధముగా హెచ్చు పరిహారము కావలెనని అనేక విధముల ప్రయత్నములుచేయుట వారి అభిప్రాయములకు అనుగుణముగా ఈ శాసన సభలో ఉపన్యాసములు చేయుచున్నను, జమీందారులయ్య శ్రీ బైదా వెంకటనారాయణగారు దేశ సౌభాగ్యాన్ని ఆశించి ఈ సవరణను తెచ్చివేయుటకు నేను వారిని హృదయపూర్వకంగా అభినందించుచున్నాను. ఈ విషయాన్ని శాసన సభ్యులు, ప్రభుత్వము వారు గమనించవలసియున్నది."

Compensation ఇచ్చే సందర్భంలో (1) రైతు భాగము, (2) రాజ భాగము అనే విషయములను ఆధారముచేసుకొనే ఏ విధానమునయినను నిర్ణయించవలయును. ఈమీద ఈ రెండు హక్కుల మాత్రమే ఉన్నవి. రాజ భాగమునకు compensation ఇవ్వవలసిన ఆగత్యముగాని, అవసరముగాని ఏ మాత్రములేదని చాలామంది ప్రముఖుల అభిప్రాయమైయున్నది. ఇదివరలో 1936 వ సంవత్సరంలో శ్రీ బొమ్మిలి రాజా

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గారు ఈనాడు విషయంలో Estate Land Act ను సవరణను తీసికొని వచ్చినపుడు మొట్టమొదట కుడివరం హక్కుమీద compensation ఇవ్వ నక్కరలేదని నిర్ణయించినారు. కాని అనాడు ఈనాందారులు చేసినటువంటి అంబోకన ఫలితంగా ఆఫ్ఫీస్ Viceroy గారు ప్రతిఫలం ఇవ్వకుండా కుడివరం హక్కును రద్దుచేయుటకు అంగీకరించనందున, ఒక్క సంవత్సరం ఆదాయమును నష్టపరిహారంగా ఇవ్వ నిర్ణయించారు. ఇది 1936 వ సంవత్సరంలో జరిగింది. అనగా ఈ నాటికి 12 సంవత్సరముల క్రితము రైతుకు న్యాయముచేయుటకు ఆ Justice Party ప్రభుత్వమువారు ప్రయత్నించినారు. కాని ఈనాడు కాంగ్రెస్ వారు ప్రభుత్వములో ఉన్నపుడు ఈనాందారులకు, జమీందారులకు హెచ్చు compensation ఇవ్వవలెనని కాంగ్రెస్ సభ్యులే అనుకుంటూ న్యాయమేమో నాకు బోధపడుట లేదు. Compensation ఇచ్చే సందర్భంలో కుడివరం హక్కును గమనించనవసరం లేదని అనాడు 1936 వ సంవత్సరంలో ఈ శాసన సభ సభ్యులుగా శ్రీ వెంకటగిరి రాజాగారు, మీరాపురం జమీందారుగారుకూడా బొమ్మిలి రాజాగారి సవరణను ఆమోదించినారని నేను తెలిసికొని ఉన్నాను. అనాడు అవిధంగా భావించి ఈనాడు మరొకవిధంగా వారు భావించవలసి అవసరమేమో నాకు తెలియుటలేదు."

"అంతే కాకుండా 1937 వ సంవత్సరములో ఉన్నటువంటి కాంగ్రెస్ ప్రభుత్వములో వాళ్ళకంటే పెద్దలుకూడా కొంతమంది ఈనాందారులకు హెచ్చు నష్టపరిహార మివ్వవలెనని అంటున్నారు. 1936 వ సంవత్సరం సవరణవలన ఈనాందారులకు నిజముగా నష్టము జరిగినట్లయితే వారు అధికారములోనున్నపుడే ఈ పెద్దలు ఆ సవరణను రద్దుచేయించుటకు ప్రయత్నము చేసియుండవలసినది. అవిధంగా వారు అప్పుడు చేయలేదు. కాని ఇప్పుడు గవర్నమెంటువారు నిర్ణయించిన ఈ హెచ్చు compensation కంటే కూడా న్యాయము భర్తముమీద ఆధారపడలేదని వారు అక్షేపిస్తున్నారు. ఈ విధంగా ఈనాందారులకు ఉపకారము చేయదలచడం దేశక్షేమానికి మంచిదికాదు. అందుచేత శ్రీ బైదా వెంకటనారాయణగారు సూచించినట్లుగా జమీందారులకు, ఈనాందారులకు తక్కువ compensation ఇవ్వవలసినదిగా ప్రభుత్వమువారిని కోరుతూ ఈ సవరణను బలపరుస్తున్నాను."

(Sri N. S. Varadachari rose to speak.)

MR. SPEAKER:—"There are other amendments. I hope the hon. Member will not take much time. As we have to wait till the 18th of October, I was thinking if we cannot sit till the clause is finished."

* THE RAJA OF VENKATAGIRI:—"Before discussion is taken up on this clause, I would like to submit with reference to your observation that you would like the House to sit till the whole clause is finished, that it may not be possible because this is the most important clause. Since the proprietary question has been raised though I thought it may not be raised, several points have to be met and I submit it may not be possible."

MR. SPEAKER:—"Let us see."

* SRI N. S. VARADACHARI:—"Mr. Speaker, I would never have intervened in this debate but for the observations of

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1 p.m. the Mover as well as the Seconder of the amendment. The Seconder further pointed out to me through you, Sir, and seemed to suggest that if I felt that the law of 1936 was unjust, I should have struggled to get it set right in the previous Ministry in which I happened to occupy a subordinate place. Let me remind my hon. Friend that I am a Congressman quite as good as he is and perhaps I may claim with a little amount of pride that I was in the service of this institution much earlier than my hon. Friend had chosen to enter into it. Even in 1936, I was not examining what other parties were doing and discussing so publicly as other legislators were doing in those days. We know, Sir, that the Bill of 1936 was vehemently opposed by Congressmen. But, in this House, are we to find fault with those Congressmen, some of whom are dead and gone, and who put up such a fight? Perhaps members forget that that Bill had to be sent back twice for reconsideration by the then Government before it could be passed. It may be, Sir, the hon. Mover's ideals of the Congress organization are different from those which I have set before myself. I have set before me the ideal which Mahatma Gandhi set for the Congress, which ideals I still cherish and follow as I am pleading here. Mahatma Gandhi has written, fortunately for us, something about this zamindari matter in connection with a dispute between the ryots and a zamindar, whose name I do not wish to mention here, in Andhradesa. I do not wish to go into the details of that affair. His words are 'a man reaps as he sows.' Now, Sir, I shall presently read one or two sentences of his with regard to compensation. That is the Socialists' view; but no Socialist in India has defended usurpation. Mahatma Gandhi has condemned usurpation in no unmistakable terms in 1937. I was till now under his spell, and I am still under his spell to-day. Now, Bapuji is dead and gone, people have forgotten his doctrine and they think they can recommend any kind of compensation they like. I do not want here to use the word 'usurpation' practised in Andhradesa. If all land is to belong to the workers and if all land should be possessed by workers alone, then it can be done by either a bloody revolution or by equitable legislation. It is a well known thing that that which is got by confiscation will never last. I do not wish to say anything more than that. I believe people dispossessed should be adequately compensated. Of course, it comes very well from me to suggest that the zamindaris should be abolished without compensation, or, if compensation became a legal necessity, it should be the minimum compensation, such as the one suggested from the other side, one year's basic rent. (Interruption.) I am sorry it comes from my side. I wish it had come from Muslim Benches. Then I would not be sorry. I wish to warn people that if Congress ideals are not to go shattered and if we are not to forget the wise teachings of the great leaders who led the Congress, we should train our hearts to think in such terms as 'no usurpation,' 'no confiscation without adequate compensation.'

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"Now, Sir, what is this one year's compensation? It is nothing at all. It would be better to say 'we do not wish to compensate at all,' or instead of that, I don't mind if you say 'take them all away by a bloody revolution,' 'dispossess all landlords'; and what will happen? If you do that, I tell you, you are heading towards anarchy. The Raja of Venkatagiri was reminded by my hon. Friend that he supported the 1936 legislation. Yes, Sir. He reaps as he has sown."

THE RAJA OF VENKATAGIRI:—"No, Sir, I did not sow anything."

SRI N. S. VARADACHARI:—"I am glad he did not sow; I am glad I find myself in agreement with him, when he pleads not for excessive compensation but for adequate compensation through proper legalised methods. There is no alternative between revolution and adequate compensation. To adopt a middle course is to deceive ourselves. I do not want to deceive myself. I continue to be a Congressman while I plead for proper compensation to the zamindar, liberal compensation for the undertenure holder and perhaps very liberal compensation for the inamdar."

MR. SPEAKER:—"May I remind the hon. Member that his time is up."

SRI N. S. VARADACHARI:—"I am coming to a close. This amendment seeks to turn the whole thing upside down. It is not merely a question of figures. It seeks to undermine the very basic principles of Congress ideals. That is why I rose to protest and speak when my name was dragged in. I was pointed out as an elder by one who assumed that he was younger than myself. I would not support excessive compensation or suggest that we should take away estates on a nominal or illusory compensation. Sir, I refuse to be a party to any such scheme."

* THE RAJA OF VENKATAGIRI:—"Sir, this morning when I entered the House, I had no idea of participating in the debate relating to the present clause. Because I had already dealt with that when dealing with the basis of compensation. But now I am forced to say a few words because of the observations made by the hon. Mover of the amendment, Mr. P. Venkatanarayana. I notice there are people who make observations without realizing to what extent they would be misunderstood by others. I feel they do not realize the responsibility for their statements. It is very easy to talk from generous impulses. My hon. Friend claimed that he himself is a zamindar and he would be glad if this amendment is adopted. Sir, when I dealt with the rights of zamindas, I observed that though I am an inamdar I could make a gift of my inam. I also observed similarly when I dealt with some of my private land in the same way. I also said, in spite of all that, that we should not forget our bounden duty to take into consideration the principles of law, justice and equity. It may be, Sir, my

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hon. Friend, who moved this amendment, has got the capacity to make the sacrifice of his zamin. Would that spirit inspire him and guide him to sacrifice all his possession instead of merely a particular property which he can afford to sacrifice! If he can do that I would have all respect for him. At the same time, we should not forget that there are people who might not have even that spirit of self-sacrifice. Therefore, we have to see that proper compensation is paid to them.

1-18
p.m.

SRI ALLURI SATYANARAYANA RAJU :—“ అధ్యక్ష, ఈనాటి

వర్షాల పొల్లనుట మొదలులా నా ఉద్దేశముకాదు. అయినప్పటికి ఈ సవరణ ఇది
 వరలో సభ్యులు ప్రతిపాదించిన అనేక సవరణలకన్న చాలా ముఖ్యమైనది కాబట్టి
 కొద్దిగా చెప్పదలచుకొన్నాను. ఇంతకుముందు మిత్రులు వర్షదాచారిగారు మాట్లాడుచూ చేసిన అక్షేపాలకు సమాధానము చెప్పటాకే నేను నిశ్చయించినాను. వర్షదాచారిగారు గాంధీగారి సిద్ధాంతములను, గాంధీగారి ఉపన్యాసములలోని వ్యాసములలోని quotationలను జమీందారులకు, ఈనాందారులకు అనుకూలంగా నిర్వచనచేయ ప్రయత్నించడము గమనించవలసినటువంటి విషయము. ఈనాడు జమీందారులకు ఉన్నటువంటి చిరానీ (స్వంత భూములు మొదలైనవి) ఏ capitalist కు పెద్ద పెద్ద పెట్టుబడిదార్లకు లేనంతగా ఉన్నది. ఇంత అస్త్ర ఉన్నటువంటి వారికిమాదా ఇంకా నష్టపరిహారమేల యివ్వవలయునో తెప్పరలసిపడిగా లేదు. వర్షదాచారిగారిని అడ్డునున్నాను. ఈ సవరణ గాంధీగారియొక్క కాంగ్రెసుయొక్క సిద్ధాంతాలకు వ్యతిరేకమని వర్షదాచారిగారు అన్నారు. నాకు తెలిసినంతవరకు గాంధీగారి

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యొక్కగాని, కాంగ్రెస్ యొక్కగాని సిద్ధాంతాలు ఎన్నడు రైతులకు వ్యతిరేకముగా ఉండవని నేను నిస్సంశయముగా చెప్పగలను. కాంగ్రెస్ సిద్ధాంతాల ప్రకారము equitable and just compensation ఇవ్వవలసినది ప్రధానాచారిగారు చెప్పుచున్నారు. Equitable and just compensation అని అంటే ప్రధానాచారిగారి అభిప్రాయములో 20 శాతం రూపాయలు కావచ్చును. కాని మా అభిప్రాయములో ఒక సంవత్సరం ఆదాయము మాత్రమేనని మనవి చేస్తున్నాను. నిజానికి ఈ జమీందారులకుగాని ఈనాందారులకుగాని ఏ విధంగాను compensation ఇవ్వవలసిన అవసరము ఎంత మాత్రము లేదు. కాని మనమింకా 1935 వ సం॥పు Government of India Act కింద తరిపాలింపబడుతున్నాము కనుక నష్ట పరిహారము తప్పకుండా ఇవ్వవలసినది ప్రధానాచారింపగలడు. కాబట్టి ప్రధానాచారిగారు నానాయకగారు ప్రతిపాదించిన సవరణ ప్రకారము నష్ట పరిహారమిచ్చినట్లయితే చాలా లాభముందని ఈ సవరణ న్యాయమైనటువంటిదని, ధర్మమైనటువంటిదని, సమైక్యమైనటువంటిదని, కాంగ్రెస్ సిద్ధాంతాలకుగాని, గాంధీగారి ఆశయాలకుగాని ఏ విధంగాను వ్యతిరేకంగా లేదని కాబట్టి దీనిని రెవెన్యూ శాఖామంత్యులు అంగీకరించవలసినదని తమద్వారా వారిని వృద్ధయశ్చార్యులకంటే ప్రార్థిస్తున్నాను. ఇంటికాకుండా ఈ సవరణను ప్రతిపాదించిన, బలపరచిన మేము వారి మొదటినుంచి ఎన్ని ఒడంబడికలు వచ్చినప్పటికీ వృద్ధయశ్చార్యులకంటే బలపరచినటువంటి వారి అనుభవాలను రైతాంగయొక్క దేశంయొక్క లాభమును గురించి ఈ సవరణను అంగీకరించవలసినదని మరల ప్రార్థిస్తున్నాను.”

THE HON. SRI KALA VENKATA RAO:—“ Mr. Speaker, Sir, my hon. Friends Mr. Pydah Venkatanarayana and Mr. Alluri Satyanarayana Raju have made eloquent appeals against this graded scale of compensation. They have put their signatures to a manifesto which definitely said that the acquisition of the intermediaries must be made by paying an equitable compensation. Though the word ‘equitable’ does not occur in section 299 of the Government of India Act, yet it occurs in the Congress election manifesto.

“ Well, Sir, we must prove that the compensation which we are offering under this Act is equitable, if we are to do justice to that manifesto. If my hon. Friends are certain that the payment of one year's basic annual sum which makes roughly 25 per cent of these reduced ryotwari rentals, is an equitable compensation for the whole estate, we have no objection to accept it. But I know, the Government know and everybody knows that such a basic annual sum, whatever that might amount to, cannot be an equitable compensation in the sense of the wording, that is used in the Congress election manifesto. (Interruption.) Perhaps it makes no difference to my hon. Friend Mr. Kameswara Rao, but unless he resigns from the Congress and throws off the pledges which he has signed, he is not at liberty to do whatever he likes. But Sir, I can understand his feelings and the feelings of those like him. In fact, I myself said on the floor of this House and taunted those who opposed this measure by saying that those who had voted for the 1936 Act, are the very people who are now claiming more compensation, to-day. As a private member I was more enthusiastic then and had taken a very extremist view

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of these things, but unfortunately, placed as I am to-day, I have got to be guided by the instructions and interpretations of certain documents to which we have been a party."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"What about justice?"

THE HON. SRI KALA VENKATA RAO:—"The question of justice is after all a relative thing. There is not anything known as absolute justice. Even if you pay Rs. 20 crores, it will not be called justice, because it will not yield the present income at a future date or if these gentlemen take this inflated money to China, it will only bring a cup of coffee. It depends upon a number of relative things. I do not like to discuss about the total amount of compensation proposed, just now but I was lured into it by my hon. Friend. The particular point that I wish to press is this. We have been advised that when this matter goes to a court of law, the court, while it has no right to go into the quantum of compensation, has still the right to judge whether the compensation that will be paid will be illusory or not. Therefore we had to do something which will satisfy the law and which will satisfy the Congress election manifesto and viewing all these things together, and considering the pros and cons of the whole subject matter, we have arrived at the figure of Rs. 12½ crores. I do not like to go into the other aspects of the question, but I would only request the hon. Member to withdraw this amendment in the light of my statement."

* SRI PYDAH VENKATANARAYANA:—"Mr. Speaker, of course, it is no reflection on you, Sir, but I wish you had not interrupted me in the beginning. Further you have given so much time to other speakers, whereas being the mover of this amendment, I have not been allowed to make my speech in full. The Hon. Minister has dwelt upon the equitable compensation that has been referred to in the Congress election manifesto. He said that giving one year's annual basic sum was not an equitable payment in this case. But if the zamindars have any proprietary rights and if the Government want to acquire those rights and abolish the zamindaris, then no doubt one year's basic annual sum would not be an adequate payment. But it has all along been held that they are mere rent collectors and that the zamindari system has now outlived its very purpose because the people of the country are administering their own affairs. If that is accepted, the one year's basic annual income, would seem more than sufficient. Even under the Land Acquisition Act, they are not entitled to get more than 20 times the annual rental value. But here in sub-clause (1), 30 times that sum has been provided for, and as such they will get under this Act very much more than what they are entitled to. As I have already observed, there was no agitation on the side of the people, because this amount goes to the zamindars from the public exchequer and the Government are really bent upon favouring the group of zamindars. Suppose in this Bill there is a clause imposing a betterment tax upon those

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persons who are to derive the benefits out of this abolition, then there would be a lot of agitation, as it was in the case of inamdars. Then the Government would have come down and would have reduced the scale of compensation, so that they need not pay so much to the zamindars. If the compensation is more, the betterment tax also would be proportionately more and the tenants would have to pay more. But now there is absolutely no agitation from the tenants."

THE HON. SRI KALA VENKATA RAO:—"We have not levied any betterment tax and there is no such proposal in our view, Sir."

SRI PYDAH VENKATANARAYANA:—"That is why, Sir, I said that there is no agitation from the people. The very fact that the zamindars are very anxious for the early passage of this Bill is proof positive that the Bill goes in their favour."

THE ZAMINDAR OF MIRZAPURAM:—"Nobody is anxious, Sir."

SRI PYDAH VENKATANARAYANA:—"Whether the Zamindar of Mirzapuram is anxious about it or not, he has never said that he is against it and judging from the manner in which many of the Zamindar Members have been participating in this debate and asking for more compensation at every stage and the enthusiasm they have been evincing in the passage of this Bill, we must say that they are in favour of its passing as early as possible. No doubt the Raja of Venkatagiri was insisting that this legislation should not be pursued in this manner, but that was not the case with the other Zamindar Members. They have been saying that this measure should get an early passage so that they could get their compensation at a very early date. But I submit, Sir, that if this amount is paid to them or if they are assured that this sum would be paid to them at some future date, naturally they would spend all the amount carelessly, or they would go to some foreign countries and spend away these amounts, and so this proposal of graded payment of compensation will only increase the inflation which is already rampant. The result is that our national wealth will suffer. Even if any sum is paid in the form of bonds, they must be made irredeemable or non-transferable, because every year they would get a guaranteed income on those bonds. It was my intention to say all these things and to state my case exhaustively from the very inception of the zamindari system when I moved my amendment, but somehow, the Hon. Speaker was averse to it."

MR. SPEAKER:—"Regarding the remark of the hon. Member, I may tell him that he began dealing with the history of the zamindaris from the very beginning, which has been repeated by several other Members and so I had to pull up the hon. Member."

SRI PYDAH VENKATANARAYANA:—"In a case like this, unless I deal with it from the very inception, I would not be able to convince the Members of the necessity and the desirability

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of my amendment. Anyhow, Sir, you have been good enough to allow me to speak now and I have spoken. What all I have now said, has been said by me both when the Bill was originally introduced and when the Bill was discussed after the Select Committee stage. The Hon. Minister for Revenue has been saying the same thing in reply and I do not find any new point in his present reply which has in any way convinced me.

"Lastly, Sir, my hon. Friend, the Raja Sahib of Venkatagiri, said that I have not made a responsible statement, and I feel that it amounted to something like saying that I was rather irresponsible. I request you, Sir, to say whether it is parliamentary."

MR. SPEAKER:—"There is nothing unparliamentary in what he said. It is quite parliamentary."

SRI PYDAH VENKATANARAYANA:—"With these words, I once again request the Hon. Minister for Revenue to accept my amendment."

THE ZAMINDAR OF MIRZAPURAM:—"Mr. Speaker, the hon. Zamindar, Mr. Pydah Venkatanarayana, has stated that the Zamindar of Mirzapuram was for the abolition of the estates. I have been always stating in this House that I was against the abolition of the zamindari system, but in case the Government are bent upon abolishing the system itself, I wanted that proper and equitable compensation should be paid to the zamindars, so that even if the question goes before any court of law, the Act may not be set aside, and that the zamindars and the Government may not suffer by that decision."

1.30 p.m. THE HON. SRI KALA VENKATA RAO:—"Sir, as the acceptance of the amendment of Mr. Venkatanarayana will negative the Congress election manifesto, on which we have been returned to the House, I cannot accept the amendment, Sir."

The amendment was put and lost.

MR. SPEAKER:—"I am going to adjourn the House, now."

SRI T. VISWANATHAM:—"I want to know, Sir, whether the House will be given the information whether the rumour that is published in the newspapers that one of the Hon. Ministers has resigned is a fact."

THE HON. SRI KALA VENKATA RAO:—"Sir, it is only wishful thinking and there is no truth in the statement."

THE RAJA OF VENKATAGIRI:—"On a point of personal explanation, Sir."

MR. SPEAKER:—"When we take up the Bill on the 18th of next month, let the hon. Member give his personal explanation. I now adjourn the House to meet again on Monday, the 18th October 1948 at 11 o'clock."

The House adjourned.

THE MADRAS LEGISLATIVE ASSEMBLY.

Monday, the 18th October 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.

Marching of troops into Hyderabad.

* 398 Q.—MR. T. J. M. WILSON: Will the hon. the Premier be pleased to state—

(a) whether it is a fact that troops have been marched into Hyderabad at 4 a.m. on 13th September 1948 from certain points of our Province;

(b) whether the Provincial Government have been consulted in the matter; and

(c) whether all security precautions have been taken in the Province, especially in the border districts that are more likely to be affected?

THE HON. SRI O. P. RAMASWAMI REDDIYAR:—

"(a) Yes.

"(b) No.

"(c) Yes."

* 399 Q.—SRI V. I. MUNISWAMI PILLAY:—"In view of the long statement may I request that the question may be taken tomorrow for supplementary questions?"

MR. SPEAKER:—"Yes, it will be taken up tomorrow."

Co-ordination of departments for the purpose of growing more food.

* 400 Q.—SRI M. A. EASWARAN (on behalf of Sri S. Nagaraja Monigar): Will the Hon. the Minister for Food be pleased to state whether there is any proposal to bring about co-ordination between the departments known as (1) the Food department, (2) the Agricultural department, (3) the Irrigation department and (4) the Electricity department for the purpose of growing more food with quick results?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. Minister for Food):—"The Government have already taken the following steps for the co-ordination of the work of the various departments referred to under the Grow More Food Campaign:—

(1) A central Grow More Food Campaign Committee was formed in 1943 with the Director of Agriculture, the Chief

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Engineer (Irrigation), the Commissioner of Land Revenue, and the Registrar of Co-operative Societies, as members, *inter alia* to co-ordinate the activities of the several departments and agencies engaged in the Grow More Food Campaign.

(2) The Director of Agriculture, the Board of Revenue and the Chief Engineer (Irrigation) were asked to issue necessary instructions to their subordinates impressing on them the need for co-ordinated action in Grow More Food matters.

(3) The Government are convening a periodical conference of the Honourable Ministers and Heads of Departments concerned with the Grow More Food Campaign to co-ordinate the several activities, to review the progress achieved and to ascertain and rectify the defects and drawbacks in the implementation of the several schemes.

(4) The Agricultural and Electricity departments have been instructed to be in touch with each other in the matter of supply of electricity and electric motors, pipes, etc., to ryots for food production.

Generally speaking there is adequate co-ordination between the various branches both at Government level and at the level of the Heads of Departments concerned."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know, Sir, if there is any idea of placing the Agricultural department in charge of the Food Minister?"

THE HON. SRI K. MADHAVA MENON:—"That does not arise out of this question. It is a question which has to be put to the Hon. the Premier."

SRI V. I. MUNISWAMI PILLAY:—"In view of the large tracts of forest lands taken from the Forest department for the Grow More Food Campaign why has not the Forest department been co-ordinated with this?"

THE HON. SRI K. MADHAVA MENON:—"Large tracts have not been taken. Certain areas alone in Nilgiris district have been taken up on lease and it is attended to by the Revenue department."

The Ramapadasagar Project.

* 401 Q.—SRI PYDAH VENKATANARAYANA: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Central Government have accorded administrative sanction and approval to the Ramapadasagar project;

(b) the amount sanctioned and the date fixed for the commencement of the execution of the project works and when the project will be inaugurated; and

(c) the measures taken by this Government for the execution of the project?

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THE HON. SRI M. BHAKTAVATSALAM:—" (a) No.

" (b) Does not arise.

" (c) Notifications inviting pre-qualifications of big firms to take up the construction of the dam work as soon as the scheme is sanctioned have been published in the United States of America and United Kingdom. The replies received from such firms are under examination by the Special Chief Engineer.

Other measures to be taken for the execution of the Project after it is sanctioned, will be considered as and when necessary."

BEGUM SULTAN MIR AMIRUDDIN:—"In view of the retrenchment measures that are proposed, may I know whether the Ramapadasagar Project is to be shelved?"

THE HON. SRI M. BHAKTAVATSALAM:—"I do not think so, Sir."

Exemption from sales tax of persons or firms having branches in Foreign countries.

* 402 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have received any representations from the Export traders, who have no branches in foreign countries, regarding the unfairness in Government's exempting firms or persons doing business here but having branches in foreign countries, from the sales tax; and

(b) if so, what action the Government propose to take in the matter?

THE HON. SRI B. GOPALA REDDI:—" (a) No.

" (b) Does not arise."

SRI A. VEDARATNAM PILLAI:—"May I know whether the Government are aware that big European firms who are having branches in various countries are transferring their goods without paying sales tax and that it affects firms having no branches and whether the Government have any proposal to bring them under taxation?"

THE HON. SRI B. GOPALA REDDI:—"We are aware of the position where a firm has its own branches to which goods are transferred. It is not a sale and is not therefore liable for sales tax. But another firm which purchased its goods is liable to tax. Where there is no sale there is no sales tax. That is the position."

SRI A. VEDARATNAM PILLAI:—"While some are transferring their goods they are doing so without paying sales tax. May I know whether it is not affecting the people who have no branches elsewhere?"

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THE HON. SRI B. GOPALA REDDI:—"This is a question of mere transfer. So there is no sales tax at all. The question is where there is a sale taking place in this Province it is liable to tax. If the sale is elsewhere it is not liable to tax."

SRI S. NAGAPPA:—"May I know whether the Government are taking steps to see that goods transferred also are made to pay sales tax?"

THE HON. SRI B. GOPALA REDDI:—"Where it is merely a transfer from one branch to another it is certainly not liable to sales tax."

Implementation of the Government's recommendations regarding pay to the staff of certain high schools.

* 403 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Minister for Education be pleased to state—

(a) whether any institutions or persons managing high schools in this Presidency have refused to implement the recommendations of the Government in the matter of pay to the staff, etc.;

(b) if the answer to (a) is in the affirmative, what their names are; and

(c) what steps the Government have taken in this matter?

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

"(a) Yes, three schools.

"(b) It may not be in public interest to give their names.

"(c) The Director of Public Instruction has been asked to examine their financial position and report."

Extension of the term of office of the Adviser to Government on Child Psychology.

* 404 Q.—SRI R. SUBBIER: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether it is a fact that the term of the Adviser to Government on Child Psychology and Juvenile Delinquency has been extended by another year;

(b) if so, what the reasons are for the extension; and

(c) what the achievements of the Psychologist during the one year of his service are?

THE HON. SRI K. MADHAVA MENON:—" (a) No. It has been extended by three months.

"(b) The very good work he is doing.

"(c) The Adviser in Child Psychology has prepared and submitted to Government for consideration—

(i) a draft Children Bill which is designed to implement and bring into practice a radically new concept of the treatment, care and training of delinquent, neglected or destitute children;

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(ii) a plan for opening of a Home for mentally backward boys; and

(iii) a scheme for payment of 'pocket money' to pupils in Certified Schools, in lieu of the existing system of reward by 'mark money', 'work money' and 'badge money'.

The first two proposals are under consideration of the Government. The third has already been approved by the Government. The Adviser in Child Psychology has been regularly visiting the Certified Schools and since his appointment, corruption in the schools has been greatly checked and the general conditions including medical arrangements in the schools have markedly improved."

Sole distribution of Beyer's medicines.

* 405 Q.—SRI S. NAGAPPA (on behalf of Sri V. Raghavayya): Will the Hon. the Minister for Public Health be pleased to state—

(a) whether any permit has been given to any Madras firm or person for the sole distribution of Beyer's medicines;

(b) if so, what is the name of the recipient; and what are the reasons for favouring him with this permit; and

(c) whether the Government have purchased any stocks for its own use?

THE HON. SRI A. B. SHETTY:—" (a) & (b) The Government have no information.

"(c) Superintendents of Government Hospitals can themselves purchase locally medicines, dressings, etc., up to Rs. 500 at a time. The Government have no information whether they have purchased Beyer's medicines."

Cholera in Nellore district.

* 406 Q.—SRI S. NAGAPPA (on behalf of Sri V. Raghavayya): Will the Hon. the Minister for Public Health be pleased to state—

(a) whether cholera is prevalent in an epidemic form in Nellore district;

(b) what the number of deaths in the district is;

(c) how many died in the Nellore Municipality; and

(d) what is the cause for the epidemic?

THE HON. SRI A. B. SHETTY:—" (a) Yes.

"(b) Nine hundred and six deaths have been recorded up till 11th September 1948 in the non-municipal areas of Nellore district.

"(c) Fifty deaths have been registered in Nellore Municipality up till 11th September 1948.

"(d) The present epidemic of cholera in Nellore district commenced in the third week of July 1948. The infection was

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imported from Chittoor and Kurnool districts. Movements of labour population including Yenadis for transplantation work were responsible for the spread of infection into several villages."

SRI S. NAGAPPA:—" May I know whether the Government are satisfied with the arrangements made in order to fight this cholera epidemic? "

THE HON. SRI A. B. SHETTY:—" Yes. All the usual measures have been taken."

BEGUM SULTAN MIR AMIRUDDIN:—" May I know, Sir, why cholera is raging in this Province in a manner unprecedented and why there has been so much deterioration in public health of late? "

THE HON. SRI A. B. SHETTY:—" There is no deterioration in public health as supposed by the hon. lady Member. I have said repeatedly on several occasions in this House previously that we are having cholera epidemic almost every year in this Province. Unless we improve the living conditions of the people and provide protected water-supply it is not possible to combat cholera effectively."

SRI S. NAGAPPA:—" In view of the fact that generally these epidemics break in the labour quarters, especially in Harijan quarters what steps the Government have taken in order to see that these quarters are kept clean? "

THE HON. SRI A. B. SHETTY:—" The usual steps are taken; chlorination of water-supply, appointment of extra staff for disinfection and inoculation work."

SRI R. V. SWAMINATHAN:—" With reference to the answer of the Hon. Minister may I ask, Sir, what steps have been taken to improve the living conditions of the people? "

THE HON. SRI A. B. SHETTY:—" That is a very big question. We have to improve the economic condition of the people."

BEGUM SULTAN MIR AMIRUDDIN:—" Is it not a fact that while cholera has been prevalent in this Province usually in a sporadic form in the past years it has assumed this year an epidemic form in a manner that has been unknown for many years in the past? "

THE HON. SRI A. B. SHETTY:—" The assumption is not correct. It is not justified by any facts and figures."

Provision of quarters for the lady doctors and nurses of the Palni Government Hospital.

* 407 Q.—SRI V. I. MUNISWAMI PILLAY (on behalf of Sri S. C. Balakrishnan): Will the Hon. the Minister for Public Health be pleased to state whether the Government have provided residences for the lady doctors and the nurses of the Palni Government Hospital?

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THE HON. SRI A. B. SHETTY:—" The Government have not provided quarters for the lady doctors attached to the Government Hospital, Palni. The staff nurses are provided with rented quarters. The rent is borne by the Government."

SRI V. M. RAMASWAMI MUDALIYAR:—" May I know whether there is any proposal to provide quarters for nurses as rented quarters are not suitable and in the second place the nurses are subjected to a number of hardships from private landlords? "

THE HON. SRI A. B. SHETTY:—" Wherever possible, quarters are being provided for nurses. The present time is inopportune for putting up new buildings."

Number of Harijan Collectors.

* 408 Q.—SRI V. I. MUNISWAMI PILLAY (on behalf of Sri B. S. Murthi): Will the Hon. the Premier be pleased to state—

(a) the number of Harijan Collectors;

(b) the basis on which Collectors are selected; and

(c) whether it is a fact that the claims of many fully qualified Harijan Deputy Collectors were overlooked in recent promotions; and if so, why?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. Minister for Land Revenue):—" (a) Two.

" (b) The Government maintain a panel in the order of preference. Appointments of Collectors are made from this panel as vacancies arise. Every year the Board is asked to submit recommendations to keep the panel up to the number required. Collectors report to the Board on officers in the panel working under them and on any other officer in their district who is considered fit for appointment as Collector. The Board forwards these reports to Government with its recommendation. As Collectors' posts are selection posts, promotions from the ranks of Deputy Collectors are made not on grounds of seniority but on merit.

" (c) No."

SRI S. NAGAPPA:—" May I know, Sir, how is it that only two Deputy Collectors have been promoted out of 16 Deputy Collectors? Is it because these Deputy Collectors lack in seniority or in merit? "

THE HON. SRI B. GOPALA REDDI:—" I have already stated that seniority is not taken into consideration but only merit."

SRI S. NAGAPPA:—" May I know, Sir, whether the fact is that some Deputy Collectors happen to be the relatives of either the Hon. Ministers or high officials has been taken as one of merit? "

THE HON. SRI B. GOPALA REDDI:—" I do not know which Collector is the relative of a Member of the Treasury Bench."

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N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Sir, there are only two Harijan Collectors. May I take it that both these gentlemen have become Collectors by virtue of merit and merit alone?"

THE HON. SRI B. GOPALA REDDI:—"It is so, Sir."

SRI P. NATESAN:—"May I know, Sir, how many Harijan Ministers are here so that they may have their relations as Collectors?"

THE HON. SRI B. GOPALA REDDI:—"One Minister is a Harijan. But the question was whether the relations of other Ministers are promoted because they happen to be their relations."

SRI S. NAGAPPA:—"Sir, am I to understand that out of fourteen remaining Deputy Collectors not even one of them is fit to be promoted as Collector?"

THE HON. SRI B. GOPALA REDDI:—"There are only eight permanent Deputy Collectors."

SRI V. I. MUNISWAMI PILLAY:—"Will the Government consider the necessity of increasing the number of Collectors and fill the posts by promotion of the Deputy Collectors as soon as possible?"

THE HON. SRI B. GOPALA REDDI:—"All this consideration weigh with the Government whenever selection is made and when the panel is drawn up, and certainly all those people who merit promotion are promoted."

SRI M. S. PATTABHIRAMIAH:—"Is it not a fact, Sir, that frequently merit follows the appointment?" (Laughter.)

THE HON. SRI B. GOPALA REDDI:—"No, Sir, merit precedes the appointment."

SRI S. NAGAPPA:—"May I know what is the policy—or rather what is the measure by which the Government are determining merit?"

THE HON. SRI B. GOPALA REDDI:—"There are various confidential reports given by various Collectors under whom they are working. Those reports go to make up what is called merit."

SRI N. SANJEEVA REDDI:—"Sir, is it a fact that some Deputy Collectors were promoted as Collectors without even getting into the check list?"

THE HON. SRI B. GOPALA REDDI:—"A separate question might be put."

SRI S. NAGAPPA:—"Is it a fact that the very many promotions that were recently made have bye-passed a good number of Harijans who happen to be the seniormost in the civil list?"

THE HON. SRI B. GOPALA REDDI:—"Seniority does not necessarily count in these matters. It is a selection post, and merit primarily matters."

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SRI S. NAGAPPA:—"In order to determine who is having the required qualifications or the merit, will the Government hold a competitive examination before they are promoted, Sir?"

THE HON. SRI B. GOPALA REDDI:—"Half-yearly confidential reports are sent by the Collectors and the Board of Revenue. Certainly those reports give a good indication of the merits or demerits of the persons."

SRI M. G. NATESA CHETTIYAR:—"May I know, Sir, whether merit is assessed along with the confidential reports, and good inspection reports made?"

THE HON. SRI B. GOPALA REDDI:—"Yes, Sir. Inspection reports also go into some of the confidential reports."

SRI V. I. MUNISWAMI PILLAY:—"Arising out of the answer to (a), may I know, Sir, whether it is only Harijans who are taken in, or any backward communities also?"

THE HON. SRI B. GOPALA REDDI:—"Sir, it is only about Harijans. I have answered a separate question about the backward communities."

SRI S. NAGAPPA:—"May I know, Sir, what is the agency that selects the panel? Are the Government aware that not even a single Harijan, or a man who is interested in Harijans, is in that agency?"

THE HON. SRI B. GOPALA REDDI:—"Sir, it is the Collectors and the Board of Revenue who send up recommendations to the Government."

SRI R. V. SWAMINATHAN:—"May I know the names of these two Harijan Collectors, Sir?"

THE HON. SRI B. GOPALA REDDI:—"They are Messrs. Durairaj and Sivagnanam."

Death of David, a driver in the City Bus Service.

* 409 Q.—SRI V. I. MUNISWAMI PILLAY (on behalf of Sri S. C. Balakrishnan): Will the Hon. the Minister for Finance be pleased to state whether it is a fact that a driver in the City Government Bus Service, named David, died suddenly while driving the bus near Parry's corner?"

THE HON. SRI B. GOPALA REDDI:—"A driver of the Government Bus Service, named M. E. David died of heart-failure at Parry's Corner on 22nd August 1948."

Paucity of doctors for appointment as rural medical practitioners.

* 410 Q.—SRI M. A. EASWARAN (on behalf of Sri S. Nagaraja Menigar): Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that doctors are not forthcoming in adequate numbers to take up appointments as rural medical practitioners;

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(b) if so, why;

(c) the amount of subsidy paid to each rural medical practitioner at present;

(d) whether there is any proposal to increase the amount and if so, to what figure; and

(e) whether the Government have got any alternative measure to give rural areas adequate medical aid?

THE HON. SRI A. B. SHETTY:—“(a) & (b) Yes, the shortage of medical men is due to the following reasons:—

(i) a number of rural medical practitioners who went for war, did not want on their return to take up their old posts in rural dispensaries;

(ii) the present rates of subsidy are not considered adequate; and

(iii) medical men do not generally like to work in rural areas as these areas are lacking in amenities ordinarily found in towns.

“(c) The following are the rates of subsidy given to rural medical practitioners at present:—

	In plains.	In Agency tracts.
	RS.	RS.
Medical Graduates	720	900
Licentiates	600	720

“(d) The question of increasing the existing rates of subsidy is now under consideration of Government.

“(e) The Post-War Scheme contemplates the opening of 30 combined medical and Public Health centres in rural areas each year. The Government have sanctioned the opening of the first 30 centres during the current year and the question of opening 30 more centres during 1949-50 is under consideration.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I ask, Sir, whether the Government have any proposals for making these appointments of Rural Medical Practitioners more attractive in order to attract right type of men for this type of work?”

THE HON. SRI A. B. SHETTY:—“I have already answered that the question is under consideration.”

SRI N. S. VARADACHARI:—“Would the Government consider a proposal to group doctors together so that they may run a fairly big institution in rural areas instead of single doctors being spread out with inadequate allowances and with paucity of training in important medical matters, Sir?”

THE HON. SRI A. B. SHETTY:—“There is no such proposal.”

BEGUM SULTAN MIR AMIRUDDIN:—“In view of the fact that allopathic doctors do not like to take work in rural areas, is it not desirable to give necessary encouragement to practitioners of Indian medicine, Sir?”

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THE HON. SRI A. B. SHETTY:—“There are several dispensaries of Indian medicine.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I ask, Sir, apart from an increase in the subsidy paid, or to be paid, to the rural medical practitioners, in what other manner do the Government propose to attract suitable persons to fill these vacancies?”

THE HON. SRI A. B. SHETTY:—“Proposals for enhancing the subsidy at present given and also for giving house rent allowance, are under consideration.”

SRI N. S. VARADACHARI:—“While it is true that there is no such proposal before the Government, may I request the Government to consider such a proposal and obtain the opinion of the department on this matter?”

THE HON. SRI A. B. SHETTY:—“If the hon. Member kindly writes to me giving more particulars about his proposal, I shall have it considered.”

SRI M. S. PATTABHIRAMIAH:—“Are the Government aware that even regular dispensaries maintained by the local boards are without doctors? In Sholavandan, an urban area, there has been no doctor for the last one month and more.”

THE HON. SRI A. B. SHETTY:—“Notice, Sir.”

SRI T. VISWANATHAM:—“May I know whether the entire amount of subsidy is meant for the purchase of medicines, whether the whole of the subsidy will be utilized for the purchase, whether it is a rule that all purchases must be made from the Indian Medical Stores, and whether the Indian Medical Stores charge Rs. 200 as packing charges for medicines worth Rs. 600?”

THE HON. SRI A. B. SHETTY:—“A separate question might be put, Sir.”

SRI V. I. MUNISWAMI PILLAY:—“Sir, arising out of the answer to clause (d) may I know, Sir, how long will it take for Government to come to a decision?”

THE HON. SRI A. B. SHETTY:—“As early as possible.”

Death of Dr. Rajavelu.

* 411 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Public Health be pleased to state whether it is a fact that one Dr. Rajavelu met with death while trying to save a boy?

THE HON. SRI A. B. SHETTY:—“The answer is in the affirmative.”

N. MUHAMMAD ANWAR SAHIB BAHADUR:—“In order to encourage such acts of heroism will the Government come forward with a posthumous award, Sir?”

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THE HON. SRI A. B. SHETTY :—“ No application has so far been received from the widow of the deceased, Sir. No relief is generally granted in such cases, but every question will be considered on its merits.”

The Prime Minister's advice regarding the extension of prohibition in this Province.

[* 412 Q.—MR. SPEAKER :—“ The hon. Member Mr. Salam is not in his seat. The answer will be printed in the proceedings.”]

MOHAMED ABDUL SALAM SAHIB BAHADUR : Will the Hon. the Minister for Firka Development be pleased to state whether the Hon. the Prime Minister for India, Pandit Jawaharlal Nehru, has advised the Provincial Government not to proceed with prohibition with much speed?

THE HON. DR. S. GURUBATHAM :—“ The Hon. the Prime Minister said that no financial help might be available to the Government from the Government of India to make good the loss on account of introducing Prohibition.”

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

II.—MESSAGE FROM THE PRIME MINISTER, PAKISTAN.

MR. SPEAKER :—“ I have received the following from the Hon. Mr. Liaquat Ali Khan :—

‘ Pakistan deeply appreciates very kind message of sympathy sent to us by the Madras Legislative Assembly as recorded in its resolution of condolence, dated the 13th September 1948, on the occasion of the passing away of our beloved Quaid-i-Azam. On behalf of the Government and the people of Pakistan I request you, Mr. Speaker, to kindly convey our most grateful thanks to the Members of the Legislative Assembly.

Liaquat Ali Khan,
Prime Minister.’ ”

III.—MESSAGE FROM THE GOVERNOR OF MADRAS.

MR. SPEAKER :—“ I have to announce to the House the following message, dated 11th August 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 recommend to the Madras Legislative Assembly the consideration of the Madras Public Libraries Bill, 1947 (L.A. Bill No. 9 of 1948) as amended increasing the rate of library cess.’ ”

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GOVERNMENT RESOLUTION.

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

* THE HON. SRI K. CHANDRAMOULI :—“ Sir I beg to move the resolution standing in my name, namely :—

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

While moving this resolution, Sir, I need not go into the whole history of the land mortgage banks or the actions taken by the Government from time to time to make these banks successful and helpful to the ryots in securing long-term loans with as low an interest as possible. But after trying several methods and also encouraging in several ways, the Government, in 1934, found out that the Central Land Mortgage Bank could not compete in the rate of its interest with the Government of India. Hence they requested the Government of India to declare these debentures as trustee securities. But the Government of India while accepting them suggested that the Provincial Government should guarantee both principal and interest. The Government have accepted that, and ever since they have accepted this principle and declared them as trustee securities, they give all other encouragement to these debentures, and with the help of the Provincial Government, the Central Land Mortgage Bank was able to make a headway at least to a greater extent in this direction.

“ In 1934 the maximum was fixed at Rs. 50 lakhs, but by the end of 1946 the maximum rose to Rs. 4 crores. That clearly shows that apart from declaring them trustee securities and after they were given security by the Government, the banks could lend cheap credit to agriculturists on a long-term scale. But, in 1940 the Reserve Bank of India wanted to know from the Government what their policy was. At that time, the Provincial Government was under the Advisers' regime and hence they could not go one way or the other. They wanted to leave the future policy of the Land Mortgage Banks and other matters connected with them in the hands of the elected representatives. But, they also continued the same policy which was being adopted previously. Subsequently, the Reserve Bank analysed the position and capacity of the Central Land Mortgage Bank and came to the conclusion that it should be possible for the Government to fix, at least

11-30
a.m.

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provisionally, the maximum limit for guarantee at round about Rs. 5 crores. That clearly indicates that the position of the Central Land Mortgage Bank was sound, that it was attracting the people and that the debentures issued by the Central Land Mortgage Bank were readily availed of by the Public, by several of the joint-stock companies, local bodies and co-operative organizations. Now, as I have already told you, the present maximum limit of the Central Land Mortgage Bank is up to Rs. 4 crores. Then, after considering the position and also considering the several opinions of public bodies, co-operative organizations and after calling for a conference of co-operators at Madras in September 1947, they came to the conclusion that the maximum limit should be raised to Rs. 5 crores because that is the only way in which the co-operative organization can help the ryots in securing long-term loans at cheap rate of interest. Now, since the agriculturists should be given all encouragement and help by the Government, because they are the main producers of our foodstuffs and they need primary consideration at our hands, I think it is but proper that the maximum limit should be raised to Rs. 4½ crores, instead of keeping it at Rs. 4 crores as at present. I, therefore, request this House to accept the proposal of the Government to raise the maximum limit to Rs. 4½ crores. This is no doubt a very small request and I know also hon. Members are willing to accept the proposal to increase the limit. I need not dilate upon this point any further because the motion itself is self-explanatory. I, therefore, commend the resolution for the acceptance of the House."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I wish to raise a point of order and it is this. This is a resolution which comes within the operation of section 82 of the Government of India Act and as such the recommendation of His Excellency the Governor should have been obtained before asking this House to accept it. Supposing it was a resolution moved by a non-official member, you, Mr. Speaker, would have asked the member since it involved the finances of this Government, whether the hon. Member who moved it had obtained the previous consent of His Excellency the Governor before seeking to introduce it in this House for discussion. That is my point of order, Sir."

* THE HON. SRI K. CHANDRAMOULI:—"Sir, I think it is within the competence of the Government to formulate a policy and place it before the House for its acceptance and also there is no question of finance involved in this. I think the point of order raised by my hon. Friend, Mr. Viswanatham, does not stand. After all what is asked for in this resolution is the acceptance of the House for giving security in respect of the guaranteed interest and for that purpose the maximum limit of the guarantee given by the Government to debentures issued by the Madras Co-operative Central Land Mortgage Bank should be increased."

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MR. SPEAKER:—"Perhaps the hon. Mr. Viswanatham has in mind section 82 of the Government of India Act which deals with a Bill or amendment making provision for regulating the borrowing of money or the giving of any guarantee or for amending the law with respect to any financial obligations undertaken or to be undertaken by the Province."

THE HON. SRI K. MADHAVA MENON:—"Sir, under the Land Mortgage Act of 1934, rules changing the existing practice have to be approved by this House and so the power is already given by the Act to bring such rules before this House for approval. It is not as if any other Bill or any other resolution has been brought forward. As a matter of fact, the Act has already been passed and it is in pursuance of that Act this motion has been brought. It is only a recommendation of this House that is now sought for and nothing else."

* THE HON. SRI K. CHANDRAMOULI:—"Sir, according to Section 62 of the Madras Land Mortgage Act . . . the Local Government may, after consulting the Legislature, increase the maximum amount of any guarantee given by them and that is what is proposed here by this resolution."

THE HON. SRI K. MADHAVA MENON:—"This power is already given to come before the House to increase the limit, Sir."

MR. SPEAKER:—"Apart from that, it is only recommendatory in character."

* SRI T. VISWANATHAM:—"As a matter of fact, Sir, all resolution are in the form of recommendations."

MR. SPEAKER:—"Since this is governed by the Act and the rules made thereunder, the point of order raised by the hon. Member, Mr. Viswanatham, is ruled out of order."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, I listened with interest to the speech of the Hon. Minister, but the point that he made are only two. He wants to increase the guarantee of the debentures to the extent of Rs. 450 lakhs, instead of Rs. 400 lakhs which is the present maximum guaranteed by the Government. The reason for this is obvious, because the debentures are obtainable on easy terms. When Government gives the guarantee it sets the seal of approval on private bodies issuing these debentures. Then, the second point that he made was that there is need for raising this guarantee to Rs. 450 lakhs. He said, no doubt, that the Reserve Bank had fixed the limit at Rs. 5 crores and that his demand is much less than the limit laid down by the Reserve Bank. I would like the Government to deal with questions like this on a more exhaustive basis. They must give full information to this House, especially when Government has to guarantee the debentures put on the market by a bank. What

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is the position of the bank today? Why is the total amount of debentures raised by the bank not sufficient to meet the demand? Have all the previous loans been receiving constant and careful attention from the bank and have they been repaid in the instalments as and when they became due or are they levying penal interest? Is the interest on these debentures, not merely on the debentures alone but also on the loans taken from the bank on the strength of the debentures paid regularly? All these facts have to be placed in the form of a succinct note before this House before asking for its approval to this resolution. It is true that you may need it but you must establish your case fully and on merits. I do not like any Government to say that there is need and so you must raise the limit and the Assembly must pass it. You must find out the exact position, especially in these days when agricultural prices are more favourable than in previous years. People who have taken loans may even be prepared to redeem them fully; if not fully, at least substantially and so the need for more loans and all that has got to be carefully gone into especially at the present time when prices are more favourable than in previous years. Is there real need for advancing large-scale loans to the pattadars? I understand that loans are not to be advanced in certain areas in the case of estates, but if the other ryotwari pattadars are in need of such loans, what is it that makes them apply for these loans? Is it for improving the land? What is to become of the full guarantee if people walk away with the money in their pockets and not utilize their full energies in raising the fertility of the soil? I want to know, Sir, whether all these considerations have been before the bank? Of course there is no one who would for a moment raise an objection to a proposal like this. I do admit that Government has within its own almirahs a case for advancing loans on debentures but the case must be fully put. This explanatory note and the speech that followed which did not add a single sentence more than that which appears in the explanatory note, are not enough for the purpose of carrying conviction. I would request the Government to bear in mind the suggestions that I have made for the future at least. (Sri P. S. Kumaraswami Raja: 'The hon. Member is probably referring to this without knowing what it is.') I assume the hon. Member knows all about it, but he must know that even if he were a Minister I would not spare him the speech that I have made here and would have demanded the same conditions. I would ask the Hon. Minister not to deal with questions like this in such perfunctory manner but to give the fullest information to the House in order that they may be able to come to a conclusion on the merits of the case. I am not suggesting for a moment that this is an artificial need. That is not my contention, but we have to look to the present state of the country. We have to conserve Government finances very carefully.

11.45 p.m. "You may have to abandon big schemes and concentrate on small ones that will be immediately remunerative. You may

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have to tackle the problem of finding increased resources for Government, and rationalizing expenditure, if not cutting it down ruthlessly from top to bottom. Under these circumstances, though we may be saddling Government with this secondary liability of a guarantee up to Rs. 450 lakhs, we would vote for it, provided the Hon. Minister comes forward with the fullest information on the subject and makes his case fully and thoroughly from A to Z. Sir, these are matters of interest, not merely to one or two hon. Members, but the public must know the facts of the case. Many persons who may be holding a share or two in the Land Mortgage Bank, may not be very well acquainted with the working of the bank. I do not hold any shares in the Land Mortgage Bank. Many members may hold shares, but may not yet know how the bank is working. It is the duty of members who know these things to come forward and put their case fully before the House, and ask for a vote in favour of this resolution. That is all I have got to say.

"Banking business has to be done on banking lines. We must know exactly what are the assets. Are our assets being properly used? Is the interest being properly realized? Is the instalment being properly paid? What is the default, if any? Are we living on penal interest or proper interest? What is the kind of new loan that is being advanced? Is it to enable the agriculturists to raise food crops and food crops alone? Is it in order to increase the fertility of the soil that these loans are granted? All this have got to be placed before a lay member like myself, before we could be called upon to vote in favour of the resolution."

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, while I entirely agree with the remarks of the hon. Member Mr. N. S. Varadachari that the Government should have supplied us all necessary information before coming forward with this resolution, because we should know the position of the bank before giving our verdict on the matter, yet, Sir, I feel that in this case we should support the Government firstly because the bank concerned is a stable one and secondly because the effect of this resolution will be to indirectly help the agriculturists. Unless the Government come forward and guarantee the issue of debentures by this bank to the extent of Rs. 450 lakhs as has been demanded, this bank will not be able to issue debentures at a low rate of interest. The natural consequence of this would be that the bank would have to charge a higher rate of interest for the agriculturists, who have to be encouraged to increase food crops. Particularly at the present moment, when the dire need of the hour is to help the agriculturist to augment the production of food, I think we should support the Government in this resolution for the indirect result of this resolution will be to help the agriculturists. No doubt, as far as the working of this bank is concerned, we have not been supplied with the necessary

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information by the Government so that we might be assured as to the stability of the institution. But as far as we are able to judge from the market reports, we find that this bank is in a sound position. As far as I remember, the debentures of this bank were sold the other day—about a week ago—at the rate of Rs. 101. That indicates that the position of the bank is sound. In view of this, and also of the fact that the maximum that has been prescribed by the Reserve Bank of India, namely, Rs. 5 crores has not yet been reached and that the guarantee that is now sought to be given is well within the maximum prescribed, besides the fact that this step would be conducive to the benefit of the agriculturists, I feel, Sir, that we should support the resolution of the Government."

* SRI V. I. MUNISWAMI PILLAY:—"Mr. Speaker, Sir, I rise to support the resolution moved by the Hon. Minister for Co-operation. While doing so, I feel due to economic conditions that have been created in the rural parts, many a man who is an agriculturist, has taken upon himself to apply for loans from the Land Mortgage Banks. I know, as a matter of fact, many applications are just now pending before the Central Land Mortgage Bank for want of the increase in the guarantee that is now demanded. And if one says that full notes are to be placed before the House, I know the Hon. Minister will answer, but the last report on co-operation has given a vivid picture of what the activities of the Land Mortgage Banks have been in this Province, as also the resolutions that have been passed by the Conference of the Primary Land Mortgage Banks that took place in the City of Madras. I know, Sir, that there is a cry among the agriculturists, that this form of loan on long terms has to be got from the Government. But the present rate of interest charged by the Land Mortgage Banks is rather high, because even in the matter of fixed deposits, the banks do not pay more than three per cent. I would request the Hon. Minister to examine this question, as it was adumbrated in the last Provincial Land Mortgage Banks' Conference, and see that a smaller amount by way of interest is charged.

"Secondly, Sir, the time taken by the Co-operative department in sanctioning these loans is exceedingly long. And as a matter of fact, the applicants got disappointed because they could not get the loans during the time they are hard-pressed for loans. Another drawback, Sir, is want of proper supervisors in the Primary Land Mortgage Banks. I know that the Co-operative department have started training classes, but I do not find enough hands trained for this purpose, because unlike the other co-operative institutions, these Co-operative Land Mortgage Banks have to furnish a lot of information just like the information that has to be provided to the Government on 'Takkavi' loans. I would request the Hon. Minister to look into this.

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"Another point that I would like to mention is this. Certain portions of the Province have not come within the purview of the Land Mortgage Banks. For instance, the Gudalur taluk in the Nilgiris district has not come within its operation, because the tenure obtaining there is quite different from the ryotwari tenures that are obtaining elsewhere. This is a very important question. I know, as a matter of fact, the Nilgiris Co-operative Land Mortgage Bank has been receiving several applications from the ryots in that area; but they could not be met, due to some difficulty, or rather due to there not being similar tenures in the Nilgiris and the Gudalur taluk, the latter adopting the rules obtaining in Malabar. I would request the Hon. Minister to see that the Gudalur taluk is brought within the Nilgiris district, and the rules are amended so that the ryots of the Gudalur taluk may also get the benefit of these loans.

"With these few words, I support the motion."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, so far as the note that accompanies the recommendation in the resolution is concerned, I say it is hardly illuminating. It does not give the present state of affairs of the bank. Have all the four crores of rupees which we have guaranteed been exhausted altogether? How many applications are now pending before the bank for being dispersed, and are these Rs. 450 lakhs necessary at all? I know, some time back—I cannot say exactly what the present position is—it was the case that the agriculturists did return the loans which they have been taking from the bank, so much so, the transaction of the bank with the various agriculturists had come down to a fairly low level. And, therefore, it is that I felt some surprise now to know that the Government propose to increase the guarantee from Rs. 4 crores to Rs. 4½ crores. It will be more to the point and also to the instruction of the members of this House, if the Hon. Minister in charge of this subject had really told us as to what is the amount now that is due from the various agriculturists, how many applications are now pending for further loans, and if further loans are granted, whether they cannot do so with the resources at their own disposal and without making this demand at all. If information is given on these points, it will be certainly easy for us to make up our minds as to whether these Rs. 4½ crores are necessary at all. After all, in the present case, the money which we have on hand is required for many purposes which are much more urgent—especially in the case of food. Therefore, it is that I am asking whether these Rs. 50 lakhs for which a new increased guarantee is going to be given, are going to be utilized for the purpose of improving the land so that more food may be grown upon the land. That is a very important point to consider. But it has not been made clear by the hon. Member in charge of this resolution. And I would request him, if possible to clear this point in his reply, before we can accede to the recommendations in this resolution."

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SRI K. A. NACHIAPPA GOUNDER:—"Mr. Speaker, Sir, I heartily support the resolution that has been moved by the Hon. Minister with regard to the guarantee to be made for Land Mortgage Bank debentures. I am quite surprised at the questions raised by my hon. Friends, Sri Bhadhyam and others. The Central Land Mortgage Bank came into existence many years ago, and has been working on sound lines. The resolution on the table of the House now has been given sufficiently long notice off. The Government's administrative reports on co-operation and the annual report of the Land Mortgage Bank could have furnished full information about all these points, which the hon. Members want, and naturally it will be seen, that the stability of the bank need not be questioned. I may say that the Land Mortgage Bank in this Province has been well established and has been running on sound lines. And as the guarantee for a greater amount has now come in this way, the Land Mortgage Bank's scope has been increased. Originally, the bank was lending money for discharging old debts, and was confined to that only. Later, its scope was increased, for lending money to purchase lands, in order to make the plots contiguous. And again it was further enlarged, to grant loans for improving the fertility of the lands, by digging wells and for such other purposes. So now the activities of the bank have been increased, so much so the bank has found it necessary to get more money. As far as the working of the Central Land Mortgage Bank is concerned, the Government have insisted on no conditions, and after the Reserve Bank came into existence, they wanted a sinking fund to be raised, and the sinking fund also has gone to twice or even three times the limit that has been fixed. In that way there has been no question about the working of the Central Land Mortgage Bank.

12 noon.

"Sir, in this connexion, I would like to put forward some suggestions for the consideration of the Hon. Minister. The hon. Member Mr. Muniswami Pillay has raised the question of the reduction in the rate of interest. It is very necessary that it should be done, especially at a time when the agriculturists are finding it very hard to find sufficient funds to improve their lands. The original rate of interest was five per cent, but the Reserve Bank insisted on the creation of a sinking fund and the Land Mortgage Bank was obliged to increase the rate to 6½ per cent. Now, when the sinking fund has exceeded the prescribed limit, it is very necessary that the Land Mortgage Bank should reduce the rate of interest on loans to the ryots. I would request the Hon. Minister to see what he can do in the matter.

"Sir, with regard to the opening of Land Mortgage Banks, the Government should pay special attention to the matter. At present, the benefits of the Land Mortgage Bank are not available to the people in the zamindaris, because the lands there are not surveyed. The ryots in the zamin areas are greatly handicapped.

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The Zamin Abolition Bill will naturally bring about a survey and settlement of these areas and that would help the ryots. The sooner it comes the better. But in the meanwhile, if the Government could make arrangements for the survey of particular blocks of land either through the Survey department or by the village officials in order that the ryots concerned can get the benefits of the Land Mortgage Bank, it will be helpful.

"Sir, with regard to supervisors, Mr. Muniswami Pillay mentioned one point. I would also like to stress the point that these supervisors should be specially trained. Ordinary people trained in the co-operative institutes are not quite fit for the job. They are able to manage their work only after gaining some experience. Therefore, if some special training in Land Mortgage Bank work is given to them, it will be very useful. Also, Sir, their pay is very meagre for the onerous duties cast on their shoulders. The Government should see their way to pay them well so that more people may take up this sort of work and the working of the Land Mortgage Banks made more efficient. It is very necessary that all these things should be done in order to help the ryots. I would, therefore, once again request the Hon. Minister to attend to these small drawbacks so that the bank may work most successfully."

*SRI L. N. GOPALASWAMI:—"Sir, I do not think that anybody will grudge this small help rendered to the agriculturists from whom we get a lot of things in return. The only question is whether the rate of interest prescribed as the maximum is necessary. In these days when the Government of India are floating loans at 2½ per cent and when banks, especially scheduled banks, are taking deposits at 3 to 4 per cent, is it necessary for us, with all this Government guarantee, to have a maximum limit of 5 per cent for these debentures? I know that it is only the maximum and that it is not obligatory on the Land Mortgage Bank to give such a rate of interest. But there is also much to be said in favour of a minimum. Sir, if we can reduce the rate of interest on future loans at least to 4 per cent, we will in turn be helping the poor landholders who will be getting the benefit of this reduction of interest in turn. As my hon. Friend Mr. Muniswami Pillay said, it would induce the bank to give loans at a lower rate of interest. Many debentures floated by individual concerns without this Government guarantee carry only 5 per cent and less. I would, therefore, request the Hon. Minister to see that the maximum rate of interest guaranteed on these debentures is reduced at least to four per cent."

*SRI T. VISWANATHAM:—"Sir, I wanted to say exactly what my hon. Friend Mr. Nachiappa Gounder has said. I want to impress upon this House and the Government that only lip sympathy is paid to the agriculturists but no attention is paid

[Sri T. Viswanatham] - [18th October 1948]

to their wants in the zamindari areas. Vizagapatam district is full of zamindari areas. It is true that there is a Zamindari Abolition Bill, but it is also true that it will take six to seven years before survey and settlement operations are completed in those areas. All the time, we will go on increasing the maximum of the guarantees for the Land Mortgage Bank on the floor of the House in the belief that the agriculturists will be benefited. In the name of the agriculturists, we increase the guarantees, but forthwith we deny help to a tenant from Vizagapatam when he comes with outstretched hands, because he is told that though he may be an agriculturist, he comes from a zamin area and he is not an agriculturist for the purpose of the Land Mortgage Bank. That is a proposition which we cannot understand. The rules of the Land Mortgage Bank are approved by the Government but this kind of thing has been going on for years. We feel sore on the point. There is no use of the Government or the bank saying that the lands in the zamindari areas have not been surveyed and that the benefits of the loans from the bank would be available only to lands which have been surveyed. The Government should at once make some alterations in the rules so that the advantages of the Land Mortgage Bank may be available to all the agriculturists uniformly throughout the Province and not merely to a section of them, namely, those in the ryotwari areas, leaving out those in the zamin areas especially in the Vizagapatam district which is full of zamindaris. Sir, I will not be content with the answer that the Hon. Sri Kala Venkata Rao has moved a Bill for the abolition of zamindaris. I know the Bill is here; at the same time I know that it will take six to seven years to complete a survey and settlement of these areas. The ryots of my district should not be told that, as they are living in zamindari areas, the benefits of this Land Mortgage Bank could not be extended to them. I appeal to the Government, Sir, I insist on them to do something to relax the rules so that the benefits of the bank may be extended uniformly to all the agriculturists in the Province."

* SRI M. G. NATESA CHETTIYAR:—"Mr. Speaker, while supporting the resolution moved by the Hon. Minister, I want to place before the Government certain practical difficulties which arise in the working of the Primary Land Mortgage Bank. The Land Mortgage Bank is an institution which has not got much discretion to help the agriculturists. The clients of the Land Mortgage Bank are not entitled to get loans from outside, but the bank itself to grant a second loan for the improvement of the lands under the mortgage. Under the Grow More Food Scheme, the Government have been giving subsidies and taking bonds from the agriculturists mortgaging the lands. The moment there comes into existence a subsequent or a second loan in regard to the clients of the Land Mortgage Bank, the first loan becomes eligible for collection. When this comes to the notice of the Land Mortgage Bank, the loan that had been advanced by the primary bank must

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be collected according to the terms of the mortgage deed executed to the bank. This practical difficulty was pointed out to the Registrar of Co-operative Societies and he was kind enough to issue a circular through the Central Land Mortgage Bank to the effect that the subsidies granted to the clients of the Land Mortgage Bank need not be taken as a loan on mortgage and that the first loan need not be recovered from them in the circumstances mentioned. Sir, it is absolutely essential for the smooth working of the primary land mortgage bank that the well subsidies granted by the Government should be distributed to the clients of the Land Mortgage Bank by the Primary Land Mortgage Bank itself, because that would facilitate the Primary Land Mortgage Bank to further help the agriculturists to complete the well-sinking scheme and get the benefit of the subsidy granted by the Government fully utilized by the agriculturists. This will improve the lands of the agriculturists and help the agricultural industry greatly. This was the request I made to the Registrar of Co-operative Societies and I asked him to grant this privilege to the clients of the Primary Land Mortgage Bank.

"Sir, with regard to the grant of loans to the ryots in the zamindari areas, the question has been ably argued by my hon. Friends, Messrs. K. A. Nachiappa Gounder and T. Viswanatham. The arguments advanced by my hon. Friends have been already considered by the Registrar of Co-operative Societies and he has in his reply stated that there are many difficulties in respect of granting loans to ryots in zamindari areas. He said that the lands could not be located, and that they could not be identified, etc. These were only excuses. Finally, he said that if the ryots of the zamindari areas were prepared to bear the survey and settlement charges and also get pattas from the zamindars, they would be able to get loans from the Primary Land Mortgage Bank. I want to take another instance of a similar nature. The subsidies for the wells were granted only to the ryotwari ryots. I had the good fortune to move the Government that the ryots in the zamindari areas should also be given the subsidies. They should not be treated with any invidious distinction. On that, the Government were pleased to pass an order that the lands of the ryots might be surveyed and subsidy might be given for well-sinking in those areas also. I have been recently receiving petitions for such subsidy being granted, by the Tahsildars and Deputy Collectors. The same method and procedure may be adopted in respect of giving loans by Primary Land Mortgage Banks to the ryots of the zamindari estates. If the lands are surveyed, that could easily be done. The ryot himself need not agree and bear the cost of the survey; the Government of their own accord may have the survey and facilitate the ryots in zamindari areas, to get loans as is done in the matter of subsidy for well-sinking in the zamindari areas. It is not a difficult matter. For the past so many years, I have been moving the Government and the

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Registrar for granting this facility to the ryots in zamindari estates, as my constituency, at least half of it, consists of zamindari villages. I request the Government once again to grant permission and ask the Central Land Mortgage Bank through the Registrar of Co-operative Societies to give this facility merely on the survey. It was only about eight months ago that I moved the Government in respect of giving subsidy for wells in zamindari estates, and that is now being done. I do not know why in the matter of granting loans to zamindari ryots there should be so much of hesitation on the part of Government. If the Government want to do it, they can do it on the same principle as that in regard to well subsidy in zamindari estates. With these few words, I support the resolution."

SRI B. VENKATANARAYANA REDDI:—“ఆధ్యక్షా, ఒకటి, రెండు ముఖ్యమైనటువంటి సూచనలను చేస్తూ ఈ బిల్లును నేను వ్యవహార పూర్వకంగా విశదపరుస్తున్నాను. ఈ బిల్లును ముందుగా జమీందారీ ప్రాంతాలలోని రైతులకు ఋణములు ఇచ్చే విషయములో తగిన సౌకర్యములు కలుగజేయడమేదని గా. ప్రతి విశ్వసాధంగారు మరికొందరు సభ్యులకూడా చెప్పి ఉన్నారు. Survey, settlement లు కానటువంటి గ్రామాలలోని రైతులకు ఋణములు ఇవ్వబడుటలేదని వారు చెప్పినారు. ఇది యదార్థమైనటువంటి విషయము. Survey, settlement కానటువంటి గ్రామాలలోని భూములమీద ఋణములు ఇచ్చిన కొన్ని చిక్కులన్నవని Co-operative department వారు చెబుతున్నారు. ఇదికూడా కొంతవరకు యదార్థమే. కాని రైతులకు ఆ భూములమీద occupancy right ఉన్నది కాబట్టి, ఈ విషయమును ప్రభుత్వమువారు జాగ్రత్తగా పరిశీలన చేయించి ఆ రైతులు నిజముగా ఆ భూములను ముక్కుదారులని వారి మనసుకు వచ్చిన తరువాత ఋణములు నిచ్చే విధానమునే జమీందారీ రైతులకు సహాయపడవలసినదని ప్రార్థిస్తున్నాను.

“ఇంకొక విషయమేమనగా కొన్ని జమీందారీ గ్రామాలలో Survey, settlement లు జరిగి, భూములు పూర్తిగా రైతుల హక్కు, భక్తములలో ఉన్నప్పటికీ వారివేరుగ పట్టాలు లేవనే కారణముచేత సామాన్యముగా చాలాచోట్ల ఋణము నివ్వ నిరాకరిస్తున్నారు. ఇటువంటి సందర్భాలు దాదాపు నూటికి, ఎనుబది, ఎనిమిది అయిదువరకు ఉంటున్నాయి. జమీందారీ గ్రామాలలో రైతులు జమీందారుల వద్ద నుంచి పట్టాలు పొందుట ఎంత కష్టమో మంత్రిగారికి తెలియవలయువంటి విషయముకాదు. రైతులు పట్టాలు పొందలేక పోయినను వారు ఆ భూములను చాలాకాలమునుంచి నేర్వేము చేస్తూ, శిస్తులు చెల్లిస్తున్నారు. ఈ సంగతులు జమీందారులయొక్క సాగుబడి చిట్టలలోను, ఇతర రికార్డులలోను ఉండును. వీటిని officer లు పరిశీలించి, ఋణములను ఇప్పించవలసినదిగా ప్రభుత్వమువారిని కోరుచున్నాను. ఈ విషయముల నన్నింటిని గమనించి వారి మనసుకు వచ్చిన సందర్భములలోనే ఆపులు ఇప్పించవలసినదని మంత్రిగారికి, ప్రభుత్వమువారికి మనవిచేస్తూ ఈ బిల్లును విశదపరుస్తున్నాను.”

***SRI K. BHASHYAM:**—“I want some information, Sir. I want to know if the Government will tell us whether this

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increase of Rs. 50 lakhs will be utilized for the purpose of advancing monies to the agriculturists, not for payment of old debts, but for the purpose of improving the land, to grow more food."

* **THE HON. SRI K. CHANDRAMOULI:**—“Mr. Speaker, Sir, I am thankful to the hon. Members for their constructive criticisms and their helpful suggestions and also for their general acceptance of the principles that have been placed before the House in the resolution moved. I need not go into every detail of the present position of the Central Land Mortgage Bank, but since the hon. Member Mr. Varadachari wanted it, I shall place before him one or two salient features which will convince him that the present position of the Bank is quite sound and that the Bank is catering to the needs of the agriculturists very nicely. After all, the request of the Bank is only a technical thing; the Government are not giving one pie freely or charitably to the Bank. It is quite all right, and I can say without fear of contradiction that the present position of the Bank is quite sound. It can carry on and it has simply made a formal application; and the Government if they want to help the people, can give their consent without obligation.

“At present, i.e., about three months back, the position of the Bank was this: The maximum amount of guarantee in respect of debentures issued by the Bank was Rs. 400 lakhs; the debentures in circulation were for a sum of Rs. 3,79,37,100; therefore, there is a margin of Rs. 20,62,900 for the future issues of debentures of the Bank. The mortgages on hand amount to Rs. 13,70,495 which will form cover for further issue of debentures. During the co-operative year ending 30th June 1948 a sum of Rs. 61,55,185 was disbursed as loans to primary land mortgage banks and this works up to an average disbursement of Rs. 5.13 lakhs per month. But during the half-year, January to June 1948, there was an increase in disbursements, and loans for Rs. 36.18 lakhs were disbursed during the period which makes an average of Rs. 6.03 lakhs per month. Again, during the last seven months, ten meetings of the Executive Committee were held, at which loans for Rs. 48,64,620 were sanctioned, the average sanction per month of loans amounting to Rs. 6.95 lakhs. This indicates that during the current co-operative year, the loan disbursements may exceed Rs. 75 lakhs.

“Secondly, in G.O. No. 1927, Development, dated 5th August 1938, it was laid down that ‘the amount of such accommodation combined with the amount of outstanding debentures carrying Government guarantee shall not at any time exceed the permissible maximum guarantee.’ During the financial year ending 31st March 1949, a sum of Rs. 40 lakhs has been provided as temporary accommodation by the Government to the Bank, and the margin left over between the amount of debentures in circulation and the

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maximum amount of guarantee of Rs. 400 lakhs being only rupees 20,62,900, the Bank will not be able to draw up to Rs. 40 lakhs in accordance with the terms of the Government Order.

"As for loans issued to ryots, I may say that a sum of Rs. 302.3 lakhs is outstanding in loans from primary banks. This amount is secured by first mortgages of agricultural land, the estimated value of which is Rs. 1,053 lakhs. For the purpose of these loans, lands mortgaged are valued on the basis of pre-war rates, plus 10 per cent of that value, but if you take the present value of lands, I am sure it will be three or four times more. Hence it will be seen there is sound security. What else does my hon. Friend want us to do, for giving this dole of Rs. 50 lakhs, I want to know.

"Again, the hon. Mr. Muniswami Pillai and others raised the question of disbursement of loans without any delay. I can quite understand that. At a recent meeting of the Bank at which I presided, the meeting had decided that loans hereafter should be given to the ryots as early as possible and without much avoidable delay. But at the same time it must be realised that there are difficulties, such as in the case of the laws of inheritance, etc. I am very glad to inform the House that the present management of the Bank is trying to solve this problem.

"Again, the question of the rate of interest was referred to, that it should be decreased. That question also is being tackled, and hereafter, the policy will be to lessen the rate of interest to the ryot, so that it may go a long way to help him.

"Regarding the point raised by my hon. Friend from Vizagapatnam, I may say this: He said that because the zamindari ryots are not able to get the loans, this should not be given. (Sri T. Viswanatham: 'I did not say so.') What he said amounts to that."

* SRI T. VISWANATHAM:—"May I explain, Sir. I never said that because we are not getting these loans, therefore this guarantee should not be given. What I said was, and I repeat it, that the Hon. Minister should exercise his mind on the question of facilitating the zamindari ryots and agriculturists also to get the same benefits as other ryots in the delta areas. That is all I said. Let him not say it amounts to something else."

* THE HON. SRI K. CHANDRAMOULI:—"If that is the idea of the hon. Member, I have no objection. I may say I am as progressive as my hon. Friend; only I am not as vehement in my language as my hon. Friend, to help the zamindari ryots. But if under the present circumstances, we are not able to do more, it does not mean that we are not doing anything at all to help them.

"Then, my hon. Friend, Sri K. Bhashyam, raised the point that this amount of Rs. 50 lakhs should not be used for clearing off old debts. I do not see any reason why it should be so. The loans given to the ryots should be used not only for the buying of manure and for increasing the fertility and the total productive capacity

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of the soil and the production itself; but unless the ryot clears off his past debts also, I do not know how he can help to improve the soil, etc. If we prohibit the clearing off of old debts, then it will be practically impossible for him to do anything useful. So, the principle of giving loans is quite sound, even if it is for clearing off of old debts, and the Government cannot accept the suggestion of my friend.

"With these words, Sir, I thank the hon. Members for giving their support and I commend the resolution to the acceptance of the House."

The resolution was put and carried.

GOVERNMENT BILL.

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

Clause 36.

* SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, I move the amendment standing in my name. This is a crucial point regarding compensation to be paid to the estate holders. For calculating that, the Government have provided a certain number of times in a graded scale. My amendment has several clauses. The first two clauses of my amendment, I am not moving because they really relate to inams about which there has been a great change made by the exclusion of the 1936 inams from this Bill. Therefore, I do not think it is necessary to move any amendments with reference to them. Of course there are other inams and mokhasas but they will all come under small estate holders, and therefore, what applies to the small zamindars should equally apply to these inamdars and mokhasadars. Sir, I do not want to make any distinction between the zamindari and other estates with regard to the number of times the basic sum they have to receive as compensation. My amendment is as follows:—

(i) In sub-clause (i), for the figures "30", substitute the figure "35".

(ii) In sub-clause (ii), for the figures "25", substitute the figures "30" and for the word and figures "Rs. 30,000", substitute the word and figures "Rs. 35,000".

(iii) In sub-clause (iii), for the word and figures "Rs. 20,000", substitute the word and figures "Rs. 10,000"; for the figures "20", substitute the figures "25"; and for the figures "75,000", substitute the figures "90,000".

(iv) After sub-clause (iii), insert a new sub-clause (iv) as follows and renumber existing sub-clauses (iv) to (vi) as (v) to (vii):—

"(iv) Where the basic annual sum exceeds Rs. 10,000 but does not exceed Rs. 20,000—22½ times such sum or Rs. 2,50,000 whichever is greater."

[Sri A. Kaleswara Rao] [18th October 1948]

"In the first sub-clause Government have provided '30 times'. I want that they should be paid 35 times because the small people who get less than Rs. 1,000 as basic annual income should be paid 35 times instead of 30 times. Then, I also want to increase the amount of compensation to be paid to the persons who come under the second sub-clause, that is, those who get an income between Rs. 1,000 and Rs. 3,000. I want to increase it from 25 times to 30 times. Then, with regard to persons who come under sub-clause (iii), Government have said that all those who get a basic income between Rs. 3,000 and Rs. 20,000, should be paid 20 times. I want to split this up into two clauses. Therefore, I have moved in my amendment that those who get between Rs. 3,000 and Rs. 10,000 should get 25 times and those who get between rupees 10,000 and Rs. 20,000 should get 22½ times. Afterwards, Sir, I want that there should be a reduction in the number of times, because in the case of those who get larger incomes, I consider that the provision made by the Government is excessive. Therefore, in the three cases, I want a reduction in the number of times. Therefore, I have moved my amendment which is as follows:—

'(v) In renumbered sub-clause (v) or original sub-clause (iv), for the figures "17½", substitute the figures "15"; and for the figures "4,00,000", substitute the figures "4,50,000".

(vi) In renumbered sub-clause (vi) or original sub-clause (v), for the figures "15", substitute the figures "10" and for the figures "8,75,000", substitute the figures "7,50,000".

Therefore, Sir, in sub-clause (iv), Government have provided 17½ times. I want it to be reduced to 15 times. In sub-clause (v), they have provided 15 times and I want it to be reduced to 10 times and in sub-clause (vi), they want 12½ times to be paid and I want it to be reduced to eight times.

"Sir, the Hon. the Revenue Minister has always been pleading that the Government may pay a particular amount of money as compensation to the zamindars. He first wanted that the possible amount of compensation should not exceed ten crores. Now he says that he is prepared to pay up to 12½ crores. Whether it is 12½ crores or 10 crores, I want that the smaller people should be paid much more on a socialistic principle, namely, they should be paid something so that they may live as honourable citizens and in a satisfactory position. In order that they may live such a life, it is the duty of the Government to give them something. Otherwise, they will be stranded in the streets.

"With regard to the upper classes, let there be a redistribution so that the smaller fry will get something more, and the smaller classes of people who get less incomes may get a higher scale than those who get higher incomes. Last but not the least of my amendments is that which relates to the maximum of compensation to be paid which runs thus:—

'(vii) In renumbered sub-clause (vii) or original sub-clause (vi), for the figures "12½", substitute the figures "8", and for

18th October 1948] [Sri A. Kaleswara Rao]

the words and figures "Rs. 15,00,000, whichever is greater", the words and figures "Rs. 10,00,000, whichever is greater but not exceeding Rs. 25,00,000 in any case".

"It says the maximum should not exceed 25 lakhs of rupees in the case of any of the biggest zamindars. This is a most essential thing that I want to press upon the Government because nobody should be made a big capitalist. Because we are dealing with a class of capitalists, we should not create a new class of capitalists. A new class of capitalists should not arise from this Bill. That is not equitable and that is not just. After all, the Hon. the Revenue Minister himself admits that these zamindars are not owners of any property and that the estates are not vested in them. He has also admitted that they have no right over even an inch of the land except the private land and that they are mere rent collectors and administrators. With regard to that, I have no difference of opinion with the Hon. the Revenue Minister but with regard to dealing with the zamindars, I have difference of opinion with him. What is paid to them is not compensation for taking away their property that is for dealing with them under section 299 of the Government of India Act. It is only a payment of a compassionate allowance. Government have asked the zamindars to do a particular service and they have been discharging that service of collection of rent in a hereditary way. Therefore, Government should pay them something so that they may live in a self-respecting way. That is the position Government should adopt. I cannot understand why Government should pay anybody more than 25 lakhs of rupees. That is wrong because, Government will be creating a new capitalist. Sir, we are all anti-capitalists; we are all anti-feudal. We are fighting against capitalists because they dominate the whole society and they dominate over the middle-class and the lower classes of people and the ordinary people. Therefore we do not want capitalists in the whole world and also in this country. That is why, Sir, the Government of India also want to take possession of all industries in course of time. Government of India are also contemplating to nationalize all the new industries and want to take possession of the industries which are now under the control of the capitalists. Therefore, Sir, we are anti-capitalist; we are anti-feudal and we want to remove all these estate-holders who are controlling the ryots and keeping them in ignorance and suppressing them. Therefore, Mr. Speaker, we do not want any zamindar to be paid more than Rs. 25 lakhs as compensation. Now, Sir, according to Government plan, one zamindar here may get something like one crore of rupees."

THE HON. SRI KALA VENKATA RAO:—"I would like to know the name of the zamindar who would get one crore of rupees as compensation."

SRI A. KALESWARA RAO:—"Probably the Zamindar of Vizianagram. That is what I gather. I think the Zamindar of Vizianagram will get one crore of rupees under this scheme. So

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also other zamindars will get sixty lakhs, fifty lakhs, forty lakhs and so on. According to my calculation, the Zamindar of Vizianagram will get about one crore because he is now getting about Rs. 40 lakhs as income and it depends upon the reduction of the income when we survey and settle the estate on the ryotwari rents. If it is forty lakhs as at present then one-fourth of it is ten lakhs. That multiplied by $12\frac{1}{2}$ times would give him more than a crore. This income may be reduced after survey and settlement is made but as it is, I am not miscalculating and I think I am quite right. Whatever it is, I do not want anybody should be paid more than 25 lakhs of rupees."

SRI R. V. SWAMINATHAN:—" May I know on what basis, the hon. Member has arrived at 25 lakhs? "

* SRI A. KALESWARA RAO:—" It is only a rough and ready calculation because we must take it somewhere and I want to take it at Rs. 25 lakhs. I once had a talk with my great Leader, Bapuji, who is dead. He said 25 lakhs would do. Therefore, Sir, why should we pay more? As we have to put the limit somewhere, I put it as 25 lakhs and there is nothing special about it. It is only a rough method. But, Sir, with regard to adjustments, people in the lower rungs who get less incomes, should be paid more and people who get more should be paid less. Therefore, Sir, I say, let 25 lakhs be the maximum. If the Hon. Minister accepts thirty lakhs, I have no objection. Mr. Speaker, I do not want to spend more time upon this. I know there is the party whip and naturally all my amendments will fall through and nothing will be accepted. But, I must express public opinion about it. Sir, the Provincial Congress Committee has said that the compensation is excessive. With regard to equity also, those who get higher incomes, should get lower scale of compensation and those who get lower incomes should get a higher scale."

SRI T. VISWANATHAM:—" May I suggest that we may take up clause by clause for discussion? "

MR. SPEAKER:—" For the purpose of voting, I have no objection to take item by item."

THE HON. SRI KALA VENKATA RAO:—" It is not at all necessary."

* SRI M. G. NATESA CHETTIYAR:—" Mr. Speaker, Sir, I second the amendment moved by my hon. Friend Mr. Kaleswara Rao, though I cannot second it on the rough and ready statement he has made on the floor of the House. But, so far as he has evolved a reasonable and radical method of payment of compensation to the smaller zamindars, I second his amendment. For instance, Sir, according to the Bill, the amounts that would be paid to the larger income classes of the zamindars are very unreasonable in view of what had been done for the lower basic incomes and I may state for the information of the House that in respect of people who get a basic income up to Rs. 1,000 there is

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absolutely no upper limit fixed in the Bill and what would be the compensation that would be paid to them would be merely on the calculation of the number of times mentioned in clause 36 (i). If a person gets a basic annual income of Rs. 1,100 he has to be paid 12-45 compensation under clause 36 (ii). He would get Rs. 2,500 more p.m. than what he would on the calculation of Rs. 1,100 by the multiple of 25 provided in the section. The reason is that there is the upper limit of Rs. 30,000. Again under clause 36 (iii) if a person just gets Rs. 100 more than Rs. 3,000 which is covered by clause 36 (ii) the amount of compensation received by him would be Rs. 13,000 more than what he would get if the amount were to be multiplied by 20 because the upper limit is Rs. 75,000. It works in the same manner in respect of a person coming under clause 36 (iv). If he gets Rs. 21,000 and if it is multiplied by $17\frac{1}{2}$ times that landholder would be getting Rs. 27,500 more than what he would be entitled to get if it is merely on the basis of the multiple provided there without reference to the upper limit of rupees 4,00,000. Let us take clause 36 (v); the difference between the upper limit and the amount arrived at by multiplying the basic sum by 15 times is Rs. 1,10,00 as the upper limit is Rs. 8,75,000. And yet this is a social legislation and it has been trotted out by the Hon. Minister that the measure is for maintaining social justice. In the same breath he says that the zamindars are officials and they are rent collectors and bigger the official the bigger is the amount that he wants to waste on their account from the public funds of this Province. I think, Sir, he has no reason to adopt this policy; it must be on the basis of the number derived by multiplying the basic sum by the multiple and he has no business to fix the upper limit. It is neither reasonable, nor radical nor legal to allow the finances of the Province to be depleted in that manner."

* THE HON. SRI KALA VENKATA RAO:—" My hon. friend must know that there is no upper limit placed in the clause. It is a misnomer and he is arguing on a thing which does not exist in the clause itself. He must read the words 'whichever is greater' and they are there for providing for marginal adjustments. He should study them very carefully before he comments on the clauses."

SRI M. G. NATESA CHETTIYAR:—" I agree, Sir, that the words used are 'whichever is greater'. But I want to know which is the greater: fifteen times Rs. 50,100 or Rs. 8,75,000. Certainly the latter as the other figure is only Rs. 7,51,500. As it stands he is bound to give such a landholder Rs. 8,75,000 while on the basis of basic sum multiplied by fifteen he would get only Rs. 7,51,000. He must get his Rs. 8,75,000 whether the sum multiplied is there or not, for the figure arrived at by multiplying the basic sum by the multiple provided in the section is lower. I ask, Sir, how he can distribute his prizes like that. I say, Sir, it is wrong. The graded scale must not be there. If he means to give proper compensation, it must be on the basis of the present

[Sri M. G. Natesa Chettiar] [18th October 1948]

rate of net income, which must be determined after the estate is taken over under Government management and after we have had some experience of management. It must be fixed like that and there is absolutely no reason for fixing sums far in excess of what would be arrived at by multiplying the basic sum by a particular figure. I can say without fear of contradiction that the upper limit fixed in the various clauses is wrong and if at all, it must be in respect of clause 36 (i) and nowhere else."

MUHAMMAD RAZA KHAN SAHIB:—"Mr. Speaker, I feel, Sir, that the way in which the compensation will be calculated is really not sound. If you go through the various sub-clauses it looks as if the Hon. Minister is very very charitable. What would be the impression if he says he is giving 25 times and also fixes an upper limit. But on what is it based—on the net income; the quantum of compensation is with reference to a figure which for all practical purposes is only 25 per cent of the present revenue. So that it will be seen that what is given by way of multiplying it by 25 times is just 6 times of what he used to get from the estate and if the Hon. Minister says he is giving thirty times as in sub-clause (i), it is only just $7\frac{1}{2}$ times the income the landholder used to get from his estate. To say that he would be prepared only to pay so much would have been much better instead of fixing the basic sum at 25 per cent of what it is at present and trying to show on the basis of the multiple adopted that he is so very generous because he is paying at the rate of 30, $17\frac{1}{2}$ and 15 times the basic sums. Of course it is true that even that is disputed by my esteemed Friend, Mr. Kaleswara Rao. As far as we on this side of the House are concerned, it does not matter if some of the bigger zamindars are affected. But so far as the smaller zamindars are concerned who may be getting Rs. 2,500 or thereabouts we should try to offer our suggestions and suggest to the Hon. Minister that we should be fair to them.

"There are so many estates where there will be a number of share-holders. I am glad the Hon. Minister has shown them some concession because he said that if there are four or five interests in an estate, it could be subdivided and their interests determined by way of registration. I am sorry the Hon. Minister was not at all clear but he was a little considerate to them and I think that it would be in the fitness of things that the Government issues a Press Communique as to how they should have their shares in the estates registered. If there is an estate having an annual income of Rs. 2,500, the share-holder would be getting 25 times. But my submission is that there may be four or five share-holders. If each individual's share is taken into account instead of the whole estate being treated as an entity, they would be entitled to something more as they would come in the slab for which the multiple is 30 and they would be getting something more. I think the Hon. Minister would make the position clear preferably by means of a Press Communique for the benefit of those who have to get themselves registered for their shares in estates.

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"This House is being asked to approve a Bill without knowing how much we have to pay to the zamindars or to the other interests. Repeatedly we have put the question to the Hon. Minister but the Hon. Minister refused to give an idea as to how much we have to pay. I really admire—I do not wish to use any harsh words with reference to him—the tenacity of the Hon. Minister; he said some time ago that it might be 10 or 12 crores of rupees or it might be less. But in the interview which he gave to *The Mail*, he said he did not know the amount of compensation involved."

THE HON. SRI KALA VENKATA RAO:—"I never gave an interview to *The Mail*. Even there it is said that I have not given it, I suggest to the hon. Member to read it again."

MUHAMMAD RAZA KHAN SAHIB:—"The report appeared in the Press and that is why I raised the question. Now that the Hon. Minister has contradicted, let me not bother about it now. I raised it because it had not been contradicted.

"It is wrong in principle to ask the House to approve of the principles of compensation without knowing the extent of our commitments; it is wrong in law. The right thing is for him to know how much money the Government has to pay if the zamindars are acquired. The financial aspect of the matter is very important and it is only on the financial aspect of the matter that the Central Government advised the Government to defer this piece of legislation. If the Government believe that the quantum of compensation is very small and that it is only in the region of 12 crores, the Government need not worry. In fairness to the House, the Hon. Minister must give the House an approximate figure of what the extent of our commitment in this regard is likely to be, the income we will get by acquiring them, their present income and what it will be when the Rent Reduction Act will be applied. Till that is given, it is unfair to ask the House to pass this clause. If the Hon. Minister's contention is that there must first be an all round reduction of rent to the ryotwari level, then I suggest that there will be no harm in deferring the Bill for a little while. It is unfair to ask us to pass the clause without knowing anything regarding the commitment we are up against, as to how much we can really pay as it is quite possible that we may have to pay more than the finances of the Province may warrant. I request clarification from the Minister on this and with regard to the registration of the various shareholders in an estate."

* SRI K. BHASHYAM:—"Mr. Speaker, I join hands with Mr. Raza Khan in saying that the House must have an idea of what the ultimate cost is going to be when you acquire the zamindars. Of course now and then, it has been said it may be ten or twelve crores of rupees or even more than that. There is also the fact that we do not know exactly what the position is and the Hon. Minister himself does not know and when he himself does not know he wants us to commit ourselves to this scheme of compensation.

[Sri K. Bhashyam] [18th October 1948]

I hope at any rate that the Hon. Minister will give the House an idea of what the ultimate cost is going to be so that it will guide us in the matter of voting on this section.

"So far as Mr. Kaleswara Rao's amendment is concerned, while I agree with him that higher compensation should be paid in respect of the lower incomes, I may not agree with him altogether in respect of landholders getting higher incomes. So that it would be better if the amendments are taken one by one as hon. Members may have an opportunity of expressing their opinion on such of them. So far as inam lands are concerned, the persons affected are very small landholders and they require a very sympathetic treatment. As a matter of fact, it has been found that in many cases the income which each person would be getting would be a few hundreds of rupees only. In such a case as that, to take away their lands and not pay adequate compensation, will be a great hardship. Therefore I agree with Mr. Kaleswara Rao that people with lower income should be given higher compensation and those with higher income should be left as they are. That is my position. And I repeat my request that the several amendments may be put to vote one by one and not all together."

* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, Sir, the criticism of Mr. Kaleswara Rao about the sliding scale of compensation introduced in the Bill is consistent with the position he has taken with reference to the whole Bill. But, Sir, as far as the Government are concerned, I have already stated, that we had to distinguish between an illusory compensation and a fair and equitable compensation. We have decided that the compensation should not be illusory and we want to save this Bill in any court of law. Therefore I stated that the idea is to give 12 crores as compensation to zamindars. I repeat again, that to give that amount of 12 crores, the present sliding scale in the Bill alone is necessary. The scale recommended by Mr. Kaleswara Rao will not yield that sum."

"Now, it is argued, that since we have agreed to give 12 crores as compensation, is it not just that the lower income zamindars should get a higher compensation, and those with a higher income should get a lesser compensation than is provided in the measure? That is a thing with which I agree. But even the Land Acquisition Act provides only $33\frac{1}{3}$ times as compensation. We are not adopting that in the present measure. We have prepared a scale on a rough and ready basis and for lower basic values it works out to 30 times; and that is the extent to which we can go. On the other hand there is the argument advanced by some, that small men and big men should be paid alike. That is not correct. We have given the maximum number of times that is possible for the Government to give. And that will yield 12 crores. It is true the Andhra Congress Committee has characterised this compensation as excessive. But there is a higher body, and that body suggested at least this much of compensation; and we have to be guided by that higher authority."

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"Then, regarding the maximum amount that should be paid to any zamindar, Mr. Kaleswara Rao wants it to be fixed at 25 lakhs. He himself argued that there are estates which will get 30 lakhs of rupees by way of present income. Sir, on this point, namely, fixing a top limit to compensation, there was a lot of discussion throughout India, and when such an amendment was moved in Bihar it had to be dropped eventually on account of saner advice from higher authority. Mr. Raza Khan spoke about the registration of shareholders in an estate. I have already stated about it, and I request him to read my speech. I cannot repeat what I said on each amendment. The other arguments, particularly those of Mr. Natesa Chettiar, are born of a misnomer and misunderstanding of the provisions of the Bill, and so, I need not answer them. In these circumstances I am unable to accept the amendments of hon. friend."

"Mr. Kaleswara Rao made a rough and ready calculation on the floor of the House and made a mistake in his calculations. He said, Vizianagram Estate gets 40 lakhs as rent; twelve and a half times that will be so much; but he has forgotten one point, and that is, the calculation should be made on the reduced rent, which will be one-fourth of the present rent. So his calculation made on the floor of the House is not correct. Therefore I am not prepared to accept the amendment."

* SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, with regard to the Vizianagram Estate, I know the present rates are not much higher than ryotwari rates. That is one estate which would have suffered very much if 1802 rates were introduced. But the rates prevailing there are reasonable and they have not risen much. So I calculated in my mind that after reducing the rates to ryotwari level, the rent would be something like 32 lakhs; one-fourth of that would be 8 lakhs; and twelve and a half times that would be 100 lakhs."

"Then, with regard to the total amount of compensation, we see in the Press that the United Provinces Committee has recommended 137 crores to twenty lakhs of zamindars. Here we have only three thousand zamindars and as many inamdars. So if we divide the twelve crores compensation by the number of zamindars among whom it should be distributed we will get the average amount that each zamindar will get. Therefore I do not agree with the Hon. Minister that we are paying more than other provinces. Anyhow, whatever it is, I want to be reasonable; I want to put in, according to our conception, a more equitable amendment. If the amount of compensation is twelve crores, why not distribute it in such a way that the major portion of landholders, who are small holders, gets a larger sum than the few higher income zamindars? In the interests of social justice and economic equality, which you are aiming at, we must reduce the income of big zamindars. Vizianagram gets one crore as compensation. Therefore what I say is perfectly Congresslike; it is socialistic; it

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is according to the principles of Congress under whose auspices we are going on with this Bill. What the Government propose in the measure is out of some fear which some lawyers have put in their mind by saying, 'When you go to Court, you will be defeated!' I submit if they proceed in such a hesitating way they will do harm to the Province. No doubt the zamindars had been rent collectors; when they are dispossed they will demand compensation; they will sue you under section 299 of the Government of India Act for proper compensation; they will demand market value or $33\frac{1}{3}$ per cent of their present income. But Government should be firm in their stand of giving a reasonable compensation; and my amendment proposes a reasonable compensation."

* SRI M. G. NATESA CHETTIYAR:—"Sir, may I know how my argument proceeds on a misnomer or misunderstanding of the clause 36 (ii)? The clause runs thus:—

'Where the basic annual sum exceeds Rs. 1,000 but does not exceed Rs. 3,000—25 times such sum or Rs. 30,000, whichever is greater.'"

MR. SPEAKER:—"I wish to know whether the hon. Member is making a second speech."

* SRI M. G. NATESA CHETTIYAR:—"No, Sir, I want only information. The Hon. Minister said I am arguing from a misunderstanding of the clause and from a misnomer. I would like to know how."

* THE HON. SRI KALA VENKATA RAO:—"Sir, with reference to the remarks of Mr. Natesa Chettiyar I would earnestly request him to come to my room and get things clarified; but if he is in a hurry, he might go to the lobby and my Secretary will explain to him the correct position."

"As regards Mr. Kaleswara Rao, I would tell him, the United Provinces published only a report, and we might wait and see how things will get shaped. As regards Vizianagram Estate, my information is that the total rent reduction will amount to 10 lakhs and the rent after reduction will be 22 lakhs. That is a substantial reduction. He was arguing that Vizianagram Raja will be made a capitalist. If anybody knows the commitment of that zamindar, he will know that he will be no more than an ordinary rich citizen in Madras if the whole of his commitments are met. And further, the socialism which Mr. Kaleswara Rao is now expounding, is very much now in the heart of the present Raja Sahib of Vizianagram; he has given away the biggest Mahal to the College and he has offered the whole fort to educational institutions. His present ideas are entirely and actually socialistic; and the Vizianagram Raja has joined Socialists already and far earlier than Mr. Kaleswara Rao. (Laughter.) So there is no danger of feeding capitalists at all."

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MUHAMMAD RAZA KHAN SAHIB:—"Sir, I request the Hon. Revenue Minister to clarify what he means in the communique issued, so that shareholders in the estate may take advantage of it."

SRI A. KALESWARA RAO:—"I do not mind which zamindar has become a socialist or communist. It is only a question of one's duty . . ."

MR. SPEAKER:—"Order, order."

* THE HON. SRI KALA VENKATA RAO:—"Anyhow he said, 'We are feeding capitalists'; I only told him the biggest capitalist in this class is already a socialist. As regards Mr. Raza Khan's request everyone in the country who reads newspapers would have read what I said before about registration of estates and any further communique will not be helpful."

The amendment was put and lost.

MR. SPEAKER:—"I wish to know whether the hon. Member wants to move the second alternative beginning with '(i) In sub-clause (i), for the figure "30", substitute the figure "35".'"

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SRI A. KALESWARA RAO:—"I do not want to move the amendment which proposes a new clause 36-A, because that relates to inams. But I want to move the amendment which proposes that the maximum amount of compensation shall not exceed twenty-five lakhs of rupees."

THE HON. SRI KALA VENKATA RAO:—"That has already been discussed and voted upon."

MR. SPEAKER:—"I wish to know whether the hon. Member wants to move the second alternative beginning with '(i) In sub-clause (i), for the figure "30", substitute the figure "35".'

"He has given notice of the same amendment twice and it is printed in the list twice. That is the difficulty. He cannot move the amendment."

SRI K. KOTI REDDI:—"Mr. Speaker, Sir, I move—

'Add the following proviso at the end of clause 36:—

"Provided that in the case of bona fide purchases for value, the minimum compensation payable shall be the purchase value including the stamp and registration fees, if any."

"I do not think it is necessary to make a long speech on this. It is only fair and just that those people who have purchased estates for market value should be paid at least that much amount when the Government acquire those estates. The compensation that the purchasers would get under this Act is based on the reduced income of the ryotwari system and not on the income that the estates actually fetch at the time they are to be acquired. There is some

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meaning in depriving people who have acquired property for which they paid nothing, as most of the zamindars and some inamdars are. During a long course of one hundred years, or even two or three centuries in the case of inams, a number of estates have passed into the hands of others. I do not think that those purchasers ever imagined that in the year 1948 a legislation of this sort would be introduced. When you buy a property, you naturally calculate the income that it fetches and the capitalised value of that income is generally the amount paid for purchasing the property. Many of the inam and zamindari estates were purchased in open auctions conducted by a court of law—auctions which were the result of decrees against zamindars for amounts borrowed by them and passed by a court of law. When that is the case, I don't think it is proper or just that the bona fide purchasers for value should be deprived of the amount they paid. It is possible that in many cases the value calculated on the present ryotwari basis may be more than the purchase value. There may be a number of such cases, and they are not affected. But there may be a few cases where the compensation fixed under this Act will be less than the value actually paid. For no fault of theirs, the purchasers ought not to be deprived of their dues. Therefore I think it is just and fair that at least the purchase value must be the minimum compensation that ought to be paid. For example, we have a well-known instance in Chittoor district. The Zamindar of Karvetnagar sold away most of his estate village by village in court auction and a number of people who are not zamindars had purchased them. To-day a number of these purchasers may not really get the value that they paid. With regard to interest, we shall take it that the income they must have derived all these years will go to make up the interest on the capital sunk in purchasing the estate. If an estate is given as gift, my amendment does not apply to it because it is not purchased for value. Only when an estate is purchased for actual value either in a court auction or otherwise without any idea of a legislation of this sort that the purchasers ought to be fully reimbursed and I don't think the Government will be wrong in doing so. After all, somebody has got to be benefited by this Act and those people who have purchased for actual value ought not to be deprived in this manner. A time may come—I wish it comes sooner than later—when the whole economic system of the country has to be changed, when the resources of the rich and the poor have to be pooled and redistributed on a sounder basis which the country thinks as reasonable. Till that time comes I think we ought to pay some regard for the rights of people who have acquired property for actual market value.

“ I do not know whether there will be a seconder for this amendment, as I have not made any arrangement. But I believe that Sri N. S. Varadachari, who has given notice of a similar amendment, will probably second it.”

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THE ZAMINDAR OF MIRZAPURAM:—“ Mr. Speaker, Sir, I have great pleasure in seconding the amendment moved by my hon. Friend. In seconding it, I should like to point out that there are several people who have purchased estates for valuable consideration relying entirely on the security of the property they have purchased. If the Government do not pay at least the purchase value, I think it will be most unfair and unjust. Several estates have been purchased in court auction or directly from the landholders for valuable consideration. I request the Hon. Revenue Minister to see that the purchasers get at least the value that they have actually paid. Otherwise it will be simply taking away property without paying adequate compensation.”

* SRI K. BHASHYAM:—“ Mr. Speaker, Sir, this is a very important amendment which proposes to do justice to people who have paid hard cash for purchasing estates which have been sold in court auction or by the Government themselves. In ordinary law, if a person, who is the real owner of a property, asks another man to be in possession of it and deal with it as if it is his own property, and in so dealing with it, the latter sells it to a stranger, the stranger gets a good title. That is what is called, ostensible ownership. Even assuming that the contention of the Government that the proprietors have no title to the land but are only agents for collecting revenue is correct, the Government have allowed the zamindars to deal with their estates as if they were the owners thereof. In many cases the Government themselves have confiscated lands from the zamindars and sold them in public auction and I think they are called Haveli lands. There are several cases like this in Salem also. The Government themselves have allowed the zamindars to be in possession of estates and treated them as if they themselves were the owners of the estates. The Government have been a party to all these proceedings and they cannot now say that the zamindars are not owners, that they have usurped some rights and that therefore they are not entitled to anything except some compensation. This is hardly reasonable and this cannot be sustained in a court of law.”

MR. SPEAKER:—“ The hon. Member can continue his speech after lunch.”

(After lunch—2-30 p.m.)

* SRI K. BHASHYAM:—“ Sir, before the lunch adjournment I was referring to the law on the subject as it is to-day. Supposing a person who is the owner of a property allows his agent to be in possession of his property collecting rents therefor and also allows him to act as if he is the owner of the property and acting on that representation a stranger purchases the property believing that he is the owner of the property, the law says, that it is not open to the original owner to say, ‘ you get out, he is only an agent and not the owner.’ That is the law and that is also commonsense. After all law is crystalized commonsense. Therefore, in such cases

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as this where Government themselves have acted as if the zamindars are owners of property and also in certain cases put up for sale zamindari lands for purposes of auction and made persons believe that the zamindars are the persons entitled to property as owners of such properties and on the strength of that representation supposing a person purchases the property either in court auction or auction by Government or by private persons, in all these cases Government now come forward and say, 'no, no, the person who was put in possession of the property and who acted as the owner was merely an agent for the collection of revenue and therefore the purchaser does not get anything except the agent's rights.' Is it correct, is it justice, is it equity or is it even commonsense? Therefore, Sir, so far as the persons who have really purchased such property and paid hard cash are concerned, I beg to submit that they purchased the property believing that they got it as their own, not because they believed it but because they were made to believe so by the Government in power at the time. Therefore, so far as these purchasers are concerned they are in a different position, absolutely different from that of the original zamindars who have been in possession of the property from the days of the Permanent Settlement.

"Sir, I have already referred to instances where the Government themselves have sold zamindari lands in auction. There are also cases where the Government have sold villages in various zamindaris for purposes of arrears of peshcash and purchasers there have been who have really purchased those properties on the basis that they were the owners of the properties entitled to collect rents in perpetuity. In such cases, are they to be driven out without any sort of compensation? Is it right or is it proper? I want to say, Sir, that this sort of compensation will affect the trust estates in this Presidency. One of the sections of the Trust Act says that investment in immovable property is very good and it is an investment authorized by law. As a matter of fact, a trustee is entitled to say, 'I shall invest on land because that is safe' and save himself from being charged for breach of trust. There have also been cases of purchases of trust properties or at least people have advanced monies on mortgages of immovable property on trust, because it is considered as safe investment. In respect of all these matters, there will be a good deal of difficulty and the Government should realize that there will be great injustice done to certain classes of people. It is really not just to affect these classes of purchasers. Purchasers may be given just the amount they have paid for such purchases and they do not ask for more. The reason why I say this is, that even paying at that rate, Government stand to gain a lot, because what they purchased years back is worth at least two, three or even four times to-day. So, why not Government pay that amount for the purpose of purchasing those lands? It is not as if the total amount will be raised by several lakhs. After all it may be only a few cases and the Government must consider and do justice to the purchasers of property.

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"Again, Sir, what is the effect of not coming to the help of these purchasers? It will only mean undermining the confidence of the people in the Government. Already banks feel that a lot of money has been deposited with them as people are afraid of putting money on the land, because they feel there is so much of uncertainty about tenure and what is going to happen hereafter. If people do not come forward to purchase land, what is going to happen to the movement for 'Grow More Food'? The movement will have to suffer horribly. After all, the lands are not going to be left in the hands of rich people but only in the hands of poor people who are not able to put money for improving the land for the general benefit. Therefore, considered from the larger point of view, from the narrower point of view and also from the point of view of equity, I submit the case of purchasers stands apart, and distinct from the other cases. By saying all these things, I do not say, you ought to go against any principle. The principle is that the zamindars are merely agents for collection of rents and even on that basis, I make this submission. If an agent is put in possession of a property and he arrogates to himself the ownership of the property and you really allow that to be done and encourage him in doing so without taking protection, in such a case as that, I think you have really allowed a fraud to be committed on these purchasers. From the moral point of view, the question of purchasers stands on a different footing and they should be treated differently and the purchase money should be paid to them in entirety."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, in speaking on this amendment, I have to draw the attention of the House only to one fact, namely, that in enacting any legislation we must stick to fundamentals of human justice. Sir, I have had occasion often to advert to this subject on the floor of this House, that not only we should make laws, but we should make laws which are real, laws which are based upon what Hindu law has always called Dharma and by Dharma is meant that by which the society holds together, that by which the world is held together, that by which human fellowship holds together."

MR. SPEAKER:—"The hon. Member has given notice of a similar amendment, but with some difference."

* SRI T. VISWANATHAM:—"I shall advert to that difference when I move it, Sir. I know the Speaker is much more vigilant than all of us put together here. I was saying, Sir, that law should be based upon that foundation which we call justice in the English language and Dharma in Sanskrit and in our other languages—that by which human society is held together and that a law which is not based upon it is really not a law although it may appear to be so. Simply because a Bill is moved on the floor of this House, it does not become law if it transgresses the fundamentals of human justice."

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What is the standard by which we say that a thing is just or unjust? A thing is just if it helps the progress of human fellowship smoothly and non-violently and a thing which gives jerks and jolts and makes sudden and violent changes affecting a good number of persons or groups of persons without any demonstrable advantage accruing to others is what we call injustice. That being the standard, I submit that human society and the jurisprudence of all countries have evolved certain principles which have become almost part of our heritage. Those principles have become part and parcel of the blood of nations. I submit that among those, the first principle is the respect we have to pay for private property. Sir, our legislation is based upon the assumption that we all respect the institution of private property. All that we have to do is to see that no man abuses his rights, no man abuses his right of private property to the extent of exploiting another individual or any other groups of individuals. It is only there that legislation fulfils its purpose—only when it takes care to see that the rights of private property are not used to exploit other individuals or other groups. These two things have been the bed-rock of human progress and legislation. That is why, whatever the system of jurisprudence we go to, we find always that private property is respected. Its corollary is that bona fide purchasers for value—that is the legal terminology which has been adopted all over the world and is well-understood—have always to be protected. These bona fide alienees as they are called in law, have to be protected. If you do not protect them to-day, it will not be possible for us to-morrow to protect similar bona fide alienees who may come into existence on the basis and on the faith of this very legislation.

It is a fact which no one should forget. Sir, some time ago the Madras Government purchased the Madras Electric Supply Corporation. What did they do for its valuation? They did not pass any statute; they did not pass an ordinance for devaluing it. They simply appointed an arbitrator and some valuation was arrived at by an expert and that valuation was agreed to both by the company and by the Madras Government and a cheque for one crore and 83 lakhs, I suppose, was passed. Sir, I submit, therefore, when you take away the properties of others, the criterion should be just and fair valuation of the property. Why did the Madras Government pay one crore and thirty-three lakhs to the Electric Company? It was because that company showed its assets, its machinery and its value. The Madras Government might have disputed about the cost to be paid, but in that particular case a gentleman was asked to value it and that valuation was taken as fixed—and it was not a valuation which was something imaginary. So also, when you take the landed property of certain persons why should any other method be adopted? We are soon going to introduce on the floor of this House a Bill for the adoption of a just and uniform system of weights and measures. These weights and measures are to be uniform in order that all our ordinary transactions relating to primary necessities of life might be just and complete and I submit, Sir, that the necessity to keep them uniform is based on the same

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principle, namely, the principle of justice, which must be applied to all our transactions, not only to rice or paddy, not only to oil or foodstuffs, not only to gold or silver, but also to land and its proper value, which the Government now seek to take away from these people. Let us for instance look into the *Port St. George Gazette* to-day. We see a number of notifications for the acquisition of land appearing in it day after day. Are we not seeing that the Government are trying to give the full value or such reasonable value as the Land Acquisition Officer is awarding for lands purchased or taken over by the Government? Are we not also seeing that persons who are aggrieved by the award of the Acquisition Officer are given the right by the Government to seek redress in a Court of law and settle their rights. Sir, I am referring to all these things because I want to prove that our whole system of society and jurisprudence are based on the principle of natural justice, which is otherwise known as Dharma, and that our justice is based upon the well-understood assumption, the uncontradicted assumption that we all respect private property. These are only corollaries to that principle, whether they come under this clause and another clause. The basis of all these discussions, the basis of all our legal assumptions and the basis of all the arguments advanced on one side or another is the same. Sir, this morning, the Hon. Minister for Revenue was saying that the compensation which the Government propose to give for all the zamindaries to be taken over by them should not be less than Rs. 121 crores, because the compensation that should be given should not become illusory. I am basing my arguments also upon the same argument and upon the same advice which he got for fixing the compensation at that amount and all these are based upon the same principle of justice and the recognition of the principle of rights to private property and the respect for the same to which I have been adverting all along. I submit, therefore, that it is only just and reasonable that in the case of estates which are going to be taken over by the Government from gentlemen who had purchased them for valuable consideration adequate compensation should be given to them. Sir, to-day this legislation affects people who are the owners of certain lands in zamindaries. To-morrow some legislation might crop up, affecting the rights of persons with regard to buildings and the next day certain other legislation might be brought in affecting certain other rights of persons to properties. As a matter of fact, we have already a Bill before us providing for the acquisition and requisition of buildings, used for educational purposes and certain other matters. When you take away such properties, you know that surely the owners of such properties should be given the value of the properties taken over. Are you not, in fact, following that principle in practice in many of your other transactions? Are you not saying that the compensation that is to be paid should not be illusory? I am only submitting that it is only justice and fair-play to say so and I am only asking you to translate the very same principle into practice in this case also. If the Hon. Minister for Revenue accepts this amendment,

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it will be proof positive that he is not merely putting forward his arguments in favour of justice, but that he is also translating his principles and promises into acts of justice.

"Sir, as my hon. Friend, Mr. Bhashyam, has said, some of these estates have been purchased by people for valuable consideration and they had not come for the mere asking. These people have invested their hard-earned money upon such lands. If I invest my money in an electrical undertaking, I must surely get my money when that undertaking is taken over from me. If I invest my money upon a railway undertaking, I must get my entire investment, if it is purchased by another man. Similarly, if I invest my money upon a piece of land, and if that investment has been approved and respected by law, by the Government and by so many public institutions, not for one day, not for one year, but for a number of years, then it stands to reason, Sir, that the Government should also respect it now, when that property is being taken away by them. It is on that principle that I support this amendment.

"Sir, it was said by some hon. Members that this provision is going to affect only a few persons and therefore why should this legislature come forward to oppose it. I submit, Sir, that this is a matter of natural justice and even if one man's interest is affected, the legislature should take note of it and should try to rectify it. The Government also should take note of it and avoid any injustice being done to him. Even if one hon. Member of this House stands up and says, 'Here I am a bona fide purchaser of a particular piece of land; it was purchased for such and such a value; my documents are here, please go through them,' we should not lightly brush aside his claim and say, 'Oh, this is only a personal matter; you cannot make a public cause of a private grievance.' Sir, this question is not like that. The rights to property are matters of public interest, whether the property belongs to one man or a few men, and the principle governing them is the same. If some wrong is done to-day, in respect of someone's rights to property, the same will be done to-morrow in respect of some other's rights to some other property. It is not the individual that is affected that is in question. It is the principle that is in question. Let no one therefore think that these things need not be considered, because they affect only a few individuals. Sir, the right to property, like the right to liberty is a sacred one and must be protected at all costs. Even if one man is affected, it ought to be taken into consideration and steps should be taken to prevent it. I am therefore pleading before this House, and before you, Sir, that if we do not take this principle into consideration and avoid committing mistakes, we will be paving a way for disaster; we will be paving a way for the ruin of society. I do not forebode that the ruin will come to-morrow, but very soon the whole structure of society which is built on rights to private property will collapse, if brick after brick is taken away in this manner. By one provision in this piece of legislation you are taking away one stone from the arch and by another piece of

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legislation which you are proposing to introduce shortly you are trying to take away another stone from the arch, and if this policy is pursued, I am sure the whole edifice will collapse and then it will be too late for you to rebuild the structure. (Interruption.)

"Mr. Speaker, this being an important subject, I would crave your indulgence to allow me some more time. Sir, it has been argued that if in the case of purchased estates full value should be given to the property taken over, are you not making a difference between one estate and another? This sort of argument was advanced at one stage of the debate by certain hon. Members. In reply to this, I would submit, Sir, that, in this very same clause, we are treating the estates differently. For instance in the case of estates where the basic annual sum exceeds Rs. 1,000 but does not exceed Rs. 3,000, we are giving 25 times that sum as compensation. But in the case of estates where the basic annual sum is higher, we are calculating the compensation by multiplying the annual basic sum a less number of times, and so, even in this very same section, we are treating different estates differently. Of course, this Bill provides for such differences. But that does not alter the main principle of the Bill. The essential principle of doing social justice to all estate-holders, whether big or small, is always kept in mind by the draftsmen of this Bill and that is why differences are provided for between estate and estate, so as to equalize their level. That is why the Hon. Minister for Revenue has thought it fit, whatever may be the mode of compensation, that the smaller-holders should get a little more compensation for their lands than what holders of bigger estates would get for their estates in proportion. I, therefore, submit that the argument that the Bill should not differentiate between estate and estate does not hold good and I appeal to the Hon. Minister for Revenue not to be led away by such arguments. Even so, Sir, I submit that in the case of purchased estates, the Government should make up their mind to give the full purchased amount so that justice might be done to those purchasers.

"Sir, at one stage of the debate, the Hon. Minister for Revenue has thought fit to bring the analogy of the purchase of stocks and shares with reference to the purchase of estates. I was rather surprised at such an analogy. Stocks and shares have got their own market value. The purchaser of these stocks and shares takes his chance on the market fluctuations. So also if you give these gentlemen the chance of the market value of the lands purchased, then there can be no objection. But that is not what you are doing here. You are first devaluating the lands yourselves under this Bill. That is the essential difference between the transactions in stocks and shares and the Government's taking over these estates. Did the Government bring in the stocks and shares argument when they paid the amount of Rs. 133 lakhs to the Madras Electric Supply Corporation when they took it over? It was wrong on the part of certain hon. Members to have brought in that kind of argument in this connexion, which the Hon. Minister for Revenue

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was good enough to pass on to us for what it is worth. He should not take in such arguments seriously and I am sure he does not believe in them himself. I know that my Hon. Friend Mr. Kala Venkata Rao is after all a very innocent man and when some such arguments had been placed before him by somebody, he has simply passed them on to us, whether he believed in them or not. Therefore, Sir, I submit that the analogy of stocks and shares does not hold good in the case of purchased estates, because there you are leaving them to the market fluctuations, while here you are throttling the value of the lands down by your executive action and then say 'this is the value, take it or leave it.' I submit, Sir, this is not a fair method of dealing with this matter.

"Sir, there is another provision in this Bill which has already been accepted that no compensation will be paid for buildings in these estates under certain circumstances."

MR. SPEAKER:—"That refers to office buildings."

* SRI T. VISWANATHAM:—"It may be office buildings, but in many cases both the office buildings and residential quarters are situated in one and the same building and complications might arise in such cases. Take, for instance, the residences of the Hon. Ministers of this Government. They are occupying the main building and holding their office in a portion of it. Some of the buildings are constructed in such a way that some portion of them are built for office purposes while the other portion is used for residential purposes. Therefore, I say that it is impossible for people to make distinction between buildings for office purposes and buildings for residential purposes. Even if there is a separate Secretariat, yet sometimes Ministers are obliged to hold office in their own houses."

MR. SPEAKER:—"We are on a different clause now."

* SRI T. VISWANATHAM:—"What I am submitting, Sir, is that there is already provision in this Bill that no compensation will be given to certain kinds of buildings which are called office buildings. So, with all these difficulties and with so many deductions, why are you going to take away the properties from a person who has put in his money as an investment on these lands? No Government in this country has ever thought it fit to prevent anybody from investing his money on land. Why was no prohibition made at any time by the previous Governments against this form of investment? Even in dealing with minors' properties, the courts have always held that it was a proper thing and that it was a wise thing to invest their moneys on the land. Several small estates have been purchased by these means and those estates were incorporated into bigger estates and then an Impartible Estates Act with the Schedule thereto, was passed by this very House. Therefore, I submit that the Government having done all these things, and the Legislature having made these laws and having made people understand that, bona fide purchasers will not be

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affected, and that they can rely upon the rents from these estates, which are protected by section 28 of the Estates Land Act, it really stands to reason that the money which they put upon the lands should also be protected and that full value should be paid when such lands are taken away from them now. I am, therefore, appealing to the sense of justice of the Hon. Minister for Revenue to recognize and appreciate the rights of people to such properties and pay them the rightful compensation that is due in respect of these lands. Here we come with Bills to be passed into legislation. Every time we come here we ought to see whether we are doing the right thing or the wrong thing, and whether it is a right thing by which society will make a smooth progress step by step in a non-violent way to which we are all pledged. If this principle is not accepted, if bona fide purchasers are not protected in their rights, I submit, Sir, that we are paving the way for some kind of ruin which, though not to-morrow, is sure to visit us day after to-morrow."

* SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, I rise to oppose the amendment moved by the hon. Member, Mr. Koti Reddi. In his amendment, Mr. Koti Reddi wants that the purchase value of the estates including stamp and registration fees should be paid as compensation. He is careful to include even stamp and registration fees. He is also careful not to mention market value. He only wants purchase value, and not market value. He has put purchase value purposely. This amendment is against the principle which has been accepted by the people of our Province. This Bill is being introduced in this House with a definite purpose. The compensation to be given is only on the basis of income. We are against giving any compensation at all. Of course, that has not been accepted. We are anyhow giving compensation now. The people of the Province feel that, if we are to give any compensation at all, it should be given on the basis of income. But Mr. Koti Reddi wants that compensation should be on the basis of the purchase value. I want to know how can this be reconciled. Mr. Viswanatham asked 'how can you take away the estates without giving the value which was paid by the purchasers; it is against justice.' I say, Sir, that many of these villages and estates have been purchased, sold, re-purchased and resold, only after this war. Because of the war, many people were scared away, and they paid enormous sums of money and purchased villages. I ask, Sir, when these people purchased these villages, did they give any thought to the principle which is being considered now in this House? The idea of abolishing the estates has been before the public from the year 1937. From the year 1937, it was declared here and elsewhere that these landholders were not the owners of estates but that they were only rent collectors. That was told by everybody, and that has been accepted by the majority of the people. When that is the case, how can these people go and purchase lands? Even under the ordinary law of the land if a person purchases lands from one who does not have

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ownership of those lands, the purchaser stands to lose. The seller will not say that he has sold properties over which he had no right. We say that these landholders have no right over their estates. Somehow, they are having them now, and we give them some compensation. That is the idea of compensation. Hon. Members have pleaded that market value or purchase value should be given as compensation. I want to ask Mr. Viswanatham or Mr. Bhashyam or Mr. Koti Reddi whether anywhere in this world compensation is given on the basis of purchase value or market value. This kind of Bill is not discussed only in this Province. In other Provinces also, the Zamindari Abolition Bill is being discussed. The compensation is based only on the income. In some countries in Europe, they have given no compensation at all. Where it has been given, it has been only a token compensation. But in no country in the world has purchase value been given as compensation."

SRI N. S. VARADACHARI:—"I rise on a point of order, Sir. It is highly improper to make statements which cannot really be substantiated. In every country in the world—I am not referring to other countries—at least I know of England, several undertakings have been recently taken over by Government and they have given compensation."

MR. SPEAKER:—"It is on a point of order, the hon. Member rose, but . . ."

SRI N. S. VARADACHARI:—"I wanted to explain the view, Sir, . . ."

MR. SPEAKER:—"I shall give the hon. Member an opportunity for that later."

* SRI R. V. SWAMINATHAN:—"I do not know whether the hon. Member can quote whether in England they have abolished the zamindari system or not. I am prepared to quote and even substantiate my point that in no country in the world has compensation been given on the basis of purchase value or market value. That is my point."

"The hon. Member Mr. Koti Reddi, stated that purchase value should be paid. During the war period, people, who made money in blackmarket, wanted to invest that money on lands. People who were scared away by the war also invested their money on lands. So the value of the lands became four times or five times more than what it was before. For instance, Sir, I may bring to the notice of the House that a village worth Rs. 50,000 has been purchased by one man for Rs. 2 lakhs. In those days, people had no value for money. Prices have now gone down, and people have come to realize the value of money. The prices of estates and inam villages have considerably gone down—lower than what they were in 1941. The hon. Member, Mr. Koti Reddi, was careful enough not to mention 'market value.' He knows well that, if he put

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'market value,' it will be lower than the purchase value. The purchase value was high then, but it has now gone down. It is not because we are going to abolish the estates, but due to other causes. Sir, if you take into consideration the custom in villages, you will see that at whatever price the land is sold—be it low price or high price or same price—the seller would not demand the registration and stamp fees. This is a novel idea. How careful these people are! They want to get as far as possible from the Government for the estate-holders. That is the idea behind the mover of this amendment."

"The hon. Member, Mr. Viswanatham, referred to 'Human justice', 'Dharma' and all that. Ever since this Bill has been introduced in this House Mr. Viswanatham and also Mr. Varadachari have mentioned human justice and Dharma. I ask, Sir, whether 'Human justice' and 'Dharma' are the monopoly of zamindars and inamdars? Do they not apply to the poor ryots also? (Interruption by Sri T. Viswanatham.) I am not yielding, Sir. (Sri T. Viswanatham: 'You do not reduce the rents of the ryots'.) Sir, if you look into all the amendments which have been defeated in this House, you will see that all of them were against the interests of the ryots. (Sri T. Viswanatham: 'No'.) When they want to apply this 'Human justice' and 'Dharma' to estate-holders, let them please apply them to the poor ryots also and have mercy on the zamin and inam ryots. With these words, Sir, I oppose the amendment."

SRI K. BHASHYAM:—"Sir, a challenge has been thrown by the hon. Member. He says that he calls upon Mr. Bhashyam to make a statement . . ."

SRI R. V. SWAMINATHAN:—"I never said that, Sir."

SRI K. BHASHYAM:—"You forget yourself and speak."

* THE HON. SRI KALA VENKATA RAO:—"Sir, here is a demand to give a different basis to compensation as provided for in the Bill. They want that in the case of estates which were purchased subsequent to 1802 compensation on a different basis should be paid and that that should be nothing less than the purchase price and that even the registration fees and contingent charges have to be given over to the zamindar who purchased these estates. I am sorry I am unable to accept this amendment. Hon. Members who spoke on this have spoken about fundamental rights and rights of private property and cited the example of the purchase of the Madras Electric Supply Corporation by the Government. This point has been dealt with when I introduced this Bill in this House. I am very sorry that I can say no more than what has already been said either in the general discussion or later. But I would like to say that if we want to accept the purchase price as the basis of compensation, it will mean surrendering the right of this House to fix compensation or the principles

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under which compensation has to be paid. If I go to the market and purchase an estate, I give a price which will be profitable when related to the estimate of the income I would get. There may be an estate for sale. I want to take it over simply because another gentleman who wants to purchase is my enemy and therefore will be prepared to offer something more than it would normally cost. That also becomes the purchase price, and if we allow that price to be the basis of compensation to be paid to the zamindar who purchased that estate, it will be something based on the whims and fancies of the gentleman who purchased that estate. In these circumstances, I am sorry that the purchase price can never be a fair basis for giving compensation.

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"Sir, I do not like to go into a controversy again over fundamental rights of property. I have already stated that this Government are not out to abolish private property as such, but that does not mean that property which comes under many categories can be deemed to be so sacred as to be unalterable both in time and space. Property acquires value according to the times in which we live. Properties have lost value in the past and also will lose value in the future. Our ancestors never thought that the property which they acquired would yield the present value. We ourselves did not get the value at the present level in the year 1934 when there was depression. Because there were war, high prices, and inflation in the country, some fancy values are being paid to-day. If the Government are asked to pay these prices, it will be most unjust. Sir, I claim that value and rights in property change with time and space. We should only see that we correctly evaluate such rights when we give compensation. After all, Sir, I have been saying from the very beginning that what we seek to pay is not the value either of the property or of the income. We are only giving a limited value to the property, and to the income of the zamindars because when that "property" was created for the particular person it was of a very limited nature, namely, the right to collect rent. If a person purchased an estate, he purchased not a property in the real sense of the term, but a property on which he has got the right to collect rent. Therefore, Sir, that right being limited historically and according to law, and also limited according to the decisions we have taken in this Bill, I am unable to accept the contentions of my hon. Friends that we should pay on the basis of the purchase price plus registration fee and other contingent expenses. I therefore very strongly oppose this amendment which goes against the fundamental conceptions of the Bill. We have not committed any fraud against law. Mr. Bhashyam stressed that point and according to him, there is a fraud. But I maintain that we have committed no fraud against law. What we have done is based on justice, equity and fairness. I strongly oppose this amendment."

* SRI K. KOTI REDDI:—"Mr. Speaker, Sir, I am afraid the Hon. the Revenue Minister has not been able to advance any

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arguments to meet the various considerations on which this amendment is based. I am not here now to say whether these estate-holders to-day are mere rent-collectors or owners of the property. What I have claimed in this amendment is only this. Knowing the state of law then existing and relying on the decisions of the Highest Courts of the land, and also a number of cases where eminent lawyers have given their opinions, and having made a study of the law with regard to these estates, I cannot really say how it goes against the fundamentals of law, if a person actually pays the value of that estate, according to the then existing law. It is a well-known maxim in law throughout the whole world, not only in the British Jurisprudence, but also in the Hindu, Roman, Dutch, and practically in every system of law. The whole world to-day pays the highest regard for bona fide purchases for value. If I use the words 'bona fide purchases for value', they have a definite meaning in law. If my hon. friend thinks that there is a fool in this world who goes into a public auction and bids for the property according to whims and fancies, at a price which is not really the market value, I do not think there are many such fools in the world. At any rate, I do not belong to that category. (Laughter.) Many have purchased properties on the understanding of the then existing law, the law laid down by High Court decisions, and of the opinions of various eminent lawyers. There have been cases where the property has passed through a number of hands, sometimes as large as 20 and even 50. There are a number of such instances, if only the Hon. Minister will go into the question. The point is this. Whatever may be the principle on which this legislation is based, in cases where people have really bought property not for a fancy value but for the market value, that market value is based on the then income—not on the spurious income that we are now taking as a basis—but on the actual income, that the proprietor or the owner or the bona fide purchaser of that property was getting at the moment of his purchase. If a man goes into the open market and bids a zamindari estate which was giving an income of Rs. 1,000, say, for Rs. 10,000, in a public auction, the question arises as to whether the purchase price is a spurious one, paid by the purchaser according to his whims and fancies. I submit, Sir, that it is not so, because investment in land was considered to be very useful and good and as Mr. Bhashyam Ayyangar pointed out the Trust Act lays down that the purchases of land are generally recognized as proper investments for properties. That is the state of affairs. And therefore to make an exception in cases of bona fide purchases, is only just and proper. All systems of law, all systems of jurisprudence, have really paid the highest regard for bona fide purchases for value. Therefore I cannot see how the Hon. Minister could think that this goes against the fundamentals of law. Some hon. friend has said that after the war, the value of the property has gone up very much, and now if you are going to pay the same purchase value, you will be paying a very large amount. But they forget it after the war,

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we have paid really a higher price in the shape of rupees to-day also, we pay for the actual value the rupee of similar value. A rupee before the war is worth about Rs. 5 or Rs. 6 now if the actual economic value is taken into account. What was valued at Rs. 1,000 has now to be valued at four times that amount. And if during 1939 I could purchase a property for Rs. 10,000, now I have got to pay at least Rs. 40,000 or Rs. 50,000 because really the economic value of the rupee is to-day only one-fourth or one-fifth of the value it had earlier. You are not paying that rupee with which the particular person purchased that property some years ago. For instance, let us take the income of this Provincial Government. It was only about Rs. 8 to Rs. 11 crores, but to-day it is about Rs. 50 crores. And after all we have not devised many new items of taxation. It only means that to-day the value of the property in the shape of rupees has gone up, but not the real value. What was worth Rs. 10,000 is now worth Rs. 50,000 in the shape of rupees.

"My hon. Friend, Mr. Swaminathan, made another point; now that the phrase 'value of the property' is going to be inserted, why not readily say 'market value'. If my hon. friend is going to accept this amendment, I am certainly going to accept the words 'market value', for I do not have any motive behind my wording. It is only just and fair to pay the man at the purchase value, and registration fees, etc., and some other contingent expenses. After all if the real value is to be given for the property, then he must be paid five times the purchase price, because the economic value of the rupee has gone down very much.

"I have got a number of instance to quote, if only the Hon. Minister will go into them. There have been a number of cases in my own district, and particularly in Chittoor district, many villages where estates have been bought by persons from Hyderabad, as well as from Madras. I do not want to advance other arguments which may not carry conviction. So far as I am concerned, I really thought that such an innocent amendment as this, is only just and fair, and should have been actually incorporated by the Government themselves. I thought that perhaps by some oversight, it has been omitted. Everywhere throughout the world such a provision is usually made. But if the Government are not prepared to accept this amendment, let them thank themselves. As I know the fate of this amendment, even if I press it for vote, I beg leave of the House to withdraw it."

The amendment was by leave of the House withdrawn.

* SRI T. VISWANATHAM:—"Mr. Speaker Sir, I move—

"That the following shall be added at the end of clause 36:—

"Provided that in cases of estates purchased after the coming into force of the Estates Land Act of 1908 and before 1937, the measure of compensation shall be the same as the price paid for it by the present holder."

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"Sir, the general principles have already been discussed, and I shall not advert to them, except to one or two statements which the Hon. Revenue Minister has made. It is said that a different measure cannot be accepted in the case of bona fide purchase. In the previous amendment, we were considering purchasers generally. Now I am confining myself to the purchasers of estates between the years 1908 and 1937. The significance of these dates is this. In 1908, the Estates Land Act was passed and in 1937, the Prakasam Committee was appointed by this Legislature. These are the two date limits. I chose 1908 for this reason. After the Permanent Settlement Regulation was passed, several uncertainties arose, with regard to the question whether the estate-holders had the right to increase the rents or not. Some Collectors held that they had a right, and some others, and the Board of Revenue particularly held very strongly that they had no right to enhance the rates. There was a state of uncertainty. And afterwards in the year 1865 the Rent Recovery Act was passed. There it was definitely held, in fact the Act was passed on the definite understanding that the estate-holders could not enhance the rents. But with regard to all uncultivated lands, all waste lands that were subsequently brought under cultivation, the land-holders could have their own contract rates of rent. There was therefore a sort of uncertainty with regard to these lands. This uncertainty did not stop here. It went on even into the High Courts, and later on, to the Privy Council also. The Government wanted to set at rest this uncertainty somewhere in 1888 by introducing legislation; but the Bill of 1888 did not come into the Statute-Book. A subsequent Bill was framed in 1898. The 1898 Bill was ultimately introduced in 1905 and it took three years to become an Act in 1908. Thus the uncertainty was removed only in 1908. This legislation contained one important section, namely, section 28. After 1906 the purchasers of the estates, the holders of estates, the courts which took these estates as securities in certain cases, the administrators and the official assignees—all of them had certainty and they knew that a certain amount was the income from the estate. They had only to look to the rent roll of the estate for guidance.

"The next date was 1937. Then the Legislature appointed a committee under the Chairmanship of Hon. Sri T. Prakasam and after the report naturally the value of the estates went into the melting pot. But between 1908 and 1937 there was absolutely no uncertainty at all in the matter and there was no idea of effecting any substantial reform affecting the value of these estates. I therefore submit that the purchasers of estates between 1908 and 1937 stand on an entirely different footing. Originally several of these estates were not estates whose neishkush was settled on the same basis as other estates. There were for example what were called Havalli estates. There were some of them in Vizagapatnam, some in Godavari, in Krishna in Salem and in Dindigul. In

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Chingleput the entire district was under the direct management of the Government in those days. In those cases the Government actually parcelled the lands into a number of estates and sold them in auction. In the advertisements for sale, in clauses 7 and 8, the purchasers were asked to go to the Collector's office and look into the deed of Permanent Settlement for the conditions of sale and particulars of property. The terms specifically stated that they were getting actual property. The Prakasam Committee came to the conclusion that these people had no right to the soil though it was a matter of contention as to what passed to the proprietors at the time of the Permanent Settlement. Some said that the proprietorship passed in its entirety and others said that it was not the case and that the interests of the tenant already on the land should not be prejudiced. The Government passed another regulation protecting the rights of the tenants already existing. With regard to the rest, the Permanent Settlement deed or the sanad stood good till to-day. Therefore the case of those who purchased the estates directly from the Government stands on even a much stronger footing. When the rents were settled and the relations between the landlords and the tenants were settled in the Act of 1908, several purchasers later came into existence who entered into the transaction on the faith of the legislation. Therefore it is but bare fairness to give them the money they invested on the land on the faith of the legislation, the declarations of the Government and the decisions of the courts not only in India but also by the Privy Council.

"Sir, I am dealing only with the compensation payable to the estate-holders and the issues as regards the relations between the estate-holders and the Government. It has nothing to do with the tenants. If you want to do justice to the tenants, go to the rents fixed in the Permanent Settlement of 1802. It is said that it would take a long time to do that and that we cannot go back to 1802. Why not? If it will take 6 years for the ryotwari settlement operations which you are proposing why not go back to 1802 rates? Let us not therefore mix up the case of the ryots. The Government are not helpful to the ryots. They are prepared to go to the ryotwari level but not to the 1802 level. The present issue is entirely between the estate-holders and the Government. After all the Government will be paying only from the property that is going into their hands for the benefit of the entire community. It is not merely the cultivated lands that you are taking. You are taking the entire estate. If the resources of the Vizianagram estate alone are properly exploited, in 3 or 4 years it will yield the 12 crores of rupees in addition to the usual revenue. The property that is going to the Government is something of extraordinary value. Only the Government are bargaining and want nibbling at things. Therefore, Sir, it is necessary that the purchasers of estates between 1908 and 1937 should be put on a different footing.

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"Sir, with regard to the last amendment, the Hon. the Revenue Minister said, 'I strongly oppose the amendment.' Whatever the strength of his opposition, the principle of justice is stronger and it will ultimately triumph."

* SRI M. G. NATESA CHETTIYAR:—"Sir, I second the amendment. It is not only when the estates were purchased, but when the estates reverted to the Government, they paid the actual market value for them. This very Madras Government paid such value in respect of the Havelli Estates purchased by them in Salem district. Therefore if the Government do not provide for the payment of that amount, they would be passing an expropriatory legislation. It will be a wrong legislation. It will be questioned and the objection will be automatically upheld. With a view to make this social legislation effective and in the interests of the ryots, the amendment must be accepted. I second the amendment."

* SRI N. S. VARADACHARI:—"Mr. Speaker, I wish to inform you that I am not moving the first part of my amendment No. 322 which seeks to add a new clause, clause 36-A. The case for the amendment before the House is substantially the same as that for the amendment suggested by me. I do not want to put it on the grounds of justice or dharma or any high-sounding phrase. It is no use talking of dharma to those who do not understand it. If one particular hon. Member had been here just now, I would have referred to him. But in his absence, it is wrong for me and it is in bad taste to refer to him. The Government should look at the matter as a proposition which is strictly limited to the case of certain estates which were bought between 1908 and 1937. The amendment of my hon. Friend, Mr. Viswanatham, refers to inam villages. In order to show the equity of the proposition, I would remind the Government that they have themselves been parties to the selling of these estates. I have a document in my possession which shows that the Government of Madras have sold the title to the land on receipt of Rs. 40,000. I have read the document more than once. It says that the inam village is given on the ryotwari tenure. I do not wish to emphasise this one case. There may be many such cases where these words may not have been used. Supposing the Government sold an estate before 1937 and not after 1937—when after the appointment of the Prakasam Committee, it might be justly said that people got a little fidgety and wanted to sell their estates, in order to escape the rigours of the law that might be passed—what is the position of those who bought those estates directly from Government, under the sacred seal of Government and trusting the words of Government? What will the Hon. Minister say to these? Are these stocks and shares? To say that would severely shake the credit of the Government. Nobody will hereafter trust the words of the Government and rely on the title deeds given by the Government after such auctions. The Government should at least consider the cases of villages sold by the Government themselves.

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even if they do not recognize private sales between parties. Will the Hon. Minister call these unfair transactions? Supposing I am the Government of Madras and after having sold a property in public auction for a stipulated sum I confer a title upon you and some 20 or 30 years later I turn round and say that the title deeds are scraps of paper and I tear them to pieces, what would you call it? I would not use the strong language used by Mr. Bhashyam and say that it is a fraud upon the law. I would ask the Hon. Minister to describe it himself. What language would he employ in describing that action. Is this a case of misfortune? Is it like an hon. Member of this House being unseated at an election? It is not like that. It is property that we are dealing with and not places of patronage. You must draw a line at this where Government have sold a property and realized the hard-earned money of the people. I know several pensioners have invested their commuted pensions in buying inam lands believing the word of Government. They bought them in court auctions. You can't call them unfair transactions. They are your servants who have put in long years of faithful service. They believed your words and purchased the property. Sir, the money paid for purchasing these estates between 1908 and 1937 is worth four times the money you are proposing to pay now as compensation. Sir, I would not have pressed for this amendment had it not had the approval of one whom I hold in high esteem and from whom I have had all my training in politics. I am not prepared to disclose his name. It is better to err with one wise man than be in the right with a hundred who are not so wise. He said: 'Whatever may be the consequences, move this amendment, speak on the floor of the House and put your case for it, and whatever may be the limitations, try to make it appear just, reasonable and equitable to Government.' What more reasonable case can I present, Sir, than that of a village bought long before the War? There was no black-market then. My friend spoke of black-market money; what does he know about black-market money? Black-market money has not been squandered on these tiny villages; it is flourishing in the shape of huge buildings erected, for which we ourselves have been responsible—several huge structures have been raised—by giving away iron and steel and cement in huge quantities. Again, black-market money has been thrown but perhaps on speculative ventures; you have done nothing for instance to prevent trading on futures. Speculation on stocks and shares, you allow it; you want it to go on and you have not raised your voice against it. I like it in one sense, because if a rich man wants to throw away his money on such things, I am not going to obstruct him by legislation. In this case, I ask, where is the black-market money? This money is hard-earned; it is perhaps the savings of a whole lifetime of service or the result of the sale of other property which he held in various places and their conversion into this property which merely for the sake of convenience and utility he had chosen to buy. And the money was paid when? Between the years 1907 and 1938; the Hon.

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Member has set the limit on 1938. After that, people might have become panicky you may say, but where was panic before then? People with the best of intentions and in good faith, put their monies into those; and are such purchases also to be treated on the same footing as the others? I do not of course plead for all purchases; let Government answer this: where Government have sold the property themselves and received money themselves, are they going to come forward now and say that they are going to pay one-fourth, one-fifth or one-sixth of the sum which they themselves have received? And all the time, you have taxed him, distinguishing him from the zamindar. I have already mentioned this, that in inams, the cesses are fully paid, because the Government hold, under law, that the inamdar was not entitled to the benefits which the zamindar was entitled to on the ground that he was a co-owner of property with the tenants. In the case of the inamdar, the Government said: you are not a co-owner, you are not an intermediary. There was at least one case, which I have already referred to on the floor of the House, of an order made by the Collector of Salem and authorized by the Board of Revenue, where he said that the full taxes should be paid. You have bled him white; you have taken the cesses in full from him from the year 1908 up to date; and yet, when I point out—not with the finger of scorn, not in high-sounding words of dharma and justice but only in the spirit of true compassion—that you yourself have sold out the estates, that you have taken the money from him and that you are now depriving him of the minimum he is entitled to, I find the Hon. Minister shaking his head. Sometimes a good case is spoiled by reference to registration fees or stamps and the like; sometimes a very handsome person may be ridiculed for wearing very dirty clothes; so here, the principle that is enunciated in the amendment of my hon. Friend, Mr. Koti Reddi, is sound; why should he add to it all these things? Is it not enough for you to get the horse? Should you also try to get the keys of the stable? It is not necessary; let us get at the horse. I say this is a horse and what you are going to give is an ass. Sir, I plead very strongly for the acceptance of this principle; at least let the Government put their mind into this matter; at least let them consider cases where Government have sold the property and wish to pay compensation to the same person who holds the property to-day without taking into consideration all the sufferings he has gone through or the depreciation in the value of money; let them consider it purely as a proposition of justice, equity and all that. Now, I use these words deliberately to the Hon. Revenue Minister. I say I stand firm here in this one matter on the ground of justice and equity; and I want the Government to recognize this principle and accept it, if not now, at least think over it for the third reading. No doubt the Minister may shake his head; he may not accept it; that does not however alter the character of justice or equity. I choose these words deliberately; you are committing a fraud, if not anything worse."

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MUHAMMAD RAZA KHAN SAHIB:—"Mr. Speaker, Sir, I want to say a few words on this amendment and if I am not flattering myself, I should say that where my hon. Friends, Messrs. Viswanatham and Varadachari have failed to influence the Minister, I am sure I am not going to succeed. The fact is there, and it is really a tragedy. If our Hon. Minister is open to conviction and if he is ready to be influenced by the points adduced either from that or this side of the House and more particularly from Members of his Party, there may be some point in stressing it; but here is a case where the Hon. Minister seems to have committed himself and the Government to one point of view and therefore he contends that whatever he says is right. You may speak on it for six days or six months, it is no use. Even if that were to be the attitude adopted by the Hon. Minister, we have to make our position clear all the same, because it is for the public after all to judge. (The Hon. Sri Kala Venkata Rao: 'You have said it for the hundredth time.') I shall say it once again, because if it is a question of doing justice to the parties concerned, a few more crores to the Government will not matter much. As my esteemed Friend, Mr. Viswanatham, put it, 'the Government themselves do not know how much property they are acquiring by this legislation. After all, the whole plea of the Government is that they have to pay some Rs. 12 crores or so. I will draw your attention, Sir, to what has appeared in one of our leading papers. The Hon. Revenue Minister is reported to have said—may be in an interview or a press statement I do not know—that the whole basis of the Zamindari Abolition Bill is the financial aspect. In this Bill, therefore, without going into the merits of the clauses, without having a proper enquiry made as to the rights which are being acquired, the Hon. Minister has come to the conclusion: 'well, I will be able to pay only Rs. 8 crores or Rs. 10 or Rs. 12 crores.' If that were the point of view of the Minister, I am afraid we cannot help him. If we are to act on the assumption that we may bring to his notice any injustice done by any of the clauses and he will be open to conviction and we can then convince him, it may of course be all right in one sense; but if the Minister says that whatever may be the relevancy of the arguments, whatever may be the merits or the justice of the law, he is not going to pay even a pie more than Rs. 12 crores, I am sorry we cannot help him. This matter no doubt has been discussed on a number of occasions; it is really a case where the zamindars have purchased the land in good faith, thinking they could spend their money on landed property, not as a business proposition, but as mere property. And in such a case, it is very unfair on our part to go and tell him; 'well, you will get only so much, if you care, you may take it; otherwise you get out.' My friend, Mr. Koti Reddi, mentioned the case of some zamindaris in the Chittoor district. Last week I was there and tried to get into the matter; I found that people have purchased zamindaris for lakhs of rupees and there are a number of

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them in that district. If you calculate the compensation on the basis of the present Bill, they won't be getting more than Rs. 30 or Rs. 40 thousands. After all, what is the crime these people have committed, I ask? The Hon. Minister says he has heard this argument a number of times from various sides of the House, but I may say we have also heard from him in season and out of season that this Bill is fair, that it is just and equitable. So far as words are concerned, it may be so, but if you really look into the Bill, we are sadly disappointed. The provisions are all sweet words no doubt, but the whole thing is just like a sugar-coated pill."

THE HON. SRI KALA VENKATA RAO:—"Whether sugar-coated or not, when it goes out, it will surely have flavour."

MUHAMMAD RAZA KHAN SAHIB:—"Our Revenue Minister seems to be a very bad doctor. But that apart, Sir, what really matters to these people is not sweet words or speeches from the Minister; they want to know how much they are going to get, whether it is right on the part of the Government to deprive them of their property for no fault of theirs, and whether they should be penalized like this. I submit, as was stressed by a number of speakers to-day and on previous occasions, it is very unfair that people who purchased land during this period should be treated differently from the other. Any amount of speeches would not convince the Hon. Minister; let him at least consider whether this is not a fit case on which he should change his attitude."

*** THE HON. SRI KALA VENKATA RAO:**—"Sir, most of the arguments have been repeated. This amendment is the same as the last one and except that it seeks to restrict the period to the years between 1908 and 1937, all the points have been discussed on previous amendments. I have already submitted my arguments and I need not repeat them now. Mr. Raza Khan is highly critical about my capacity to hear, judge or act. But that does not matter."

"Sir, the Bill is based on certain fundamentals; it cannot be altered in places and made awkward. I am very sorry I am unable to please the hon. Members who have supported the amendment. I do not see any reason why a distinction should be made between people who have inherited the estates, from father to son, from 1802 onwards and those who purchased the estates subsequently. Any such distinction is unnecessary and I am unable to accept the amendment."

*** SRI T. VISWANATHAM:**—"Mr. Speaker, Sir, the Hon. Revenue Minister has not added anything to what he said already and that is his way of dealing with questions like this. He wants to save time; but we want to save the reputation of this Assembly

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who really deserve the consideration of the Government and they should be given compensation for the improvements which they have effected. In a way, some justice will be done to them by accepting this amendment. I therefore support the amendment."

* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, Sir, for one thing, I can say that in improving the water sources, etc., the zamindars did nothing more than the duties cast upon them by the permanent settlement. If they had improved the water sources and other things, they have only done their duty and nothing more. Even for inamdars, they have their duties to perform and if they had improved the water sources and other things, it is only in keeping with the conditions of the grant and they have not done anything great. Therefore, that is the position. But, nonetheless, to meet the demand of my hon. Friends, I may tell them that the Settlement Officers will take into account all these matters. Because, when a third-class water source has been improved into a second-class source, the tharam rate will increase and the amount of rent that will be calculated will be more. Therefore, compensation will be more. Such improvements will naturally increase the rent and therefore, if there is at least any element of justice in that at all, it will be met with by the increased compensation according to the increased rate of rent."

* SRI N. S. VARADACHARI:—"Sir, I am thankful to the Hon. the Minister for saying that there is at least some element of justice in this. But, I would like him to have the matter examined once again and not merely leave it to the Settlement Officers but embody this principle in the rules, though not in the statute, and take into consideration the payment of additional compensation for improvements whose value can be assessed. I do not say the total capital cost of such improvements should be given. It may be that Government may not be able to go to that extent. But, I know of particular cases where certain lands will change over and thereby the ryotwari rent roll for them would become slightly increased. If a man spent about, say, Rs. 5,000 for some improvement—and I know in one estate, the landholder has spent more than Rs. 40,000 for sinking wells alone in his estate on his own account and has spent another Rs. 40,000 for other improvements—if such cases are allowed to slip out, then it would be really injustice. Therefore, I would request the Hon. the Revenue Minister to recognize this principle of justice and to incorporate it in the rules so that the Settlement Officers may take into account the compensation that is to be paid for such improvements and may carefully go through and find out what improvements have been effected and prescribe such compensation for them as they deem fit. I would rest satisfied if the Hon. Minister says that he would go into the matter further, and embody this element of principle at least in the rules. If he says that, I gladly withdraw the amendment."

The amendment was by leave of the House withdrawn.

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Clause 37.

* THE HON. SRI KALA VENKATA RAO:—"Sir, I have moved an amendment to this clause. We have only redrafted the clause in the light of the suggestion given by the hon. Member, Sri A. Kaleswara Rao in amendment No. 336, in order to make it more plain and clear. The amendment is as follows:—

'For sub-clauses (1) and (2), substitute the following:—

"(1) where an inam estate or part thereof was held immediately before the notified date by any religious, educational or charitable institution, the Government shall pay to the institution every year as a tasdik allowance—

(a) in the case of an entire inam estate, the basic annual sum;

(b) in the case of a part of an inam estate, such portion of the basic annual sum as may, on a calculation in the prescribed manner, be ascribed to this part.

(2) Where the tasdik allowance so payable is less than the difference between—

(a) the average net annual income derived by the institution from all sources in the estate or part as calculated in the prescribed manner during the five complete fash years immediately preceding the notified date or during that portion of those fash years in which the estate or part was held by the institution, and

(b) the income as calculated in the prescribed manner which the institution may be expected to receive from the lands in respect of which it is entitled to a ryotwari patta, the deficiency shall be made good to the institution by the Government every year."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, the principle of this Bill is that so far as religious, educational and charitable institutions are concerned, they should not be affected because those who made these endowments will turn in their graves and will be shocked to see a future generation in a way desecrating their institutions. Therefore, Sir, Godhood had dawned upon the Hon. the Revenue Minister and he has saved those religious, educational and charitable institutions. But, the original intention was that all inams should be dealt with in the same manner. We do not know what has actually happened afterwards. We have got this clause 37 in the Select Committee. When lakhs of persons with mouths to feed and with families dependent upon them are mercilessly thrown into the streets, these religious institutions which are found in large numbers and which are fed daily by a number of pilgrims are at the same time to be fed from the revenues of this Province, from the taxes paid by the general tax-payer. That is the proposition. Sir, I for myself am not able to understand this principle. To me, the God in the temple, the idol in the temple is not more reverential than the poor man

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who is thrown into the street, the poor man who has got his family dependent upon him, the poor man who has got his children to be educated, the poor man who has got to pay so many taxes when prices are soaring and soaring to the highest uncontrollable limit. I submit, Sir, if God resides in the stone temple, he equally resides in the hearts of these poor families, in the hearts of the poor and the down-trodden. But, when equally estimable objects of gifts are thrown away mercilessly under this Bill, I do not see any reason why these religious institutions should be fed and protected by the general tax-payer. Not that I am atheist. Hinduism is broad enough and Hinduism has got a place for several philosophies and I am one of those who believe and follow the tenets of Sankaracharya. I am loath to believe as an orthodox Hindu, as a Hindu who has some contact with our Hindu literature, that God only lives in temples and that He allows us to do all un-Godly things outside the temple. So, I submit that these religious institutions do not deserve any special help while at the same time Government deny help to 25 lakhs of inamdar families who are to be thrown out into the streets in a most merciless way. On principle, I object to the particular treatment provided for religious inams. With regard to educational inams, the Government have got an educational policy of their own and they must maintain all educational institutions instead of keeping some separately and spoon-feeding them; it would be much better if Government take them over and bring them into line with Government institutions. There is no special case why they should be differently treated nor should they be specially protected.

Regarding charitable institutions, we know how in several cases the trustees are behaving and it has almost become impossible for the beneficiaries to enjoy anything from a religious or charitable trust. If you really want to do justice to the intentions of the donor, the great people who made these endowments for charitable and religious and educational institutions, the obvious and the straight course for the Government would be to bring all these under the direct administration of the Government rather than protect them and keep them separate and spoon-feed them in this manner. Injustice, malpractice and misappropriation are being perpetrated in several of these institutions and have been subject-matters of comment on the floor of this House when the Hindu Religious Endowments Bill was under discussion. I do not accuse them and it is not necessary for me to go into all those things now. I only submit that it is much better to take these three kinds of institutions under the Government's direct administration and treat these inams also as the other inams. There is no special point why they should be treated differently. I submit that the object underlying section 37 is not a healthy one and it does not conduce to the good management of these charitable or religious institutions. It perpetuates the evil practices about which very often complaints have been made on the floor of the House and the provision defeats its own object and therefore, I oppose section 37."

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SRI A. KALESWARA RAO:—"The new amendment of the Government does not cover the whole thing. It may sometimes be a jagir or a mokhasa."

MR. SPEAKER:—"I think I had better ask Sri Bhashyam to move his amendment. I will first put his amendment and then the Government's amendment. It must be an amendment to the Government's amendment. If Sri Bhashyam's amendment is seconded and if it is accepted, all the other things go."

* SRI K. BHASHYAM:—"Mr. Speaker, this amendment is one which is very important to persons who believe in God, religion and charity. I think the previous speaker Mr. Tenneti Viswanatham has called in question the existence of these things or even charity in this world and it is because of that that I am anxious and I desire that my amendment should be accepted. What I want is this:—

Substitute the following for clause 37:—

"Where the estate is an inam village which was held immediately before the notified date, by any religious, educational or charitable institution, thirty times the basic annual sum shall be paid over to the trustee of the institution or to the Treasurer of the Charitable Endowments appointed under Act VI of 1890, in cases where the Provincial Government decide that payment to the trustee is inexpedient."

Why I say that this should be adopted instead of a tasdic allowance is that the trustee must have to wait for the Government to pay the tasdic allowance and it may not arrive in time; the festival may be in March and he would not get the allowance till April and therefore, I want that this tasdic allowance should be capitalized and the whole thing should be put into the hands of a trustee; he will have to keep it, invest it and find the necessary sums for expenses from time to time. But if the Government feel that it is dangerous to entrust them with huge sums of money, it can be placed in the hands of the Treasurer of Charitable Institutions who is a Government official and he will be able to pay the income therefrom from time to time to the trustees who are managing the various institutions. Why I ask for this is this: There are persons and perhaps their number is on the increase who will want these institutions to be abolished or altogether destroyed. To allay the apprehensions in the minds of people who really believe in all these institutions, safeguards must be made for the purpose of continuing all these institutions. Even on the floor of the House it has been said that God is not really hungry and it is the hungry person that ought to claim our attention in the first instance; and so God may go hungry. God may go hungry or not; but the irreverent things said about God by some members of the Assembly make one really apprehensive that something serious is happening and, therefore, there is good ground for placing

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the hon. Revenue Minister whether he deliberately omitted other types of estates, or whether there is room enough in the measure to bring zamindaris owning temples also with the ambit of this measure."

* SRI T. VISWANATHAM:—"Sir, on a point of personal explanation I wish to submit a few words. Both Mr. Bhashyam and Mr. N. S. Varadachari thought that I am an irreverent man, out to destroy temples. I may submit I am one with them in their anxiety to preserve temples, but I would do it in a different way. I want to put the educational and charitable institutions also, like temples, beyond the reach of Government; if I may say so. At the time I was saying this, perhaps due to some conversation between some friends over there, I was not properly understood. I want to see temples preserved as places of worship in quiet and peace; but not by this special treatment."

* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, Sir, with reference to Mr. Bhashyam's amendment, I am sorry, I am unable to accept it. (Laughter.) It is only after a lot of deliberation that we came to the conclusion that the payment of tasdik allowance is better than compensation. If we pay compensation, it will be fluid money and so it is likely to melt away. But if it is a tasdik allowance it will be a charge on the State and it will continue to be paid perpetually. So I am unable to accept Mr. Bhashyam's amendment."

"Regarding the other point, Mr. Viswanatham himself explained his position. I am one of those who believe that charitable institutions are social institutions. They are not mere stones that are enshrined in temples. Those stones look after the welfare of a very large number of people in and around them, and they are social institutions and they ought to be supported. Government should take charge of their management. I would refer hon. Members to the new draft of the Hindu Religious Endowments Bill, which will come up for consideration ere long. Then it will be proper time for providing for better management of temples and charitable institutions. I oppose the amendment."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, it is unfortunate that Government should have chosen not to accept my simple amendment. He spoke with a lot of sympathy and smothered these institutions with sympathy (laughter); but he did not show that sympathy in action. What we want is that these institutions should be out of bounds of any Government, the present or the future. Therefore it is I urge that instead of tasdik allowance, we want a capitalized sum to be paid to the temples and the like, the amount being put under proper trust. Who knows what the future Government's policy will be towards these institutions? For these reasons I press my amendment and I do not propose to withdraw it."

The amendment was put and lost.

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* SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, I move that for the words "*an inam estate or part thereof*" the words "*an estate or part thereof*" be substituted; because when we consider that some special treatment should be given to the religious and charitable and educational institutions, we do not mean that only when they have inams or inam estates that the special treatment should be given. It is not a matter of affecting the ryots. It is a question of paying compensation to popular public institutions. From what I hear, big temples like Tirupathi have acquired some zamindari villages out of the proceeds of their income. So it is possible that in many cases these institutions may not only possess inam villages but also under-tenure villages or zamindari villages or jagir villages. So it should not be understood that we should limit this special treatment only to inam estates held by these public institutions. I hope therefore Government will accept my amendment."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, I second the amendment. It is an act of omission by Government. They should have included the estate villages held by Tirupathi and other devasthanams under this clause. So I request Government at least now to accept this amendment."

* THE HON. SRI KALA VENKATA RAO:—"Sir, I am very sorry I am unable to accept this amendment also. (Laughter.) My love and devotion to God Venkateswar should not blind me to my duty to the State. I am informed that this estate has been a loss to the temple, and has been a burden upon the temple rather than an income-giving one. To-day by giving compensation we will create an asset which will yield additional income. Apart from this difficulty, endowments by zamindars to temples come under a different category. The proper place to control them is Hindu Religious Endowment Amending Bill. Sir, I am unable to accept the amendment."

* SRI A. KALESWARA RAO:—"Sir, I am surprised at the stubbornness of the Government. They are not prepared to accept an important and necessary amendment like this, and a simple one too. What we want to do is that in the case of religious institutions, the temples should get a special benefit in addition to compensation. When you agree to pay that in the case of inams, why not extend that benefit to zamin villages endowed to temples? I am sorry the Hon. Revenue Minister is unable to accept this amendment."

* THE HON. SRI KALA VENKATA RAO:—"Sir, I have nothing more to add to what I have already said."

The amendment was put and lost.

The amendment of Hon. Sri Kala Venkata Rao was put and carried.

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Clause 37, sub-clause (3).

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p.m.

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

(i) Omit the first paragraph.

(ii) In the first proviso delete the words " Provided that ".

(iii) In the second proviso delete the words " further ".

After this amendment is incorporated, the sub-clause will read as follows:—

(3) All amounts which accrued due to the institution during the period referred to in sub-section (2) clause (a), shall be taken into account, whether the amounts were actually collected or not:

Provided that the value in money of anything deliverable in kind to the institution at any time during the period aforesaid shall, where any price has been fixed by the Government for the sale of such thing at such time in the area concerned, be calculated at such price.' "

MR. SPEAKER:—" If this amendment is accepted, hon. Sri K. Bhashyam cannot move his amendment."

* SRI K. BHASHYAM:—" I oppose the Government amendment. The amendment makes the whole section somewhat difficult to follow. It does not make the section altogether nonsense, but it certainly makes it difficult to follow. In the clause as it stands, the average net annual income shall be determined by such authority and subject to such appeal as may be prescribed. The Government are right in prescribing some authority to determine the income. The amendment moved extinguishes that authority. As amended, the clause reads ' all amounts which accrued due to the institutions during the period referred to in sub-section (2), clause (a), shall be taken into account, whether the amounts were actually collected or not.' Who is the authority to determine the amounts? I shall be glad if the Government do not want any authority but leave the matter to the ordinary civil courts. But if they mean to take power for prescribing an authority by making a provision somewhere else, I object to it. There must be some one to deal with this matter. Therefore, I think the Government are not really well-advised in omitting the first paragraph."

* THE HON. SRI KALA VENKATA RAO:—" I think I can satisfy the hon. Member if I invite his attention to the sub-clauses (1) and (2) as amended. In these sub-clauses there is reference to the ' prescribed manner ' and in the manner that will be prescribed there will be provision for appeal, etc. What Mr. Bhashyam wants is already there."

* SRI K. BHASHYAM:—" Even then, I should like the Government to specify the authority in the Act itself and not leave it to be prescribed by the rules."

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THE HON. SRI KALA VENKATA RAO:—" The argument of Mr. Bhashyam has been met by the wording of the portions to which I have drawn his attention. Prescribed manner means the manner as prescribed in the Rules framed by the Government and those Rules will be published for criticism and approval and will contain what he wants."

The amendment was put and carried.

Clause 37, sub-clause (5).

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

' In clause 37, sub-clause (5), for the word " village ", substitute " village or part ".'

" This is only consequential."

The amendment was put and carried.

MR. SPEAKER:—" I am going to put Clause 37 as amended to the vote of the House."

* SRI K. BHASHYAM:—" Sir, we gave notice of amendments to the sections as they were prior to the Government amendment. In the section as it originally stood, there was provision for prescribing an authority and also for appeal against his decision so that the institutions affected may have the satisfaction of going up to some other authority for the purpose of getting any serious defects rectified. The Government say that they will prescribe all these things. Unless the Government say that they will prescribe in the rules not only the authority but also the tribunal or person to whom an appeal will lie, I will not be satisfied because that only means that the Government have retracted from the position they originally took up. Originally they saw the need for appointing an authority and for providing for an appeal. Why should they now retract and say that these will be in the prescribed manner? I should like the Hon. Revenue Minister to say on the floor of this House whether the Government propose to prescribe the authority and also provide for an appeal against his order so that the persons affected by it may have the satisfaction of their rights being determined properly."

* SRI N. S. VARADACHARI:—" Mr. Speaker, Sir, I want to say just a word with reference to what the Hon. Minister has said in regard to the suggestion that the clause should include not only the inams but all estates. The Hon. Revenue Minister said that in respect of the Tirupathi Devasthanam he was conferring a blessing. He said that the estate was a burden and that he was relieving the devasthanam of that burden. Well and good. Even if Clause 37 had been worded in the manner in which I wanted it to be, the temple would have been relieved of the estate. It is very easy to confuse and make it appear that the estate would still be there. Even if my amendment had been

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accepted, the temple will get only the income that it is now getting from the estate so that its affairs may be properly managed. The estate would be thoroughly dismembered and handed over to the various pattadars like the other estates in general. So really there is no point in saying that he is conferring a blessing on the Tirupathi Devasthanam. In fact I think he is discriminating against the devasthanam, discriminating not for good reasons but for very unsound arguments. Tirupathi Devasthanam did not purchase the estate of their own accord. They were asked to make investments in a particular manner by the Government and if not the Government by the Hindu Religious Endowments Board or whichever be the authority that was then in existence. When they have purchased estates under Government direction, when the accounts have been audited and the whole transaction has been honoured and ratified by Government, to come forward now and say that we shall not include the estates of the temples but that we will include only the particular inams mentioned seems to me to be very strange.

"Further, the Rent Reduction Act makes no mention about income from inams. It makes mention of incomes derived by temples. From the time I took up this point, I had in my mind not only the minor temples throughout the Province but also the major temples which were made to acquire estates on the advice of Government. It looks very strange that the same Government—of course Government must be regarded as one and continuous though their policy may change from time to time—which ratified the court auctions and sales and made the investment of temple funds perfectly legal should now come forward and say: 'We never thought like that. It was a deliberate omission.' I should like the temple estates to be omitted from the purview of this legislation. I do not wish to say anything more."

* THE HON. SRI KALA VENKATA RAO:—"When we say that we will prescribe, it means that we will prescribe not only the authority but also the procedure for appeal, etc. Even under the existing draft of the clause, it is only by prescription that an appeal will lie. In the rules to be framed under the clause as re-drafted also, the same thing will be followed. In sub-clauses (1) and (2) it is said that the manner will be prescribed and there is no need for making mention of it again in this sub-clause. Therefore, Mr. Bhashyam need not labour under the misapprehension that we will not provide for appeal or that we will take away something that has already been conceded."

"With regard to Mr. Varadachari's point, the Tirupathi Devasthanam estates are not endowments. Their purchase was a transaction in the market and whether it be a religious institution or a private individual, it or he will have to face the consequences of such a transaction."

Clause 37 as amended was put and carried.

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VI.—BUSINESS OF THE HOUSE.

M. S. ABDUL MAJID SAHIB BAHADUR:—"Sir, I hear that the House is going to be adjourned on the 22nd of this month to enable the Ministers and the Members of the Congress Party to work for the Congress Presidential Election. May I know whether that is true and may I also know the programme of this House?"

THE HON. SRI KALA VENKATA RAO:—"There will be no adjournment as such. The House may enjoy a holiday either on the 23rd or on the 25th. But even that is not yet decided. Even if we take part in the voting for the Congress Presidential Election on the 24th, we can resume on the 25th or 26th and carry on. Therefore, there will be no adjournment till we finish the passing of the Zamindari Bill."

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

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

Notification issued with G.O. Ms. No. 2642, Home, dated 12th July 1948, making amendments to the Madras Motor Vehicles Rules, 1940, published with Home Department Notification No. 357, dated the 29th March 1940, as subsequently amended.

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, the 19th October 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.

Numbering of houses of Harijans for the preparation of electoral rolls.

* 399 Q.—SRI V. I. MUNISWAMI PILLAY: Will the Hon. the Minister for Finance be pleased to state with reference to the preparation of new electoral rolls on the basis of adult suffrage as per articles 67 and 149 of the draft constitution—

(a) what kind of permanent scheme of numbering of houses throughout the Province is contemplated; and

(b) in the case of poor people and Harijans, whose habitations are mere huts, how the Government propose to number them?

THE HON. SRI B. GOPALA REDDI:—“A statement* is laid on the table of the House.”

SRI V. I. MUNISWAMI PILLAY:—“With reference to huts, may I know whether the proposed scheme of numbering has been adopted in all the hamlets known as ‘cheris’?”

THE HON. SRI B. GOPALA REDDI:—“In certain districts we have received reports that even huts are also enumerated.”

SRI V. I. MUNISWAMI PILLAY:—“In the City unauthorized huts having been demolished, the numbering place having disappeared, how were the occupants living on pials and pavements enumerated?”

THE HON. SRI B. GOPALA REDDI:—“People living on pials are not enumerated. People living in huts alone were enumerated.”

SRI V. I. MUNISWAMI PILLAY:—“Section 47 says that the adults over 21 years will be registered as voters and what is the necessity for insisting on residential qualification?”

THE HON. SRI B. GOPALA REDDI:—“It also contemplates residential qualification. Unless a man has a residential qualification, I do not think we can take him as a voter.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I know, Sir, if the residential qualification of 180 days is in the City or in a particular place and is it necessary that a person must be in possession of a house?”

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THE HON. SRI B. GOPALA REDDI:—"Not the possession of a house. He must be living in some hut at least and not on the top of a tree."

SRI P. NATESAN:—"How it is possible for a man who lives on a pavement to have residential qualification of a house although he might have lived in the City for 180 days."

THE HON. SRI B. GOPALA REDDI:—"I think that such people are enumerated."

SRI R. V. SWAMINATHAN:—"Is it not a fact that most of the huts in the villages have been left out in the absence of clear instructions and may I ask, Sir, what the Government propose to do to number these huts?"

THE HON. SRI B. GOPALA REDDI:—"All possible directions were given to enumerate all the heads in the City as well as in the mufassal and if any are left out it is open to them to apply before the 23rd of this month."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Do I understand the Hon. Leader of the House to state that the Government are extending the time which has now been fixed as the 23rd?"

THE HON. SRI B. GOPALA REDDI:—"It is under contemplation. We shall see what happens on the 23rd and decide later."

SRI P. NATESAN:—"Arising out of the answer, am I to understand that people who have no residence but are adults over 21 years of age and who have been residing in the City of Madras as rickshaw-pullers and cart-pullers, have to go without being registered?"

THE HON. SRI B. GOPALA REDDI:—"They must be found in certain place or ward or certain street so that they may be identified. Otherwise, if they are nomadic people it is difficult to include them."

BEGUM SULTAN MIR AMIRUDDIN:—"Is it the intention of the Government that about one lakh of homeless people in the City should go without vote because of their poverty and for no fault of their own?"

THE HON. SRI B. GOPALA REDDI:—"Possibly they belong to the villages and they can go back to their villages."

MUHAMMAD RAZA KHAN SAHIB:—"Arising out of the answer of the Leader of the House that the matter of extending the time is under contemplation, is the Hon. Leader of the House aware of the complaints that have been received from the public and in the Press that a number of streets and parks of colonies have been left out completely and will the Government take this also under consideration?"

THE HON. SRI B. GOPALA REDDI:—"It is quite possible that there were certain irregularities because it has to be

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taken into consideration that nearly three crores of people had to be brought under the electoral roll and there might have been also some omissions. On the whole it is quite satisfactory from the reports received from various districts that the thing has gone on very well."

M. S. ABDUL MAJID SAHIB BAHADUR:—"May I know whether beggars residing in Beggar Homes in this Province have been enumerated?"

THE HON. SRI B. GOPALA REDDI:—"They are entitled to be enumerated."

P. P. HASSAN KOYA SAHIB BAHADUR:—"Is it a fact that the enumeration in Malabar has not been satisfactory and that only 25 per cent have been enumerated and will the Government take steps to give more time to allow people to get into the list?"

THE HON. SRI B. GOPALA REDDI:—"I do not think it is true that only 25 per cent of the people in Malabar have been brought on the rolls. I shall take steps at any rate to see what should be done."

SRI V. M. RAMASWAMI MUDALIYAR:—"In view of the strength of opinion with regard to what amounts to residential qualification of 180 days, may I know whether the Government will take legal opinion as to whether the houseless people even though they have other qualifications could be enfranchised?"

THE HON. SRI B. GOPALA REDDI:—"These people must be identifiable, Sir, and they must be put into some street or block. Merely to put them on the electoral roll without being able to fix the person is not proper."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"With regard to the residential qualification, Sir, is it with reference to a particular street or a particular house or does it mean that it will do if a man has proved categorically that he lived in the country or in the Province 180 days and whether legal opinion will be taken on the point?"

THE HON. SRI B. GOPALA REDDI:—"He must give some residence; whether it is his relations or rented house. I do not know if living on pials can be called residence. He must give the residence and state where he is residing."

SRI GUNTUR NARASIMHA RAO:—"In the case of rickshaw-pullers and other labourers having residence in one place, the enumerators refused to enrol them, will the Government see that they are enrolled because 45 of them reside in one place and also jointly cook? In the case of Madras City such of these persons living there have been refused to be enumerated. So, will the Government issue instructions to the Special Deputy Collector to see that these people are enumerated?"

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THE HON. SRI B. GOPALA REDDI:—"I do not know why they were refused when they were living in a hostel like that. I do not know whether they were really refused. Certainly I will look into the fact."

SRI S. NAGAPPA:—"In view of the fact that most of the shop assistants could not be enumerated as they were not allowed any holidays, will the Government direct the Enumerating department to work on Sundays so that those shop assistants can enrol themselves as voters?"

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

SRI K. T. KOSALRAM:—"May I know from the Leader of the House whether the Government are aware that 60 per cent of the voters have been left out in villages in the Tinnevely district, and if so, what steps will the Government take to see that they are enrolled?"

THE HON. SRI B. GOPALA REDDI:—"Fifty per cent of the population is fairly a good proportion because the Indian mortality is very low. Doctors are of the opinion that 50 per cent is quite reasonable." (Laughter.)

SRI V. I. MUNISWAMI PILLAY:—"Arising out of the answer that reports have been received from the districts, may I know whether the Government are satisfied with the percentage of people enrolled?"

THE HON. SRI B. GOPALA REDDI:—"We are not only satisfied but we think it has gone much beyond our expectations."

SRI R. V. SWAMINATHAN:—"With reference to the supplementary question, I want to put a very important question."

MR. SPEAKER:—"Does it mean that the other questions are unimportant?"

SRI R. V. SWAMINATHAN:—"This is a very important one."

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

SRI R. V. SWAMINATHAN:—"In view of the fact that people in Ramnad numbering about two lakhs have left for Tanjore on account of the prevailing famine conditions in the district and they are unable to put signatures in the list, may I know how these two lakhs can be enrolled in this district as they have left the district?"

THE HON. SRI B. GOPALA REDDI:—"Just now, I am unable to answer that question. It seems to me a very difficult proposition. If they have left *en masse* Ramnad to Tanjore it is very difficult to enumerate them."

DR. S. SUBRAHMANYA AYYAR:—"Do the Government know that more women have gone into rolls than men?"

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MR. SPEAKER:—"The hon. Member has given information."

THE HON. SRI B. GOPALA REDDI:—"Not only that. In Madras women are more than men."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"In view of the fact that the rules do not insist on property qualification but only insist on residential qualification, will the Government see that all those people who have resided in this province are enumerated and included in the electoral rolls and will the Government also advise their officers to see that all people above 21 years who have lived in the province not less than 180 days are put on the electoral rolls?"

THE HON. SRI B. GOPALA REDDI:—"It is not a question of property qualification at all. Even people living in small huts are eligible to be enumerated. If they are merely residents of Madras Presidency I do not know in which constituency and in which ward and in which street they must be included. Unless we know where they have stayed for 180 days they cannot be enumerated."

SRI P. NATESAN:—"May I know whether the Government have any statistics of the number of people who are houseless and yet pay some sort of tax?"

THE HON. SRI B. GOPALA REDDI:—"Sales tax, you mean."

SRI P. NATESAN:—"A rickshaw man pays the Corporation tax and stays for 180 days. Is it fair that his name is not included?"

THE HON. SRI B. GOPALA REDDI:—"He must be residing somewhere. If that is shown, his name will be included."

SRI P. NATESAN:—"When the Government is in a position to collect tax from him, it does not mean that it is not in a position to know the residence."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Is it fair, 11.15 Sir, that when even beggars are enumerated and included in the p.m. electoral rolls, people who are living on pavements and are earning their livelihood within the City are left out of the electoral rolls?"

THE HON. SRI B. GOPALA REDDI:—"It is not a question of the beggar being enumerated or the prince being enumerated but anybody who is living in a particular locality will be enumerated."

P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"Are the Government aware that a number of Gosha women in places like Malabar have been left out of enumeration because there was no special arrangement to enumerate them, and if so, whether the Government will be pleased to make special arrangements by employing women enumerators to enlist them now?"

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THE HON. SRI B. GOPALA REDDI:—"In most of the places and especially in municipalities we did employ women enumerators for the purpose and even in the City also, similar arrangements were made to enumerate women voters, but I do not know whether the Gosha women in Malabar were particularly left out and I have no data at present with me to find it out, Sir."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"May I know, Sir, under what disability the Mayor of the City of Madras was not enumerated?"

THE HON. SRI B. GOPALA REDDI:—"Perhaps he was not found in his residence that day, when the enumerators came, Sir."

K. M. SEETHI SAHIB BAHADUR:—"May I know whether the Government insist on personal presentation of the enumeration forms by persons who have been omitted in the first enumeration, before the village officers or Commissioners, and if so, whether they would not realize the great inconvenience and hardship caused to Gosha ladies in the matter of going to such village officers or Commissioners to present their applications in person, and whether they are devising any means by which such hardships and inconveniences might be avoided?"

THE HON. SRI B. GOPALA REDDI:—"The only alternative in that case will be that they can be presented by some relations of theirs, in which case there will be a lot of bogus applications also, coming in, and it will be very difficult to include them in the electoral rolls. So we have to make sure that all applications are genuine and we shall consider what can be done in the matter, Sir."

M. S. ABDUL MAJID SAHIB BAHADUR:—"May I know whether the Hon. Ministers of the Government have been enumerated?"

THE HON. SRI B. GOPALA REDDI:—"I do not know whether all of them have been enumerated or not, but I have not been enumerated, Sir."

MUHAMMAD RAZA KHAN SAHIB:—"Does the Hon. Leader of the House know that reports have appeared in the Press that people did wait in their houses on the 8th and 9th for enumeration, but that the enumerators did not turn up to their houses for purposes of enumeration?"

THE HON. SRI B. GOPALA REDDI:—"It is quite possible that some houses might have been left out, Sir."

SRI D. V. RAMASWAMI:—"In view of the fact that more than 50 per cent of the adult population in the Vizagapatam municipality have not been enumerated, including myself and the Chairman of that municipality, may I request the Government to consider the desirability of allotting two nights as during census

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and arranging for a fresh enumeration so that all persons who have not been included might make themselves available for being enumerated and that there may be no more complaints in the matter?"

THE HON. SRI B. GOPALA REDDI:—"Sir, the Government are giving some further facilities for people to get themselves enumerated and people who have been left out can take advantage of those facilities."

SRI K. LINGA RAJU:—"In view of the general complaint that has been made about enumeration, will the Government consider the desirability of declaring two more holidays and do the whole thing again?"

THE HON. SRI B. GOPALA REDDI:—"No Sir, further declaration of holidays is not desirable."

SRI G. RAJAMANNAR CHETTY:—"Is the Hon. Minister aware of the fact that some of the Hon. Ministers, some of the Members of this Assembly residing in the City of Madras and some of the Councillors of the Corporation including the Mayor and many important citizens are left out and if so, what the Government propose to do to make the system and machinery of enumeration more efficient?"

THE HON. SRI B. GOPALA REDDI:—"It may be, Sir, that some of them might have been left out of enumeration, but their status and position does not make any difference, because unless they are in their houses when the enumerators came, they would not have been enumerated. Their position has nothing to do with enumeration, but they can now avail of the new facilities afforded to get themselves enumerated."

MR. L. O. PAIS:—"May I know whether the Hon. Minister is aware that a large number of voters in factories and other eligible voters in South Kanara have not been enumerated at all?"

THE HON. SRI B. GOPALA REDDI:—"I do not grant, Sir, that a large number of workers have been left out. There may be some individual cases which might have been left out, but the opportunity that is now being given may be availed of by them and they may get themselves enumerated."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Will the Government issue instructions that the Legislators are *ipso facto* enumerated?"

THE HON. SRI B. GOPALA REDDI:—"No, Sir, they cannot have any special privilege."

K. M. SEETHI SAHIB BAHADUR:—"May I know whether it has come to the notice of the Government that all the leading newspapers in Malabar, irrespective of parties, have complained

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about the inadequate and unsatisfactory method of enumeration of qualified voters in the district and that a large percentage of the otherwise qualified voters have been left out of enumeration?"

THE HON. SRI B. GOPALA REDDI:—"I have not seen the Malayalam papers, Sir, but considering the magnitude of the task, it is possible that there might have been some mistakes and we are now trying to see whether they cannot be rectified by affording some further facilities in the matter of enrolment."

DR. S. SUBRAHMANYA AYYAR:—"How do the Government propose to enumerate the army and the police staff who have been drafted into Hyderabad?"

THE HON. SRI B. GOPALA REDDI:—"They can send their applications to their respective village officers, Sir."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"In view of the very many questions that have been put in the Assembly just now indicating the unsatisfactory nature of the procedure adopted in the matter of enumeration, will the Government now say definitely that they will extend the time for applying for enrolment in the electoral roll and that all facilities will be given for that purpose, without saying that they will simply consider the question?"

THE HON. SRI B. GOPALA REDDI:—"Sir, the number of supplementary questions put on the floor of the House does not mean that the whole thing has gone wrong. Because time was allowed, you are putting more supplementary questions. We shall certainly see whether time can be extended, Sir."

SRI R. V. SWAMINATHAN:—"Sir, in view of the unsatisfactory answers given by the Hon. Minister to the various supplementary questions put to him and also in view of the fact that a large number of people have been left out of enumeration in the four southern districts of this Province, namely, Ramnad, Tirunelveli, Madura and Tiruchirappalli, may I request you, Sir, to allow a half-an-hour debate on this question this evening, as we were not able to get all our points cleared by the Government?"

MR. SPEAKER:—"Many members want to put supplementary questions. So I am going to allow a half-hour debate to-day."

Custody of sanads to Anna Chatrams in Tanjore.

* 413 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that the sanads (grants) executed by the Maratha Rajas of Tanjore endowing landed properties to the Anna Chatrams are under the custody of the Collector of Tanjore; and

(b) if so, in what language they are recorded?

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THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—" (a) & (b) Certain old Agency records relating to the Rajas Endowments, Tanjore, are under the custody of the Collector of Tanjore. But, as they are all in 'Modi' script, it is not possible to say whether any sanad executed by the Maratha Rajas, in respect of properties relating to Anna Chatrams are among those records. The question of examining these old Agency records with a view to assess their value (both administrative and historic) is however under the consideration of the Government of India."

SRI A. VEDARATNAM PILLAI:—"Is it a fact that most of the sanads are written in the Modi script, and if so, whether the Government have got any Modi-knowing persons to translate them, and whether all these sanads will be translated, and if so, when?"

THE HON. SRI B. GOPALA REDDI:—"The Government of India are examining the question, Sir."

SRI A. VEDARATNAM PILLAI:—"Is it a fact, Sir, that sanads granting thousands of acres of land for charitable purposes by the Maratha Rajas of Tanjore have been taken away stealthily by interested parties who are enjoying those lands? If so, what steps are the Government going to take to get back those lands, Sir?"

THE HON. SRI B. GOPALA REDDI:—"A separate question may be put on the subject to the Hon. Minister for Revenue, Sir."

Petrol granted to Members of the Assembly.

* 414 Q.—SRI B. PARAMESWARAN: Will the Hon. the Minister for Finance be pleased to state the quantity of petrol granted to the Members of the Assembly?

THE HON. SRI B. GOPALA REDDI:—"Members of the Legislature are allowed petrol at the following rates:—

- (1) *For purposes of touring their Constituencies in connexion with their work in the Legislature—*
 - (a) 30 gallons per mensem for those who own cars.
 - (b) 16 gallons per mensem (including blank coupons for 6 gallons) for those who do not possess cars.
- (2) *For attending meetings of the Legislature.—*At the rate of 25 gallons per mensem unless there is a break of over a week between meetings in which case only proportionate quantities are given according to the number of days on which the Houses meet.
- (3) *For attending Select Committee meetings.—*At the same rates as for attending meetings of the Legislature provided the Legislature is not in Session.

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SRI B. PARAMESWARAN:—" May I know whether the Government propose to increase the quantity of petrol that is given to Members at the time of the sittings of the Legislature."

THE HON. SRI B. GOPALA REDDI:—" There is no such proposal before the Government at present, Sir."

SRI T. VISWANATHAM:—" May I know, Sir, whether the 30 gallons are in addition to what we are already entitled to otherwise?"

THE HON. SRI B. GOPALA REDDI:—" The answer is in the affirmative, Sir."

SRI R. V. SWAMINATHAN:—" Is it not a fact, Sir, that these 30 gallons of petrol are given to Members of the Legislature irrespective of the horse-power of the cars used by them, and if so, is it not necessary to give more petrol to Members who are using cars of greater horse-power?"

THE HON. SRI B. GOPALA REDDI:—" We will consider the question of reducing it for smaller cars, Sir."

SRI T. VISWANATHAM:—" May I draw the attention of the Hon. Minister that we are not getting these 30 gallons in addition to what we are otherwise entitled to and in view of that fact, will he be pleased to issue instructions that we may be given the additional 30 gallons."

THE HON. SRI B. GOPALA REDDI:—" We shall see that all Members are given 30 gallons of supplementary coupons, Sir."

SRI M. G. NATESA CHETTIYAR:—" May I know whether the 30 gallons of petrol given to owners of cars of this Legislature are given automatically or only on an application made to them?"

THE HON. SRI B. GOPALA REDDI:—" On application only, Sir."

MOHAMED RAFEEUDIN AHMAD ANSARI SAHIB BAHADUR:—" May I know whether the Government are aware of the great inconvenience felt by the Members of the Legislature on account of the fact that the office of Area Rationing Officer is situated in a different district from the district in which the Members of the Legislature reside, and if so, whether arrangements could be made to see that the Members of the Legislature get their petrol from the Tahsildar of the taluk in which they reside?"

THE HON. SRI B. GOPALA REDDI:—" There are at present 7 Area Rationing Officers to serve the 25 districts and I do not know whether Members could be allowed to take their supplementary coupons from the Tahsildars. However, we shall examine the question, Sir."

SRI V. M. RAMASWAMI MUDALIYAR:—" May I know whether the Hon. Minister can favourably consider the question

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of making amends for those Members who were not given their proper quotas of petrol in the past by asking the Area Rationing Officers to issue coupons in respect of those deficiencies in supply?"

THE HON. SRI B. GOPALA REDDI:—" Any instructions which we will issue hereafter will not have retrospective effect, Sir."

SRI V. I. MUNISWAMI PILLAY:—" Will the Government arrange to issue coupons in the office of the Legislature Secretariat itself, so that Members need not go out during the meetings of the Assembly and wait for hours together in the office of the Area Rationing Officer?"

THE HON. SRI B. GOPALA REDDI:—" The Legislature Secretariat is already burdened with numerous responsibilities and I do not think it is desirable to add this work also to their responsibilities, Sir."

SRI M. G. NATESA CHETTIYAR:—" May I know if the applications for supplementary coupons should be made in the prescribed form, and not by means of a letter in respect of owners of cars in the mufassal?"

THE HON. SRI B. GOPALA REDDI:—" I think the hon. Member can make his application in manuscript or by means of a letter. I do not think it should necessarily be made in the prescribed form."

M. S. ABDUL MAJID SAHIB BAHADUR:—" May I know if the Hon. Minister is aware that in the districts supplementary coupons are not issued generally and that is why the blackmarket rates of petrol in the mufassal have gone up very high?"

THE HON. SRI B. GOPALA REDDI:—" No Sir. Supplementary coupons are always issued, whenever they think that it is for some essential service."

MR. L. C. PAIS:—" May I know, Sir, whether the Area Rationing Officers have discretion in the matter of increasing or decreasing the usual quota which is just now fixed for Members of the Legislature?"

THE HON. SRI B. GOPALA REDDI:—" Not with regard to the Members of the Legislature, Sir."

SRI GUNTUR NARASIMHA RAO:—" In the case of Members of the Assembly attending meetings, why should not petrol coupons be arranged to be given here in the Secretariat itself and why should they be asked to go and wait in the office of the Area Rationing Officer?"

THE HON. SRI B. GOPALA REDDI:—" I have already answered that question, Sir."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—" Will the Government see that they do not insist upon the countersignature of the Assistant Secretary, as it is not in keeping with the dignity of the Members of this House?"

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THE HON. SRI B. GOPALA REDDI:—"Sir, the countersignatures are not meant to insult the Members of the House. It is only to facilitate our own work that we insist on these countersignatures."

SRI P. NATESAN:—"Will the Hon. Minister consider the desirability of giving a distinctive colour to petrol coupons which is to be allowed to the Members of the Legislature, as that will facilitate the issue of coupons?"

THE HON. SRI B. GOPALA REDDI:—"No Sir, I do not think it is necessary."

Construction of an embankment near the village of Nivagam.

11-30 a.m. * 415 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) what the estimated cost for the construction of embankment near the village of Nivagam of Pathapatnam taluk of Vizagapatam district is; and how much amount has been sanctioned by the Government;

(b) what the representations of the people of Nivagam regarding the construction of the embankment are; and

(c) what the Government propose to do to see that the big village of Nivagam is not washed away by further floods in the river Vamsadhara?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) The estimated cost of the work is Rs. 1,20,000. The Chief Engineer (Irrigation) has submitted a report to the Government through the Board of Revenue. The estimate has not yet been sanctioned.

" (b) The following representations have been received by the Government with regard to the construction of the embankment;

(1) Petition, dated 21st April 1947, from the President, Village Congress Committee, Nivagam, Pathapatnam taluk, Vizagapatam district;

(2) Telegram, dated 11th December 1947, from the residents of Nivagam, Pathapatnam taluk, Vizagapatam district;

(3) Copy of letter, dated 13th December 1947, from Sri Tenkala Satyanarayana, President, Pathapatnam Taluk Congress Committee, Hiramandalam, to Sri N. Venkatachalamaji, M.L.C.;

(4) Petition, dated 22nd December 1947, from the President Village Congress Committee, Nivagam, Pathapatnam taluk, Vizagapatam district; and

(5) Tankala Satyanarayana, President, Pathapatnam Taluk Congress Committee, Vizagapatam district.

" (c) The matter is under the active consideration of the Government."

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SRI G. KUMARASWAMI:—"May I know, Sir, from the Hon. Minister for Public Works when this work is likely to be taken up?"

THE HON. SRI M. BHAKTAVATSALAM:—"It was pointed out to us that this might not be necessary if Vamsadhara project comes into existence. So we had to examine that aspect of the question. But now we propose to take up the work immediately because the execution of the Vamsadhara project would take some years."

SRI D. V. RAMASWAMI:—"Is it not a fact, Sir, that extensive damage has been caused by the floods on the two previous occasions, in 1945 and 1946?"

THE HON. SRI M. BHAKTAVATSALAM:—"Yes, Sir. That is so, and therefore it is that we are taking up this work for execution."

SRI D. V. RAMASWAMI:—"Will the Hon. Minister consider the desirability of issuing orders for expediting the work even within this year?"

THE HON. SRI M. BHAKTAVATSALAM:—"When orders are issued for executing the work, it will be done expeditiously, Sir."

Deterioration of foodgrains.

* 416 Q.—M. MUHAMMAD ISMAIL SAHIB BAHADUR (on behalf of M. A. Muhammad Ibrahim Sahib Bahadur): Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that any stock of foodgrains has deteriorated and damaged in Government godowns in our Province in recent months; and

(b) if so, the reasons therefor?

THE HON. DR. T. S. S. RAJAN:—" (a) Yes. There was some deterioration of rice, wheat and maize held in Government storage in the City as well as in some of the districts; but it was slight and the stocks were reconditioned and issued for consumption. In a few cases, however, very limited quantities of these foodgrains became unfit for human consumption and had to be either disposed of as cattlefeed or sold for starch purposes. Necessary precautionary steps like gammexening and fumigation have been and are being taken wherever necessary and feasible to arrest further deterioration and to keep the grain acceptable when actually issued. The Assistant Entomologists are required to inspect the foodgrains at frequent intervals and take steps for preventing deterioration and advise the Collectors with regard to the priority of issue.

" (b) The deterioration was due to natural causes arising out of storage, occasional wetting in transit which may not be

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noticed, etc. Further the maize received from overseas during the first half of this year (1948) was found slightly weevilled even at the time of receipt, the degree of infestation varying from one shipment to another. In 1947, wheat was supplied only at very long intervals, and the available stocks had to be spread over several months. Under such circumstances, some deterioration in quality could not be avoided altogether."

P. P. HASSAN KOYA SAHIB BAHADUR:—"Is the Hon. Minister aware, Sir, that large quantities of paddy that were imported into Malabar as early as six months ago have not yet been released and they are seriously deteriorating? Unless steps are taken by the Collector of Malabar to distribute this paddy that has been lying in the godowns for the last six months, the paddy will deteriorate and will be unfit for human consumption."

THE HON. DR. T. S. S. RAJAN:—"As I said just now, the stocks that are now in the godowns are being examined by entomologists and such stocks as are deteriorating are reconditioned and then issued to the public. The Collectors have the time at their disposal to issue such good stocks as are certified by the entomologists."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know, Sir, whether the godowns where these foodgrains are stored, are rat-proof?"

THE HON. DR. T. S. S. RAJAN:—"It is a very difficult question to answer. But I presume that these godowns are rat-proof."

SRI B. S. MURTHI:—"May I know, Sir, what is the total tonnage of foodgrains deteriorated?"

THE HON. DR. T. S. S. RAJAN:—"It is not very much. It will take some time for me to give the actual figures."

SRI V. I. MUNISWAMI PILLAY:—"May I know, Sir, whether deterioration is due to long storage in the godowns or to leakage in the roof?"

THE HON. DR. T. S. S. RAJAN:—"Deterioration is due to very many causes. It may be the one or the other."

P. P. HASSAN KOYA SAHIB BAHADUR:—"May I know whether it is a principle with the district authorities that stocks which are received first should be distributed first? To my knowledge, in Malabar that is not the principle that is followed. Stocks that have come recently have been distributed while stocks that came earlier have not been distributed."

THE HON. DR. T. S. S. RAJAN:—"I presume it is so. If it is not so, we shall certainly issue instructions."

* Details furnished at the end of Questions—vide page 321 *infra*.

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M. S. ABDUL MAJID SAHIB BAHADUR:—"There is an opinion in this Province that the widespread cholera is due to the supply of deteriorated foodgrains. May I know, Sir, whether it is a fact?"

THE HON. DR. T. S. S. RAJAN:—"As far as my knowledge goes, it is not due to spoiled grains."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, without knowing the cause for the deterioration of the foodgrains, may I know how the Government propose to check the deterioration in the future?"

THE HON. DR. T. S. S. RAJAN:—"Deterioration of cereals occurs in any godown by keeping the foodgrains there, and the foodgrains can always be dealt with by reconditioning them before issue."

SRI T. VISWANATHAM:—"May I know the number of Government godowns in this Province and the number of godowns in which this deterioration has taken place?"

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

MUHAMMAD RAZA KHAN SAHIB:—"Is it a fact, Sir, that there is shortage of godown accommodation in this Province and that has been one of the reasons for the deterioration?"

THE HON. DR. T. S. S. RAJAN:—"No, Sir. We have been fairly well provided with godowns."

SRI M. G. NATESA CHETTIYAR:—"May I know, Sir, whether there has been any instance of deterioration damage in respect of the stocks held by the wholesale co-operative stores in this Province?"

THE HON. DR. T. S. S. RAJAN:—"As I have already stated, there is a certain amount of deterioration happening in the foodgrains if stored for any length of time. Deterioration has occurred in co-operative stores, in godowns of private dealers and also in some Government godowns."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Sir, the Hon. Minister says that deterioration is due to natural causes. I would like to know from him why he is holding these foodgrains in the godowns and allowing them to deteriorate, and why is he not increasing the rations so that the foodgrains can be distributed before deterioration?"

THE HON. DR. T. S. S. RAJAN:—"We cannot distribute all that rice on one fine day. The foodgrains have to be kept in the godowns for months before they can be distributed."

SRI V. M. RAMASWAMI MUDALIYAR:—"Sir, apart from the deterioration spoken of by the Hon. Minister as due to natural causes, is it not a fact that much of the deterioration is also due to want of proper storage facilities? If so, what steps the Government are taking to provide proper storage facilities for the grains in their possession or for those in charge of co-operative stores?"

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THE HON. DR. T. S. S. RAJAN:—"Provision for this is made by those who stock these grains. The Government in their turn are holding stocks in their godowns. The stocks are often inspected by entomologists, and the fact of their being fit for human consumption is certified before issue. It is very difficult to see that we have perfect water-tight or rat-proof godowns all over the Province when we must keep six or seven lakhs of tons of rice at a given time."

SRI T. VISWANATHAM:—"May I know the average period of duration of the grains in the godowns, i.e., the time between the in-take and the off-take?"

THE HON. DR. T. S. S. RAJAN:—"This has got to be calculated, and I must call for information."

SRI M. S. PATTABIRAMIAH:—"Are the Government aware, Sir, that a poisonous stuff called *kesari dal* and its products are being stored in certain godowns in Madura district and that storage deprives the storage space for foodgrains in Madura district?"

THE HON. DR. T. S. S. RAJAN:—"The question is about foodgrains and that too under the control of the Government. *Kesari dal* is imported by many private merchants. Such grains as are issued, are inspected, and if they are found to be bad, they are banned from issue to the public."

SRI T. VISWANATHAM:—"May I know, Sir, whether representations have not been made to the Government that various relief shops are not open all through the week, and if so, whether the Government would not think of releasing the rice to those places?"

THE HON. DR. T. S. S. RAJAN:—"Such relief shops as are maintained by Government are provided with stocks as and when they are available with the Government. It may be that some relief shops are closed on account of many reasons. They are also not controlled in the same manner as ration shops. There is a certain amount of latitude both for those who sell rice and also for those who own shops. It is not so with regard to ration shops. Relief shops are in far off places where proper control cannot be had. But, as far as possible, Government see that such shops as are relief shops are kept open and grains distributed consistent with the regulations framed. I may assure the hon. Member that the supply of these foodgrains to these relief shops depends upon the stocks held by Government."

SRI R. SUBBA AYYAR:—"May I know whether there is any leakage of foodgrains besides deterioration?"

MR. SPEAKER:—"That question has already been put by Mr. V. I. Muniswami Pillay."

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MR. L. C. PAIS:—"Are the Government aware, Sir, that damaged stocks are issued to the public without being reconditioned?"

THE HON. DR. T. S. S. RAJAN:—"As far as the Government are aware, no complaint has reached us. If any such complaint comes, we shall certainly look into the matter."

SRI L. N. GOPALASWAMI:—"Are the Government aware, Sir, that the foodgrains were in a deteriorated condition even at the time of procurement?"

THE HON. DR. T. S. S. RAJAN:—"Such deteriorated stocks are always reconditioned and issued to the public."

SRI V. M. RAMASWAMI MUDALIYAR:—"In view of the fact that rationing is to be introduced and that it is likely to continue for a number of years, may I ask the Government, Sir, whether it is not necessary, indeed essential, that proper godown facilities must receive high priority at the hands of the Government, and that a start should be made immediately?"

THE HON. DR. T. S. S. RAJAN:—"I may inform the hon. Member that Government godowns are kept in a fairly good condition. I may also inform the hon. Member that the Government have recently introduced legislation for acquiring warehouses where all these stocks could be stored. An enactment to that effect is already under consideration."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know for how long these foodgrains will hold without getting spoiled?"

THE HON. DR. T. S. S. RAJAN:—"It depends upon the particular grains. Any grain should last from two to three months."

Proposals regarding the Ramapadasagar Project.

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

* 417 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether Sir S. Ramamurti, I.C.S., recommended any proposal recently regarding Ramapadasagar scheme; and

(b) if so, what those recommendations are?

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

(b) The recommendations were generally to the effect that all possible steps should be taken to expedite the starting of the project by obtaining the necessary financial sanction, etc., from the Government of India."

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Number of ration shops in Srivilliputtur taluk.

* 418 Q.—SRI R. S. MANICKAM: Will the Hon. the Minister for Food be pleased to state—

(a) the number of relief shops including kerosene ration shops opened up to date in Srivilliputtur taluk, Ramnad district;

(b) the number of Harijan shop-keepers who were granted licences in Srivilliputtur taluk, Ramnad district; and

(c) the number of Harijans in the abovesaid taluk who have applied for licences to open relief shops?

THE HON. DR. T. S. S. RAJAN:—“(a) In Srivilliputtur taluk 62 relief shops and 182 kerosene ration shops have been opened so far.

“(b) & (c) No Harijan has applied for a licence to run a relief shop. Regarding kerosene ration shops, only one Harijan applied and a licence has been granted to him.”

SRI R. S. MANICKAM:—“May I know, Sir, whether the Harijan applications recommended by M.L.As. will be considered favourably as a special case in this connection?”

THE HON. DR. T. S. S. RAJAN:—“Granting of permission for running ration shops and relief shops are not always controlled by the recommendations by the M.L.As. There are many other considerations which should be looked into. First of all, the solvency of the man to run the shop, then his capacity to deal with the number of card-holders who ask for relief, and also the particular locality where the ration shop is proposed to be opened, all these things will have to be examined and the Government will certainly take into consideration the recommendations made by the M.L.As. also.”

SRI B. S. MURTHI:—“Am I to understand that the Government are satisfied that there are no applications from Harijans and may I know whether there are any instructions issued to the concerned officers that the applications from Harijans may be entertained without putting conditions?”

THE HON. DR. T. S. S. RAJAN:—“The ordinary conditions that are put to everyone apply to the Harijans also.”

SRI L. N. GOPALASWAMI:—“May I know the policy of the Government, Sir, with regard to the issue of licence for Harijans for the running of these relief shops?”

THE HON. DR. T. S. S. RAJAN:—“I have just mentioned the conditions that are always necessary for the opening of relief shops or ration shops. If Harijans do apply for them, their applications will also be considered. I may also mention that applications from Harijans are particularly carefully looked into. In this particular place, if no Harijan has applied for it, it is not the fault of the Government.”

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Panchayat Executive Officers.

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

MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the number of executive officers of panchayats who have been appointed since 1st July 1947 by direct recruitment; and

(b) the communities to which they belong?

THE HON. SRI K. CHANDRAMOULI:—“(a) & (b) Twenty-five Executive Officers were appointed by direct recruitment since 1st July 1947 of whom five are Brahmans and twenty non-Brahman Hindus.”

Question No. 420 (starred) was not put by the hon. Member.

Management of educational institutions in the Madura district.

* 421 Q.—SRI K. RAJARAM NAYUDU: Will the Hon. the Minister for Education be pleased to state—

(a) of the number of elementary, middle and high schools and colleges in Madura district, how many are run by—

(1) the district board,

(2) municipalities,

(3) the Labour department,

(4) private managements, and

(5) the missionaries; and

(b) how many of them are situated within municipal limits, and how many in the district board and panchayat areas?

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

“A statement* is laid on the table of the House.”

SRI K. RAJARAM NAYUDU:—“May I know whether the Government have received any complaints from the public of Madura that the managements of the Missionary Girls' High Schools and Missionary Girls' College are compelling students to read Bible and to attend the Scripture classes?”

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

“Certain complaints have been received and Government have ordered enquiries over them.”

Judgment on the Thousand Lights motor accident case.

* 422 Q.—SRI V. I. MUNISWAMI PILLAY: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have seen the judgment delivered in the case of Thousand Lights motor accident that took place on 21st July 1948; and

(b) the number of people who were involved in the accident and how many succumbed to the injuries caused?

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THE HON. SRI B. GOPALA REDDI:—“(a) The answer is in the affirmative.

“(b) Nine people were involved in the accident and five succumbed to the injuries.”

Tamil typewriters.

* 423 Q.—SRI K. RAJARAM NAYUDU (on behalf of Sri N. M. R. Subbaraman): Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that no Tamil typewriter is available; and

(b) if so, what steps have been taken by the Government to make them available?

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

“(a) It is a fact that Tamil typewriters are not at present readily available.

“(b) Arrangements to procure the required number of typewriters for the use of Government are under consideration.”

Admission of Harijan students in the first group in the Intermediate class.

* 424 Q.—SRI M. KANNIYAPPAN (on behalf of Sri P. Kakkan): Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the Harijan students are not given preference in the first group in the Intermediate classes in colleges; and

(b) if so, whether the Government have taken any steps to issue instructions to the college authorities in the matter?

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

“(a) No.

“(b) Orders have been issued that 10 per cent of the seats in the Arts Colleges should be reserved for Harijans. This reservation also will apply to subject groups provided the candidates satisfy the minimum educational attainments required.”

SRI A. VEDARATNAM PILLAI:—“In view of the answer given by the Hon. Minister, may I know whether the ten per cent of seats allotted for Harijan students in colleges are being strictly maintained in all the colleges and if not, what steps the Government will take to allot the stipulated seats?”

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

“If the hon. Member has got any complaint about any college, he can put the matter before the Government and the Government will look into the matter. Instructions have already been issued that the directions must be observed.”

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SRI B. S. MURTHI:—“Does minimum educational standard mean a pass from one standard giving eligibility for admission into the other class?”

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

“No, Sir. In the case of the ordinary intermediates, it means so. But in the Honours Courses which are specialized course, a certain minimum higher standard is fixed.”

Supply of medicines to hospitals.

* 425 Q.—SRI S. NAGAPPA (on behalf of Sri V. Raghavayya): Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that the cost of packing is deducted from the grants to Government and Government aided hospitals;

(b) whether it is a fact that these hospitals are not allowed to purchase linen and medicines direct from the open market;

(c) whether it is a fact that there is considerable delay in the supply of these articles and that on that account hospitals go without medicines even for long periods;

(d) whether it is a fact that the Buchireddipalem hospital in Nellore district did not get supplies till June even though the indent was sent in the previous September; and

(e) what the reasons are for these delays and how the Government propose to rectify them?

THE HON. SRI A. B. SHETTY:—“(a) No grants are paid to Government hospitals. It is presumed that the Government aided hospitals referred to are Local Fund Hospitals. Usually 30 per cent is charged towards packing and forwarding charges on the total value of medicines supplied by the Medical Stores Depot, Madras. The cost of packing is treated as an item of expenditure for purposes of calculation of grant.

“(b) Medicines and linen required for Local Fund hospitals have to be purchased from the Medical Stores Depot and the Jail Department respectively as the prices offered by these departments are considerably cheaper than those in the market. If the articles are not readily available with the Medical Stores Depot and the Jail Department, local bodies may purchase them in the local market by calling for quotations and after obtaining Government sanction.

“(c) A certain amount of delay is being caused now on account of non-availability of packing materials and also due to transport difficulties. But there has been no occasion for institutions to go without drugs for long periods as the supply in all such cases is obtained by local purchase.

“(d) The requirements of this institution for 1948-49 could not be sent in time on account of dearth of packing materials and restrictions in railway booking.

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“(c) Local bodies have already been instructed to obtain their requirements of medicine locally after obtaining Government sanction whenever the requirements from the Medical Stores Depot are not received in time.”

Director of Town-Planning.

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

MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon the Minister for Public Health be pleased to state—

(a) whether the Director of Town-Planning is a technically qualified man; and

(b) if the answer to (a) is in the negative, why a lay man should be the head of the technical section?

THE HON. SRI A. B. SHETTY:—“(a) There is no post of Director of Town-Planning now. The Inspector of Municipal Councils and Local Boards is the *ex officio* Director of Town-Planning.

“(b) The Inspector of Municipal Councils and Local Boards holds the post of Director of Town-Planning, *ex officio* in an administrative and co-ordinating capacity. He is assisted on the technical side by experts in Town-Planning with technical qualifications. The Government do not consider it necessary at present to appoint a separate Director of Town-Planning with technical qualifications.”

Training to Rural Recreation Officers.

* 427 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Firka Development be pleased to state—

(a) what sort of training is given to the Rural Recreation Officers undergoing training at the Y.M.C.A. College, Saidapet; and

(b) whether the Enquiry Committee has proposed any changes in the training; and if so, what they are?

THE HON. DR. S. GURUBATHAM:—“(a) The details of training given to the last batch of candidates were as follows:—

(i) Daily programme—

Hours.

- | | |
|---|---|
| 3 | Physical activities, including games, sports, dances, etc., and competitions, tournaments, etc. |
| 1 | Lectures on Rural uplift as arranged with the various departments of the Government. |
| 1 | Lecture on Rural Recreation. |
| 1 | Library study, debate, discussion, etc. |
| 1 | Indoor games, music, folk songs, community singing, histrionics, etc. |

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(ii) Special programme—

Hours.

- | | |
|---|---|
| 1 | Community singing—National songs, songs on thrift, prohibition, care of livestock, etc. |
| 2 | Camp-fire programme on Friday nights. |
| 1 | Swimming for three days in the week (optional). |
| | Excursions on Saturdays. |

“(b) The Prohibition Enquiry Committee recommended that the Rural Welfare Officers might be either Senior or Junior Inspectors of Co-operative Societies and that if there were suitable men among the present Rural Welfare Officers (formerly designated as Rural Recreation Officers) they might be retained after they are given some training in co-operation. It is, however, not proposed to make any changes.”

SRI G. KUMARASWAMI:—“In view of the answer given by the Hon. Minister for Firka Development, may I know from him whether the training given to these recreation officers by the Y.M.C.A. is of any use or avail in the rural areas?”

THE HON. DR. S. GURUBATHAM:—“It is of great use.”

MR. SPEAKER:—“Before we take up the next item, the Hon. the Minister for Food who is ready with his answer to the question put by Sri B. S. Murthi, will now give that answer.”

* 416 Q.—THE HON. DR. T. S. S. RAJAN:—“I was not able to get at the paper at that time. I have now got it and I am giving it for the information of the House.

	Tons.
Total quantities affected	5,716.6
Total quantities reconditioned and issued	5,700.7
Quantities condemned and sold as cattle food	15.9.”

MR. SPEAKER:—Questions are over.

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

II.—MESSAGE FROM THE GOVERNOR.

MR. SPEAKER:—“I have to announce to the House the following message, dated 8th October 1948, received from His Excellency, the Governor:—

“In pursuance of section 82, sub-section 1 (a) of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby recommend to the Madras Legislative Assembly the introduction of the Madras Prohibition (Second Amendment) Bill, 1948.”

[19th October 1948]

III.—MOTION UNDER RULE 6 OF THE MADRAS ASSEMBLY RULES
RE DECLARATION OF SEAT OF SRI U. MUTHURAMALINGA THEVAR
TO BE VACANT.

* THE HON. SRI B. GOPALA REDDI:—"I move, Sir, that under rule 6 of the Madras Assembly Rules, the Assembly declare the seat of Sri U. Muthuramalinga Thevar to be vacant. Sir, section 68 of the Government of India Act, reads as follows:

'If for sixty days a member of a Chamber is without permission of the Chamber absent from all meetings thereof, the Chamber may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Chamber is prorogued, or is adjourned for more than four consecutive days.'

Sir, our official record shows that he attended the House on the 24th May 1946 when all the newly elected members were sworn in and also on the following day, namely, the 25th May 1946, when the Speaker and the Deputy Speaker were elected to the exalted positions. Subsequently, he has not chosen to attend any of the sittings of the Legislature. It is now nearly over 200 days though the Act says that the seat can be declared vacant after the expiry of sixty days. In June this year, that is, about three months ago, I have written to him a demi-official letter and asked him whether he has any intention of attending the House for the sessions in July, but, Sir, my letter remains unacknowledged even to-day. The member has not chosen even to acknowledge that letter. Therefore, Sir, I feel that he is not taking any active interest or even a passive interest in the deliberations of our House and it is undesirable that the constituency should be deprived of its representative in the deliberations of this House. And it is also not unusual to declare such seats vacant, especially when the members absent themselves without leave of the House. Only recently in the Bombay Legislature, two seats were declared vacant, because the members were absent for a long time. And so, Sir, I move that the seat of the hon. Member Mr. U. Muthuramalinga Thevar be declared vacant."

12
noon.

MR. SPEAKER:—"I shall now read rules 5 and 6 of the Madras Assembly Rules:

'Rule 5.—Leave of absence from the sittings of the House may be granted by the House to a member on a motion made by him or any other member in his behalf, stating the period of absence.'

'Rule 6.—If without such leave a member is absent from all meetings of the Assembly for sixty days computed in accordance with sub-section (4) of section 68 of the Act, any member of the House may move that his seat be declared vacant, and such motion shall be voted upon without amendment or debate.'

MOTION UNDER RULE 6 OF THE MADRAS ASSEMBLY RULES re 332
DECLARATION OF SEAT OF SRI U. MUTHURAMALINGA THEVAR
TO BE VACANT

19th October 1948] [Mr. Speaker]

"I am now going to put the motion to the vote of the House. The motion reads as follows:

'Under rule 6 of the Madras Assembly Rules, the Assembly do declare the seat of Sri U. Muthuramalinga Thevar to be vacant.'"

SRI R. V. SWAMINATHAN:—"On a point of information, Sir. I quite understand, Sir, that we cannot have any debate on this. But I would like to know how the Hon. the Leader of the House can make a statement which warrants a debate."

MR. SPEAKER:—"The Hon. the Leader of the House has not made a speech, but he has given information."

SRI P. NATESAN:—"On a point of order, Sir. May I know whether a debate will be allowed on this?"

MR. SPEAKER:—"No. Rule 6 of the Madras Assembly Rules states:—"

'... such motion shall be voted upon without amendment or debate.'"

SRI P. NATESAN:—"But then how can it be voted upon?"

MR. SPEAKER:—"The motion shall be put to vote without any debate."

SRI P. NATESAN:—"If it is so, Sir, may I know, for the information of the House, whether this gentleman happens to be a member of the Congress Party, and why the Leader of the House has not taken any action so far, in the matter?"

MR. SPEAKER:—"Order, order. We have nothing to do with party-politics here. The hon. Member is here as a Member of the House, and not as a member of the Congress Party."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"On a point of information, Sir. May I know whether the gentleman has been so ill as not to be able to acknowledge the letter written by the Hon. the Leader of the House? I want to know the position exactly. And further, I would like to know why the Hon. the Leader of the House is asking for declaring his seat to be vacant, for, in ordinary cases, it is usually members other than the Hon. the Leader of the House, that draw the attention of the Hon. Speaker to the absence of any individual member. I wish to know what the Hon. Leader of the House has to state on these points."

THE HON. SRI B. GOPALA REDDI:—"Sir, my information is that the hon. Member is not so ill as to disable him to acknowledge my letter. He has been drawing his monthly salary all right every month. Apart from that, I may also say that he is moving about and addressing public meetings, but he is not taking any interest in the deliberations of this House."

The motion was put and carried.

[19th October 1948]

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

Clause 38.

* SRI K. BHASHYAM:—"Sir, I move that—

'in sub-clause (5) of clause 38, after the words "from the date" and before the words "of the order", the words "of the communication" be inserted.'

"Sir, this matter relates to the procedure, about the time allowed for appealing to the Tribunal or other appellate authorities. The authority now deciding the dispute between the parties is not a court of law, but only a court appointed by the Government, so that they are not bound by the rules of procedure laid down in the Civil Procedure Code. What will happen, therefore, is that the various so-called courts may pronounce a judgment on a particular date without even the presence of the parties, without even giving notice to them that the judgment is going to be pronounced. In such a case as that, if the person affected wants to prefer an appeal, according to the section as it stands, the time allowed runs only from the date of the judgment. I submit that the time should run from the date when the notice of the judgment is served upon the party concerned. That is a thing which has been obtaining in all other cases, where courts other than courts of law pronounce judgments. It is because the courts of law are bound by the rules of procedure to give notice of the judgment being pronounced. But there is no such obligation imposed on these so-called courts to be constituted by Government. I, therefore, ask in the interests of the persons concerned, as also those of the Government themselves, that they should, in cases where the parties affected by the judgment want to prefer an appeal, calculate the period of time for appealing as from the date of the serving of the notice of the judgment of the so-called court."

SRI T. VISWANATHAM:—"I second it, Sir."

* THE HON. SRI KALA VENKATA RAO:—"Sir, the clause itself as it stands, makes a provision in cases of genuine grievances, say when a person was absent or ill or under some such disability. It reads: 'Any person deeming himself aggrieved by an order made under sub-section (1) may, within three months from the date of the order or such further time as the Board may in its discretion allow, appeal to the Board of Revenue . . .'. So, Sir, I think this amendment is not at all needed."

* SRI K. BHASHYAM:—"Sir, my submission is that the matter ought not to be left to the discretion of the court. It ought to be left to the party to say: 'I have not been served with a copy of the judgment as yet, and, therefore, I would like to have some further time, after I am served with a copy of the judgment.'"

The amendment was put and lost.

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

[19th October 1948]

* SRI K. BHASHYAM:—"Sir, I move that—

'in sub-clause (5) of clause 38, for the words "Board of Revenue" wherever it occurs the word "Tribunal" shall be substituted.'

"This is a very important amendment. The clause as it stands provides for an appeal to the Board of Revenue, within three months' time from the date of the order by the authority concerned. I do not see any reason why it ought to be left to the Board of Revenue. I submit that it must be left to the Tribunal. After all the Government have taken power under this Bill to constitute a Tribunal for various purposes. I think that that Tribunal is certainly competent to decide this matter also, and do it in a manner much more satisfactorily, than what the Board of Revenue will do. We know what the Revenue Board means. It will say nothing more than this: 'Oh! we do not see any reason to interfere.' That is really the endorsement on all appeals that are made to the Board of Revenue. We are all familiar with this sort of thing. And, therefore, it is that I am asking that the matter ought to be left to the Tribunal. The basic annual sum that has to be decided is an important matter, affecting the basis for future compensation. And hence it is all the more important that it should not be left to the Board of Revenue, but should be left to the ordinary court, or at least the Tribunal appointed by the Government themselves. I do not see why they fight shy of their own Tribunal, and relegate the appeal to the Board of Revenue. In one sense, the Board of Revenue is a party to the proceedings, because it is going to conduct or direct all the operations in respect of the Survey, Settlement, etc. So, I respectfully submit that the independent Tribunal going to be appointed by the Government should be the proper authority to decide this question of appeal, rather than the Board of Revenue, which is itself a party to the dispute. With these few words, I move this simple amendment of mine, which protects the rights of the parties concerned, as also those of the Government. If they do not accept it, it only means that there is some suspicion attached to the Government's intentions in the matter, and they want to have it all their own way. It means nothing more than that. In the first instance, they get their own men to decide the question, and in the case of appeal also, they want their own Board of Revenue to decide the case. Therefore, to remove the suspicion, partiality or onesidedness attached to the Government's intentions, I request Government to accept this amendment, and leave this appeal to be decided by the Tribunal rather than by the Board of Revenue."

SRI T. VISWANATHAM:—"I second it, Sir."

* SRI A. KALESWARA RAO:—"In supporting this amendment. I wish to say that the Director as well as the Board of Revenue are likely to be influenced by the powerful zamindars."

[Sri A. Kaleswara Rao] [19th October 1948]

because the former group consists mostly of Government officials. So I have no confidence in the Board of Revenue. I, therefore, want that the Tribunal consisting of the District Judge, one Subordinate Judge and an experienced Revenue Officer should be the authority to take up appeals, consider and decide them. Therefore, from the point of view of the ordinary tax-payer, and other persons who are interested in the manner of assessing the basic annual income, and thus settling the amount of compensation to be paid to these landholders, I want that an impartial judicial Tribunal uninfluenced by Government should be the Judge in the matter."

12-15
p.m.

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Sir, I support this amendment. And in doing so, I wish to invite the attention of the House to the common experience of everybody in the matter of the acquisition of private properties by the Government. What has been happening here till now, will happen in the future also. Under the Land Acquisition Act, the Acquisition Officer as he is called, who is in most cases the Sub-Collector or the Collector, sends the matter to his assistant. And the assistant knows that it is the Government that has got to pay, i.e., his master has got to pay the amount. Invariably, he underestimates the value of the property. Thanks to the Land Acquisition Act, if the party thinks that the compensation is not adequate, he can ask the Land Acquisition Officer to refer the matter to the civil court and invariably the court has up till now given more compensation than the Government servants. Sir, the Hon. the Revenue Minister may say that in this case, the matter will be decided by the Settlement Officer in the first instance and then an appeal is provided to the Board of Revenue. I submit, Sir, it does not make any difference. The Members of the Board of Revenue being high officers may have the courage to give more compensation, but all the same they will have the consciousness at the back of their minds that it is the Government who are going to pay and as servants of the Government they would imperceptibly and unconsciously like to benefit the Government. In these transactions there are two parties; one is the Government who acquire the rights and pay the money and the other is the person whose rights are acquired and who receives the money. It is against all canons of justice and fairness that the party which is under an obligation to pay the money should appoint its own executive officers and not judges to determine the amount to be paid. My hon. Friend is in the habit of saying that even the judges are their own servants, but he is absolutely mistaken if he thinks that the courts will act as their servants in deciding matters as between the Government and the citizens. The courts have till now—I do not know what will happen in the future—been above the influence even of the Government. Therefore, in all fairness, and in order that the reputation of the Government may be enhanced, let not the Government persist in saying that their own executive servants will be the appellate

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authority. I know the Hon. the Revenue Minister will be able to say that in this matter there is not much for the appellate authority to scrutinize, that is, over the decision of the Settlement Officer. He would say that the procedure has been laid down and that the Settlement Officer would simply follow the procedure and that if any incorrect calculation has been made by the Settlement Officer, it would be corrected by the Board of Revenue. That is not so. There are many matters in which the Settlement Officer is likely to go wrong. What about the assessment of miscellaneous incomes and incomes from lanka lands? There are several other matters like that. If my hon. Friend thinks that these are mere matters of calculations, why not he allow them to go before the Tribunals? Sir, I think the Government ought not to insist on sending these appeals to their own executive officers in the Board of Revenue but allow them to be sent to the Tribunals."

THE RAJA OF VENKATAGIRI:—"Sir, the appellate authority must be such as to inspire confidence not merely in its impartiality but also in its capacity to judge the question from the correct legal and other stand-points. My hon. Friend Mr. Mahboob Ali Baig has dealt with the question at some length and I do not want to deal with those aspects of the question at length. This question and the one dealing with the amount of compensation have got a vital bearing on our future and I would, therefore, request the Hon. Minister to accept the amendment. Sir, it is very laudable to be firm in his decisions and conclusions, but it would be more laudable if he can appreciate proper submissions when they are made in the House and prove that he is amenable to reason and persuasion. After all it is the Tribunal which can inspire confidence and which cannot be accused of being partial to the zamindar. My hon. Friend Mr. Kaleswara Rao imagines that it would be influenced by the zamindars. On the other hand, in reply to his observations I may say that the zamindars may feel that because of political considerations the decisions of the Board of Revenue also in matters like this may not, at times be what they should be. There is no point in these exchanges. Let us deal only with this aspect, namely, whether it is better to entrust this appellate power to the Tribunal, or the Board of Revenue. I would submit that it should be entrusted to the Tribunal because it consists of persons who are independent and who are not part of the Government. They are also men possessing a knowledge of law and having other qualifications. For these reasons I support the amendment."

* THE HON. SRI KALA VENKATA RAO:—"Sir, I am sorry, I am unable to accept the amendment. The hon. Gentleman Mr. Mahboob Ali Baig is a shrewd gentleman. He anticipated my arguments. What is contemplated in this section is only an arithmetical calculation and therefore no judicial Tribunal is necessary here. We have to distribute the work. Everybody is

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anxious that the work should be finished soon. I do not want to delay these matters. Some work is assigned to the Tribunal and some more to the Board of Revenue. When the formula is there, no one can increase a single anna or reduce a single anna. I do not see any reason to accept the amendment."

* SRI K. BHASHYAM:—"Sir, I am afraid that the Hon. Minister has overproved his case when he said that it is all a mere matter of calculation. I do not think his officers will make mistakes in calculation; why then should there be an appeal to the Board of Revenue even? If he thinks that it is all a matter of additions and subtractions, no appeal at all is necessary. As he has provided for an appeal to the Board of Revenue, I think something more than mere calculation is involved."

"Sir, the Hon. Minister has not been quite charitable to Mr. Mahboob Ali Baig. Of course, the hon. Member said that the Hon. Minister would argue that it was a mere matter of calculations, but he also replied to that argument by pointing out that it was not merely a question of calculation and that questions like the assessment of miscellaneous incomes and incomes from lanka lands were also involved. These are matters affecting the rights of the parties. It is not a mere mechanical process. The Hon. Minister is misconstruing the position altogether and by his own arguments he has demolished at least this portion of the Bill."

* THE HON. SRI KALA VENKATA RAO:—"Sir, I may say that any decision given by three senior Members of the Board of Revenue is as much a judicial decision as any other."

The amendment was put and lost.

* SRI K. BHASHYAM:—"Sir, I beg to move the following amendment:

'Omit sub-clause (7) of clause 38.'

Sir, not only has the horse thrown me down from its back, but it is also digging a pit for me. Not only has the Hon. Minister left all these matters to be decided in appeal by the Board of Revenue, but he has also provided that it should not be questioned in a court of law. If the Government are sure that the officer will do everything all right, why should there be a provision for an appeal to the Board of Revenue at all? It is said that if the officer makes a mistake the Board of Revenue will set it right. If the Board of Revenue makes a mistake why should it not be taken to a court of law? The provision here is intended to make the thing fool-proof so far as the actions of the Government are concerned. The provision that the decisions should not be questioned in a court of law goes to show how the democratic Government distrust courts of law and how they are not able to stand the glare of public examination of their actions in a public court."

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THE RAJA OF VENKATAGIRI:—"Sir, I second the amendment. Replying to the previous amendment the Hon. Sri Kala Venkata Rao said . . ."

THE HON. SRI KALA VENKATA RAO:—"Sir, can the hon. Member reply to my remarks on the previous amendment while speaking on the subsequent amendment?"

MR. SPEAKER:—"Let me hear the hon. Member."

THE RAJA OF VENKATAGIRI:—"Since they are all connected together, I cannot but refer to it. With all respect to my Hon. Friend, he is not correct when he says that it is all a question of arithmetical calculations. As was rightly observed by my hon. Friend several other points are involved. Therefore it is not for the purpose of working out mere arithmetical calculations that the Board of Revenue is made the appellate authority. Otherwise even the Board of Revenue need not be the appellate authority."

"Therefore, I think it is necessary that this should be subject at least to one appeal. For that reason, I support this amendment. Sir, it was observed that the Government are anxious to pay as quickly as possible to the zamindars the compensation amount and they would not like us to be in a state of suspense. It is to avoid that contingency that we moved the other amendments which however, the Government were not pleased to accept. We apprehend that the procedure contemplated in this section would take at least eight years to be completed; and people who have to wait for eight years will certainly wait for a little more time if they feel that grave injustice has been done to them in the decisions made by the concerned officer. For these reasons, Sir, I support the amendment." 12-30 p.m.

* THE HON. SRI KALA VENKATA RAO:—"This is a point, Sir, which has been discussed more than once on the floor of the House, viz., the question of appeals to the High Court. The question has been settled once for all. The scheme of the Act is there and every time we cannot go on adding a clause or taking out another and spoil the general set up. The whole Bill should be taken into consideration and not a bit here or a clause there. The most important thing in this connection is that we want to finish the work as early as possible; and if we accept this amendment, we will be burdening the whole work with a further appeal, and that would be delaying the matter. I am sorry I am unable to accept the amendment."

* SRI K. BHASHYAM:—"Sir, if he cannot accept my amendment, I cannot accept his argument. (Laughter.) What happens in the present case is this: the Hon. Minister has all the officers under him; he deals with his own officers in the Board of Revenue. The Bill says the decisions of these officers ought not to

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be questioned in a court of law. I do not see why there should be this provision at all. The Minister says there is some scheme of ~~the~~ Act which really prevents him from accepting this simple amendment. How is it so sacrosanct that it cannot admit of any amendment? He said that the scheme is to get through the work as quickly as possible. That is not quite all right. Even injustice done quickly is certainly worse than justice done after long delay. (Laughter.) I ask the Hon. Minister to think over this a little more calmly and then come to a conclusion as to whether this matter should not be given greater consideration, whether an opportunity should not be given to the concerned persons to go to a court of law and get things rectified if there is any mistake. He may well say there is going to be a certain delay; but who is affected by the delay? The person who is going to get the compensation is the person affected; it is not the Government that will have to go to a court of law; it is that person who will go to a court of law when he feels aggrieved. And why should the Government be anxious that that person should not go to a court of law but should get his compensation as early as possible? Even laws relating to crime require that the man should go to a court of law and get a decision in his favour. In this case the Government keep the money in their hands and are therefore benefited to the extent of the interest they get upon it. Why should the Government be anxious that there should not be any delay in the matter of the payment of compensation to the person concerned? I do not see there is anything wrong here; I do not think that the scheme is so sacred that nobody should touch it or should talk against it; if that is so, I should think even that scheme is worthless."

* THE HON. SRI KALA VENKATA RAO:—"Sir, according to my hon. Friend, when courts are excluded, the whole scheme becomes worthless; it is up to him who has so much attachment to courts, to say so; but I do feel that my position is quite correct and that the present provision will help the parties more than what Mr. Bhashyam wants to do. By allowing people to go to the courts for the sake of getting a little more compensation perhaps they will lose that little by going to these courts."

The amendment was put and lost.

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, the Hon. Revenue Minister has given a particular tune to this House to-day. He has warmed himself up and said he has no trust in law courts. (The Hon. Sri Kala Venkata Rao: I did not say that.) I will tell you how you have said it. (The Hon. Sri Kala Venkata Rao: 'Then it is an interpretation.') But then it is a correct interpretation. Mr. Speaker, Sir, the amendment which I have the pleasure and pride to move notwithstanding the Hon. Minister's assertions on the floor of the House is this:

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'that for the existing sub-clause (7) the following be substituted:—

"An appeal shall lie to the High Court of Judicature as against the decision of the Board of Revenue and the decision of the High Court of Judicature in appeal shall be final."

It is a very simple amendment coming after the rejection of the previous amendments which have been discussed and debated upon and warmly opposed by the Revenue Minister. If I refer to any argument made on a previous amendment or any argument made in the course of the discussion, immediately the Minister would pounce upon me saying 'you cannot refer to something which was already said'. If you do not refer to something which was already said, he will simply stick to it. Besides, he has the privilege of speaking not once or twice but as many times as he likes—before the amendment is moved, when he replies to it and also after the reply by the mover of the amendment he can again intervene."

MR. SPEAKER:—"All Ministers can do that."

* SRI T. VISWANATHAM:—"I know that is the privilege of the Ministers and that is our misfortune. (The Hon. Sri Kala Venkata Rao: 'But you can also enjoy the privilege in due time.') I hope, Sir, not in this company! Sir, I shall confine myself to the subject-matter of the amendment more directly than the Hon. Minister. If you refer to sub-clause (6) of clause 38, we find:

'The Board of Revenue may also in its discretion, at any time, either suo motu or on the application of any person, call for and examine the record of any order passed, or proceeding taken, by the Director under this section for the purpose of satisfying itself as to the legality, regularity, or propriety of such order or proceeding; and pass such order in reference thereto as it thinks fit.'

The draftsman has certainly contemplated many more things than mere arithmetical calculations to which the Hon. Minister was referring; the draftsman knew what the shape of things to come would be in matters of this sort and that is why he has said that as against the Director's order, the Board of Revenue may satisfy itself 'as to the legality, regularity or propriety of such order'. Therefore, the first portion of the Minister's argument that this clause involves only some mathematical calculations and there is no need for the courts or any superior officer to look into or even for the Government to look into anything, is wrong on the face of it. Secondly there is sub-clause (7) which says that—

'No order passed by the Board of Revenue under sub-section (5) or (6) shall be liable to be cancelled or modified by the Government or any other authority or to be questioned in any court of law.'

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The wording is as comprehensive as the learned authors of the Oxford dictionary can be able to help this gentleman to find language. The Board's order cannot be 'cancelled or modified by the Government or any other authority or to be questioned in any court of law'. What is the purpose of all this, I ask? If matters involving the legality, regularity or propriety of orders come up and if the Board wants to satisfy itself on it, what is wrong in the court of law, the highest court in the land coming in, which is not subject to any influence whatsoever, notwithstanding the fact that the Judges owe their appointments to the Government, and who do not admit of any influences or pressure being borne upon them? After all, the Board of Revenue is an executive body except in certain matters where by statute it is given semi or quasi-judicial functions. Even then, advantage is taken of a particular phrase regarding general control by the Government and hundreds of orders go forth from the Secretariat upsetting the Board's decisions and yet the Board's order under the Board's regulations are declared to be final. There have been cases where the Government have upset such decisions and I will not be wrong in saying that the Board at least under present circumstances is a limb of the Government. That being the case, it is only reasonable and proper that persons who are affected, who have a dispute with the Government, should have the benefit of their disputes being resolved by a neutral court of law. The High Court of this province has achieved a reputation second to none in this country; notwithstanding everything that has been happening here during the past ten, fifteen or twenty years, the High Court has held its own. It is not subjected to Government influence, it is not subjected to political influence and no order or direction can go to it from the Government. The judges are appointed in the regular course and posts are held in the regular course of administration under powers vested in them by the Government of India Act and other legislation. The people have therefore rightly entertained supreme confidence in the decisions of our High Court; they may be right, they may be wrong, according to the good luck or ill-luck of the parties. Still, no man, even though he has lost his case before the High Court, has ever said that the High Court has been subject to any influence. And that is the reason why very often we who have had some respect for law, who want that in future also that respect for law should be maintained in this land, say, that whatever the Government do, particularly matters in dispute between the Government and the citizens of this province, should be subject to the jurisdiction of the highest court in the land which should have the final say. Therefore, I submit the argument that the Government want to cut off delays, and so they cut off the right of appeal and therefore the jurisdiction of the High Court also, is not an argument worth the time the Hon. Revenue Minister has taken to advance it. You cannot advance things by ousting the jurisdiction of civil courts and by cutting off the

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right of appeal in your legislation containing sections which are only sections in name but are not legal sections and do not contain legal provisions. This is essentially a matter in which the party concerned whose property is being taken away by the Government for public purposes has got precisely a dispute with the Government; it is not mere arithmetical calculation, as was suggested. There is a legality, a regularity and a propriety involved and it will also have to be seen whether the prescribed rules regarding notices, etc., and other matters of procedure laid down by the Government are followed or not. These are technical things and sometimes, if not very often, substantive rights of parties are gained or lost by these technical things also. They are the watchdogs of correctness and that is why we are always anxious in legislation to provide so many safeguards to see that all disputes are settled in a proper way, in a legal way and in the judicial way. I submit, therefore, it is absolutely essential that against the decision of the Board of Revenue, which is at best only a quasi-judicial body, a right of appeal should be provided; and as against this high executive body, the competent authority which could really go into the matter in all its aspects and which has got power and prestige behind it and which has also got public confidence in it is the High Court of this Province. Therefore, whatever may be the case in the intermediate stages, the parties concerned must be given a right of appeal to the High Court at this stage.

"It is not always as if only the estate holder will have a cause for complaint and the Government is mistaken in thinking that only the estate-holders and the interest-holders will have the necessity of going to court. Even looking at things from the point of view of the Government, several questions may arise in which the Government and the people of the province may have to lose and it is only proper that the Government should for safeguarding itself accede to this proposition. I know that the Hon. Minister has been saying and insisting that this is a whole scheme and, therefore, no changes can be effected in the scheme of the Act. If the scheme of the Bill is not only to be whole but wholesome, the actions of the limbs of Government, the various limbs of the Government like the Director of Settlement and the Board of Revenue have got to be scrutinised by the court of law openly and in public. A tribunal is no substitute, the Director of Settlement is no substitute nor even the Board of Revenue and they cannot take the place of an open court conducting its business under the rules of Civil Procedure Code. The argument of delay is only a red herring across the path. When those who hold interests are anxious to wait to settle the disputes they have with the Government through a court whose decision they wish to abide by, what is the undue anxiety and over-emphasis on speed shown by the Hon. Minister for Revenue due to? He says: 'I want to do the whole thing quickly; therefore, do not put blocks or clogs and do not make the decision late by going to courts.' I

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submit that an appeal to the High Court would cause no more delay and perhaps it will be much less than what is contemplated under this Act. In fact the whole scheme of the Act is based upon the sub-stratum, upon the foundation of delay and six or seven years is the minimum time guaranteed by the Government to settle these disputes and for Government in such circumstances to say that if matters are to be taken to court in an open manner, to be decided on the basis of approved rules of Procedure, it would mean delay, is somewhat strange and the Government who are themselves basing their whole scheme of legislation on delay ought not to have raised this kind of argument. This, I say, Sir, is an important amendment which tests this Government from head to foot and they must accept it if they want to show that they respect law and the law courts and want future generations also to have respect for law and law courts."

* SRI M. G. NATESA CHETTIYAR:—"Mr. Speaker, I second the amendment. The Hon. Minister said that if the High Court is given final jurisdiction over cases covered by this clause, it would disturb the scheme set up in the Bill. From the beginning, you would have seen the Government scheming to prevent land-holders establishing their rights in a court of law, from getting proper compensation and finally when the question of compensation is sought to be settled, from questioning the amount of compensation and the legality upon which the compensation is sought to be awarded. It is a very consistent scheme of the Government to see that the people who are deprived of their property are precluded from questioning the legality of such actions and the quantum of compensation in a court of law. The scheme of the Government is to keep all these powers within their own hands, namely, the executive body, whose arbitrary decision could not be questioned at any stage. To deny the courts the jurisdiction to entertain questions relating to legality, etc., in this behalf is wrong and unfortunately we see that it is not in one instance that it is done but in several. They do not wish to abide by the decision given by an impartial body but they want their own officials to settle everything. When does this arise? It arises after the estate has been taken possession of, after finishing the settlement and after fixing the data for compensation which I am certain will take several years. That question is to be decided by the Board of Revenue and not by an impartial court of law. Is this really social justice and have the Government alone to say what social justice is to be? Are not other people entitled to it and what better forum could there be than the High Court to test the Government bona fides in their own interests? You find whenever expropriatory legislation is being carried on instead of keeping the question open to the court of law it is closed for the affected interests in the name of social justice. I am not aware that social justice involves prevention of liberties of the affected people. I fear that this attitude of the Minister

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is going to make the Bill null and void. I am not making a challenge or an assertion for it is a matter of fact. If you are going to save the name and honour of this Legislature and the Government and the national organization which we represent, he must not set this very bad example for other provinces; I appeal to him not to weaken the organization like this. As a matter of fact, it has come to be said that the Madras Government are not to be followed by other provinces either for administrative, executive or legislative policies or procedure. We have fallen so low and have come to that stage. Unless the principle of this amendment is accepted, I am definite that it will sound the death knell of the reforms—of the social reforms—of which the Hon. Minister has been talking loud and 'crowing' from house-tops and it will mean the end of them."

* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, I wish to make a submission regarding the introduction of law court into this clause. As you would have seen, Sir, it is being raised on each clause and on each amendment. I am not referring to anybody but if it is a principle, it was debated upon sufficiently and you, Sir, know the mind of the Government and the House."

(Several hon. Members rose from their places.)

MR. SPEAKER:—"I shall allow Mr. Bhashyam and one or two other Members."

* SRI K. BHASHYAM:—"Mr. Speaker, after what has fallen from the Hon. the Minister for Revenue, I wish to take him through this question of the court of law in a little more detail than I had intended at the first instance. I knock at the door of Government once or twice or thrice as I wish them to recognize the court of law as the ultimate arbiter between any parties to a dispute. It is a fundamental fact. If they recognize it, well and good. If they refuse to do so, I knock at their door, again and again till wisdom dawns upon them and they are able to agree with me and the Hon. Minister need not complain that we are talking about the introduction of the court of law in this legislation on all occasions and on all amendments. There is some truth in the wisdom of the saying: 'Try, try and try again' and some result will come out of it and so, Sir, if we go on pressing upon the Government that the court of law must be recognized as an arbiter between the parties to a dispute, possibly some time in the course of the passing of the Bill some wisdom might dawn upon the Government and they might recognize the soundness of the principle and even at the time of finally passing the Bill into law, they might change their mind and recognize the principle for which we are fighting. To say, as the Minister in charge of the Bill does "I am not convinced; I shall shut up my mind and make it impervious to what any one might say" is hardly a position which is worth taking even by a Minister in charge of a Bill like this. I knock at the door; it may be closed now but not for

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ever and it might open sometimes. If we have got a bad judge, we do not drop our case; I argue and argue before him till he comes to my view. I have not left the Hon. Minister as hopeless yet and I do feel that yet there is some sense of justice in him and I can appeal to him till I am able to achieve my object."

MR. SPEAKER:—"But the hon. Member cannot be going on repeating the same thing over and over again, for the Chair is there to see that the same argument is not repeated again and again."

* SRI K. BHASHYAM:—"But, Sir, there are situations when repetition will have to be heard. Some are not present sometimes and some are there at other times, all are not present all the time. If by repeating my arguments I make an endeavour to make all hon. Members hear this view point and win them over to my view and gain their support, then I think it is worthwhile. Such a thing is possible and I, therefore, request you, Sir, to allow me to go on with my arguments."

"The Board of Revenue which has been characterized as a limb of the Government is not only vested with powers of hearing appeal from orders of the Director of Settlement, but at any time it likes it can send for papers and make such orders as it pleases; it has a sort of revisional jurisdiction and it is not limited to time nor any point. It is just possible that five years after the whole thing is over, after the compensation has been paid, the Board of Revenue may call for the papers and revise the scale of compensation and say: 'You have been over-paid and therefore to that extent it must be made good.' In such cases at least I believe they will see the wisdom of giving power to the High Court to say whether it is right or wrong. The question is whether such a thing is to be allowed and what is the remedy you have proposed. Wide powers, of revisional jurisdiction without limit of time is given to the Board of Revenue and such a thing will work havoc on any person who has taken compensation and that possibility and probability will always be impending upon him. How could it be remedied, such an extreme case as I have stated, unless the power is given to the party to go to the court of law for the purpose of redress? Sir, it is not enough to say: The Government are there and they will do everything correctly. This Government is good and nice and are beneficent but three years hence, what is the Government going to be, I do not know. One thing more I wish to refer. We have been denied the right to refer the matter under this measure to a tribunal. We have been denied the right to appeal. I want at some stage, whether it is the first, second or third or the last and final stage, that the matter should be taken to a court of law. If that is done the public will have confidence that the officers of Government have done their duty correctly. So I hope the amendment will be accepted."

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, I have not so far participated in the discussion of this Bill, particularly on this important point, when it is being taken into consideration. This is the first occasion when this Government have come forward with a measure in which they have made it impossible for the affected party to take their case before a court of law. We have been practically crying hoarse and we have been trying to impress on them that what they are doing is wrong and they ought to be just in dealing with the people and they ought not to be so unrighteous as what they seek to do by this legislation. After all, the Hon. Minister might say, 'This is again a matter of accounting and calculation which the Board of Revenue alone can do properly, and that once the Board of Revenue and its officers have dealt with the question in an efficient way there is no need for any appeal or revision.' In the previous clause the Minister did not agree for a change in the constitution of the appellate authority. There he said, that the Board of Revenue was enough and that it would do justice and there will be no room for the affected party to take the matter to a court of law. That was his plea. But, he knows there will be many cases of questions as to what the proper compensation should be. The Government in this very measure have given proof of their desire to act in a most injudicious manner, and also unjustly. Here we have clause 38, sub-clause (7), which says—

'No order passed by the Director under sub-section (1) shall be liable to be cancelled or modified except by the Board of Revenue as aforesaid or to be questioned in any court of law; and no order passed by the Board of Revenue under sub-section (5) or (6) shall be liable to be cancelled or modified by the Government or any other authority or to be questioned in any court of law.'

My hon. Friend says that the Board of Revenue is still a judicial body so far as questions under this measure are concerned. It is competent, according to him, for the Board of Revenue not only to administer the departments concerned, the law concerned, the Act concerned, but also, in his opinion, competent to sit over the decisions of its own officers. The officer concerned may be an officer of the Board of Revenue. The Hon. Minister should remember that in such cases the officers may make mistakes as regards assessment of property, assessment of shares of the various partners in an estate and the like. All these things are questionable in a court of law. The Hon. Minister believes that "it is human to err" is a right thing to say in this case. In his opinion the Board of Revenue is infallible; it does no wrong; it can do no wrong; whatever it does is right. Sir, I think that is a wrong attitude for Government to take. For he will not be doing justice to himself, to the Government he belongs and the party to which he belongs. I am sorry that some of us who are in a minority here may not have their way with the Government; but we must remember, that whatever the position of the minority in a Legislature be,

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any continued injustice done to any section of the people or to the people as a whole, will recoil on the Government. It is bound to recoil, if not to-day, at least to-morrow, and not only on the individual concerned but also on the party to which that individual belongs, and on the Government of which that individual is a Member. (Interruption.) I am only saying that what the Hon. Kala Venkata Rao is doing is wrong. I do not believe that he is capable of doing it continuously. Possibly he is helpless. Evidently, he belongs to a Government which on its own account without taking into consideration the opinion of the people sitting opposite to it or behind it in this House sets aside the well considered opinion of better minds and wants to have things done according to its way.

MR. SPEAKER:—"The hon. Member has taken more than 10 minutes."

SRI A. KAMESWARA RAO:—"He is going only into personal merits of the Hon. Minister and not on the merits of the amendment."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I am afraid, the hon. Member is getting upset. There is nothing to get upset, because this is a subject on which anybody who has any sense of justice must rise and tell that what the Government is doing is wrong. It is not against my Friend here that I am saying all this. It is against the policy of the Government that I am saying all this. The Bill, as it has emerged from the Select Committee, is such that it is fruitful of much controversy. It is full of dilemmas as it is not clear in its wording. It is not written in an easy clear way. From the beginning to end there are many places, a hundred and one places, where there is an absolute need for the affected party to take the matter to a court of law to be settled finally. But, here comes a Government with a Bill to legislate, and they want to complete this legislation in as brief a time as possible, and they want that nobody should have anything to say against it. It is wrong for any people to think that it is only zamindars and the State that will be affected by this measure. There are hundreds and thousands of people who will be affected by this legislation. We plead here on behalf of those people to prevent the Government from resorting to expropriation without any sense of justice; we want to prevent Government from doing wrong, a very clear and obvious wrong that they seek to do, in denying the affected party the right to go on appeal to the highest court of justice in the Province. After all I do not see any reason why the Hon. Minister should not accept this amendment, unless he believes that whatever he says is law; whatever he thinks is right and that whatever he does is good to the people. I do not think he will assume that position and arrogate to himself all sense of wisdom. If he does so, he is mistaken; for he is after all a human being, and this Government, I believe, consists

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of human beings. (Laughter.) Either they want to keep this measure above all law, or they believe in a lawless law, and they want to ride roughshod over public opinion."

THE HON. SRI KALA VENKATA RAO:—"I challenge the hon. Member to prove that public opinion is against this Bill. I am prepared even to take a plebescite on this issue."

SRI K. BHASHYAM:—"Let him first go to a court of law and see the result." 1-15 p.m.

THE HON. SRI KALA VENKATA RAO:—"Let Mr. Bhashyam resign from the party and get a vote of censure against me. I am prepared to face it."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"It is very wrong to be in a challenging mood. I don't think that it is even parliamentary for an hon. Member of this Government to adopt."

MR. SPEAKER:—"It is not a challenge for a duel; it is only a mere verbal challenge."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Though Hitler might have committed suicide and Mussolini might have gone out of this world, I am constrained to say that the spirit of these two gentlemen—not eminent gentlemen but unfortunate gentlemen—who brought trouble into this world, still pervades in this country and over this Government."

* SRI K. VARADACHARI:—"In speaking on the amendment moved by my Friend, Mr. Viswanatham, I wish to say a few words. This legislation, which ousts the jurisdiction of the courts and vests powers in the Board of Revenue, seems to be an indirect answer to the agitation that has been going on in this Province for the abolition of the Revenue Board. We go on adding power after power through every conceivable legislation to the Revenue Board, so that it may become a permanent body, a fixture to the earth, which can never be removed by any Government. That is my complaint against this provision."

Even in the Madras Estates Land Act, which is sought to be repealed by this enactment, a similar provision that no court of law shall be competent to say anything against any decision by anybody is not found. It has been a moot question for a long time in the High Court whether in matters where the Statute specifically confers powers on the Board of Revenue, the High Court could interfere in revision or not. In some cases the High Court has interfered and in others it has not. Evidently, we have become wiser after the passing of the Madras Estates Land Act and we have definitely ruled out interference by civil courts and even by the High Court in revenue matters and matters relating to civil rights of parties. I do concede that there may be a wealth of wisdom in the Members of the Revenue Board to decide disputes and pass orders on any question arising out of the orders of the

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Director. Sections 435 to 439 of the Criminal Procedure Code vest power in the Sessions Judge or the High Court to go through the records of the proceedings of any tribunal subordinate to it to examine the propriety, regularity and legality of the proceedings of subordinate courts. The language of those sections is copied in this enactment, and the Revenue Board is placed so to say on a par with the High Court itself to go into the propriety, regularity and legality of the proceedings before the Director. Perhaps the Revenue Board might be in a position to examine the propriety. But, how the Members of the Board, who have been only administrators and who have never had any training in law, could go into the regularity and legality of any act done by the Director or the tribunal passes my comprehension. The idea seems to be to lift the Revenue Board to a higher pedestal and place it on a par with the High Court itself so that it may remain in our land for centuries as a medium for doing either right or wrong between the Government and the people."

(Sri A. Kaleswara Rao and a few other Members stood up.)

MR. SPEAKER:—"I have allowed enough debate on this."

* THE HON. SRI KALA VENKATA RAO:—"I have no mind to throw out a challenge against anybody. But it came in in a way. Because Members said that there was a public opinion different from what was contemplated in this Bill, I had to express my opinion strongly and say that the Bill has the approval of the public in general. If it is in a special constituency of landholders or others, I may fail."

THE RAJA OF VENKATAGIRI:—"I did not throw any challenge."

* THE HON. SRI KALA VENKATA RAO:—"Because the hon. Member smiled, I simply illustrated.

"Whatever it is, there need not be any challenges. I do maintain that this Bill has got the approval of the public and if a plebescite is taken to-day in the zamindari areas, ninety-nine per cent of the votes will be in my favour.

"If I was a bit warm in my reply, my hon. Friend, who moved the amendment was a bit loud. He put forward his arguments with all the force that he could command.

"About the fundamentals of justice, I have no difference of opinion, nor have I any prejudice against law courts or lawyers. But, only I am dead against litigation. I am definitely against litigation between poor people and rich people and also between the zamindars and the State in later days. Many of the zamindars will get only a few rupees and only some will get more as compensation. If we allow scope for litigation, even the little money given will be spent away. My lawyer friends are not prepared to

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argue free for them. Though lawyers advance arguments in this House free, when it comes to a question of law courts, they will have to be paid for and rightly paid for.

"Another thing I would like to state is that justice we should have and it should be given in a good measure to every one who asks for it. But, as I said the other day, the cost of getting justice should not be as costly as the Connemara Hotel. Connemara Hotel may be the best in Madras but enjoying the benefit of staying there is a costly business. (Abdul Hameed Khan Sahib Bahadur:—Is justice given in Connemara Hotel?). I am not saying that justice is being dispensed with in the Connemara Hotel. It is not possible for a poor man to go and stay there. Nobody obstructs but to go and stay there is really costly. We should see that what we provide for is not costly. I do feel that we should prevent litigation and one way of doing it is by adopting the provision made in the Bill.

"I have been saying from the very beginning that the compensation is to be based upon certain calculations. Those calculations will be made by the Director, and there will be appeal and scrutiny. Therefore, I don't think there will be any miscarriage of justice in this matter. I am perfectly certain that what we are doing is neither Hitlerian nor Fascist. (Muhammad Raza Khan Sahib:—Question.) Perhaps the hon. Member belongs to a party which believes in anti-democratic ideals. I do not know that. So far as I am concerned, I claim with all the prestige of the Congress that we belong to an ultra-democratic organization in this country.

"Leaving that aside, I must state that I have got faith in the policy that I am pursuing with reference to this Bill, my Government have faith in this policy, my Party has faith in this policy and the people of this Province have also faith in this policy. I do feel that there is nothing out of the way in adopting the clause as it is in the Bill and that there is no need for the amendment of my hon. Friend, Mr. Viswanatham."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, the Hon. Revenue Minister was a little less warm in his reply than in the course of his cross-table challenges, which were quite unnecessary. But, I will not go into that. (The Hon. Sri Kala Venkata Rao: 'The challenges were provoked.')

"When I moved the amendment, I also thought that the public would be behind me. I also thought that the intelligent section of this country, of this Province and of my Party would be with me. I claim that the Congress Party to which I belong is not willing to oust the jurisdiction of the High Court in this Province. I claim that I have understood the tenets of the democratic organization to which I have the honour to belong, and to the best of my ability I have tried to follow them. There is no use in pitting that organization against us in considering a simple amendment

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on its own merits. I submit that the organization is democratic, I claim that most Members like myself are democratic, but it is the Hon. Revenue Minister who is not democratic. It is only my old and innocent Friend, the Hon. Sri Kala Venkata Rao, who, in his over-anxiety for democracy, is going out of the way into the untrodden paths of undemocracy if I may coin such a word.

"As I have already pointed out, several points will be coming up for review by the Board of Revenue. There are matters of legality, matters of regularity and matters of propriety not only with regard to the order but also with regard to the proceedings leading to that order."

MR. SPEAKER:—"I think the hon. Member can continue his speech after lunch."

(After lunch—2-30 p.m.)

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I was on the point that although the Board of Revenue would go into the matter and call for the records at any stage of the proceedings to see whether all the formalities regarding regularity, legality and propriety are observed by the Director of Settlements, still in the interest of good legislation and justice, the High Court should be given a revisional or appellate power and that is the gist of my amendment, Sir.

"It was said that a provision for a revision or appeal to the High Court would increase the cost. This argument cannot be sustained if we only look into the matter more carefully. Even before the Board, an opportunity must be given to the person going before it, to represent his case and it is a well-known fact that the aggrieved party will generally engage a lawyer to argue his case before the Board. Sometimes such legal assistance will have to come all the way from Tinnevely or Vizagapatam to Madras or the party will have to engage his counsel at Madras. In either case, the lawyers will have to appear before the Board of Revenue and since the High Court is also situated in the City of Madras, there will not be any additional expense, if the counsel is to appear before the High Court. Only if the matter goes before the highest Court in the land, the parties will be able to get the best form of justice, because the judgment of the High Court will be free from reproach and there can be no possibility of influence therein. This is the claim which we have been making from time to time. Perhaps, Sir, you might have felt, 'what is the meaning of these members speaking about the same thing over and over again?' Now, Sir, we have come to a stage when all references to courts at every intermediate stage are once for all taken away from the parties concerned. We are now almost at the end of this Bill. It may be that in connection with some other smaller clauses we might have talked about courts of law, and references to sub-court or references to district court. But

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here we are on an entirely different footing, because we have come to the end of this Bill. When it is said here that the decision of the Board of Revenue, which is the highest authority which is provided for in this Bill, is not to be questioned by any other authority or any court of law, it is only at this stage that I submit, Sir, that we must look into the matter more carefully. Our arguments should not be treated as mere repetitions, because all the intermediate stages have passed and this is the final stage of the Bill, and it is but just that the aggrieved party should be given the right to take up his case before the highest court in the land, at least at this stage. I submit, Sir, that this provision of an appeal to the highest court at this stage is absolutely necessary and the question of expedition of proceedings does not really come up in this case.

"Sir, several points might come up for discussion and debate even before the Board of Revenue. Take for example section 24 which we have passed, which states 'that compensation shall be determined for the estate as a whole, and not separately for each of the interests therein.' I submit, Sir, that the word 'interests' has not been defined anywhere in this Bill. This Bill deals with a complicated set of issues. I dare say that this matter will certainly come up before the Tribunal or before the Director of Settlements or the Board of Revenue and a good lot of doubt will be raised and discussions and debates will take place. This matter is not so simple or clear. Then, Sir, in another section, reference has been made to 'gross annual demand.' I do not understand what is meant by the term 'gross annual ryotwari demand'. That section has been passed by this Assembly. It has become a part of the statute. As soon as the third reading is over, this whole Bill will become law, but there are many terms which are not defined properly and there are a lot of things which are left vague and which have got to be cleared.

"Sir, I have chosen these one or two things in this Bill to show that there are several other terms which have not been properly defined and several matters will crop up in course of time on which the judicial mind will have to be exercised, before a correct decision could be arrived at. That is the reason why we urged at one stage or other that a provision should be made in this Bill for an appeal to the highest court of law in the land, if the parties affected have a genuine grievance and if they want to get it redressed. In all matters, whether it is in criminal law or civil law, except in cases where the security of the Province is affected, a reference at one stage or another at least to the highest court in the Province is always provided to the aggrieved party. That is a sound principle of law and a sound rule of justice and therefore I plead that a similar provision should also be made in this Bill, at least at this last stage and that is why, I move this amendment, Sir.

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* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, Sir, I am now very cool after the heat that was created this morning as a result of the innuendoes that have been hurled on the floor of the House against me, which I have now completely forgotten. I need not, therefore, answer all those personal reference now, Sir. But regarding the merits of this amendment, I still feel that the clause is quite correct and what I have stated originally is the correct position and therefore I do not like to accept the amendment, Sir."

The amendment was put and lost.

Clause 38 was put and carried.

Clause 39.

Sub-clause (1).

* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, Sir, there are two amendments which I have given notice of to this clause and I shall move both of them now. Sir, I move:

'For the words "at such times", substitute "at such time or times"; and

"After the words "and at such time or times", insert the words "and in one or more instalments".'

The amendments were put and carried.

* SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, I move to add the following at the end of sub-clause (1) of this clause, namely—

'Wherever possible in the case of a landholder who holds an estate comprising only one village or a part of a village for his share, the Government may give him, in lieu of money compensation, cultivable land under a ryotwari patta of approximately the same value as the land under the cultivation of a ryot in that estate on the date of the commencement of this Act, and for which the latter gets a ryotwari patta under this Act.'

"Sir, what I want by this amendment is this. When small landholders lose all their lands as a result of this Act, they have not got any land for their own personal cultivation. My suggestion is that instead of giving them this sort of money compensation that we have proposed under this Bill, which is one-fourth in certain cases and one-fifth in certain other cases of the ryotwari income—and which is based on the annual basic sum multiplied by so many times, according to the amount of the annual basic sum arrived at—the Government should give them an equal extent of land somewhere in their own village or in some other village some vacant cultivable land which will come under the disposal of the Government as a result of this Act, if they want to cultivate it for their own purposes and that the Government

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should give the first preference to these small holders. Sir, many of these small zamindars are no better than ordinary ryots and they should not be deprived of their living on the land, and when they come forward to cultivate their lands, they must be given an opportunity to do so.

"They will be satisfied even if they get waste lands. Government can give them water to bring those lands under wet cultivation. Thus all these small landlords—whether they are called zamindars or inamdars or mokhasadars—who own only one village or less than one village or a small share in an estate should be helped. That is all my point. I have stated that Government 'may' give. Supposing somebody has one hundred acres under him, he need not be given any lands, but those who have got only small holdings and have been deprived of them, may be given lands instead of money compensation." It will enable them to become agriculturists. They have now learnt a lesson that they have lost their lands because they neglected to cultivate personally their lands and were absentee landlords and so it is right that the ryots should get occupancy rights. Instead of money compensation I want that these small landlords should be given lands so that they also may become cultivators. This will also help the grow-more-food campaign. A large number of cultivators will come into existence. The Government will benefit by not paying money compensation. A large extent of lands also will come under cultivation. Therefore, I say that instead of money compensation lands may be given to persons having small shares in estates. I hope the Government will accept this amendment."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I have great pleasure in seconding this amendment so ably moved by my hon. Friend Mr. Kaleswara Rao. It is intended for the benefit of small landholders who are going to be deprived of their land. It is a very good suggestion to create some interest in the citizens of this Province to increase food production. It is only right that these small landholders should be in possession of lands rather than be deprived of them. Waste lands and other lands which are brought under the possession of the Government under the provisions of this Bill may be given to these small landholders instead of money compensation, so that they may take some interest and adopt approved methods of cultivation and increase the prosperity of this Province."

* SRI R. V. SWAMINATHAN:—"Sir, I rise to oppose this amendment moved by Mr. Kaleswara Rao. This amendment is quite contrary to the views expressed by Mr. Kaleswara Rao in this House while discussing various other amendments. He has said that we should not create another set of capitalists and landlords in the country. Now he comes before us and wants that some lands should be given to small landholders. There are villages in which there are thousands and thousands of acres. I know of

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a case where a village consists of 2,000 acres. If, out of 2,000 acres, we have to give compensation, it may come to 500 or 600 acres according to this amendment. He wants to give lands to big people. We can tolerate giving compensation in cash but not in lands. If lands are given to these landholders they will simply give to others to cultivate these lands. They cannot themselves cultivate and they will remain idle. There are thousands of people—Harijans and Backward Communities—who are without lands. These lands can be given to them. If we give lands to agricultural labourers, it is all right. But the hon. Member wants to give lands to people who will sit idle in places like Madras and other towns. I cannot understand Mr. Kaleswara Rao coming forward with this amendment. We are not able to get lands to give to political sufferers even at the rate of five acres per head. Where are we to go for lands to be given to these small landholders? Lands, if given, should be given to political sufferers, Harijans, Backward Communities and for agricultural labourers and not to these men. So, Sir, I oppose the amendment."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, I wish to support the principle of this amendment. The principle underlying this amendment is this. The small landholder is deprived of the whole of his land—even of the partial ownership he had in common with the cultivators. Sometimes there is much lack of understanding shown by certain Members who use words like capitalist, capitalism, etc., without understanding what is capitalism and who is a capitalist. That man, Sir, is not a capitalist, for instance, who lives in a decent house or who has got a small holding of land and carries on his duties and obligations to society. He must in order to dub him capitalist possess much more than he would ordinarily need and then use it for the exploitation of other people in order that he may enrich himself and continue that exploitation. I gave the hon. Member a convenient definition in this manner of the word 'capitalist.' If he chooses to understand it let him; if he does not, then I despair about him altogether."

"Then, Sir, I come to another aspect of the question. Where are the capitalists under this? Even assuming that he was a capitalist when he owned one village (that is only a partial right of ownership which is called the *melwaram*) all that is taken away from him now. You know under the existing law, an inamdar is regarded as the owner of all the lands that are not cultivated. There is nothing in the present law which says that he does not own it. But the Bill seeks to deprive him of the entire cultivated lands, of cultivable waste, and all other waste lands as well. When all this is done, and when the plea is to give him compensation, which, as I have shown at least in one case yesterday where Government sold the property in court auction was very meagre, to come forward now with such meagre compensation is doing much injustice to him. In fact, Sir, I plead very strongly that in

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cases where a man gets no holding whatsoever as private land as defined in this Bill and where he would be deprived absolutely of the possession of all the lands in the village and when he resides in the village and carries on the profession of agriculture, he should be given the opportunity to continue his occupation. He must be given priority in respect of assignment of waste lands. You may fix any limit you like. We are not asking as hon. Members assume that he should be given the whole of the waste lands in the village. It may not be of any use to him to keep waste lands, but he should be given such a portion as he would assiduously cultivate in order to carry on his occupation, which he has been engaged in for years and years. That is the case. There is no such thing as a big man being helped to enrich himself. There is no pleading for those who have holdings of land already as private lands in the village. The amendment is clearly worded. It says 'Government may give him'. (Government may in some cases—and need not in other cases—go to the rescue of the people and make them eligible for the grant of such land. Even there, I ask, Sir, what do you give him? When a political prisoner like me ask for lands, I know the full implications of my application. I know that I will get lands which I will have to prepare and on which I will have to invest perhaps a few thousands of rupees and then get ready to cultivate the lands. It is not as if you walk away with Christmas gifts or Pongal gifts in your pockets and then go to the country and say 'somebody has given me money, and I shall make myself merry'. It is not that. In fact the man who applies for land asks for the fulfilment of a duty which he owes to the State, and every grant of land should be made only on some such ascertained principles. Grants of land now, Sir, are governed very strictly under the Board's Standing Orders. It is not every piece of land that can be granted away. If it is part of the grazing area in a village, it will never be granted. If it is adjacent to a tank bed, it will never be granted. There are so many rules governing the assignment of land. I ask why should people be apprehensive and nervous and come out with mere bald phrases meaning nothing—sound and fury signify nothing practically—and raise bogus objections to the grant of lands, which means no more and no less than assisting a man who has been deprived of all that he had, to carry on his old occupation. Have we not done so in the case of those who have been deprived of other trades? I was one of those who strongly pleaded that even toddy contractors, after the introduction of prohibition, should be entitled to get,—in cases where new-comers have been taken—some licences in the cloth trade. Are we not doing that? Is not the Congress Committee pledged to help these people who have been thrown out of their occupation? I see day after day an agitation in the country is being carried on for this purpose, and even employment exchanges are rushing to the rescue of these unfortunate people who have been deprived of

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their occupation. It is right and it should be so. Similarly in the case of those people who live not in the towns where emblazoned propaganda is carried on in favour of those who are deprived of their occupations, but in villages where they can get the benefit of no propaganda for themselves, but must hide behind the iron curtain of Government rules, regulations and authority, Government must show better consideration and more generous treatment. Certainly there should be room and Government should reserve powers to themselves to grant such lands and in such measure—whatever may be that measure—in order to help a landlord, a partial landlord he may be—I will deliberately say that he is not a full landlord, but he is only a half landlord or quarter landlord as the case may be—such people should be helped to keep to their occupations. Government have a responsibility for them. That is all that I have got to say in support of the amendment and I think I have put up a reasoned case.”

* THE HON. SRI KALA VENKATA RAO:—“ Sir, I am sorry that I am unable to accept the amendment to substitute ‘land’ for ‘money’ and thereby create another category of landholders and give more scope for attack in a court of law. But I would like to state this. If there is vacant land in the village which has to be assigned under the land assignment policy of the Government, and if there is really a landholder who was getting an income of Rs. 50 or Rs. 60 and who is now deprived of everything under the provisions of this Bill, his case will be considered. Of course Government will never agree to assigning lands to rich people who get money compensation or to people who have other private lands to their credit. If some of these people have to be helped by the assignment of lands, they will be treated equally with other categories of landholders. With these words, Sir, I would request the hon. Member to withdraw his amendment.”

3 p.m. * SRI A. KALESWARA RAO:—“ Sir, I am thankful to the Hon. the Revenue Minister because he has agreed to the principle underlying this amendment. But, with regard to the objection raised by my hon. Friend Mr. R. V. Swaminathan, I differ from him. I merely said ‘wherever possible’. That is, the restriction is that the landholder should hold only one village or part of a village. I do not want that Government should give lands to a man who possesses two villages or three villages. That is the restriction. Government will have that discretion. We have got a decent extent of land. Therefore, as the Hon. Minister has agreed to the principle, I would like that specific provision should be made in the Bill itself to enable Government to give compensation in the form of land also. That is why, Sir, I am pressing my amendment.”

The amendment was put and lost.

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* SRI T. VISWANATHAM:—“ Mr. Speaker, Sir, the amendment which I would like to move is this—

‘Add the following proviso to sub-clause (1):—

“Provided in the case of an inam village the Government shall pay the compensation in cash at one time to each of the inamdars in respect of the lands held by him in the village as computed under section 36 where there is no other bona fide claimants to it”.

Sir, I would analyse my amendment so that the reasonableness of it may go to the mind of the Hon. Minister bit by bit and dose by dose. Sir, I believe from the face of the Hon. the Revenue Minister that it is fairly acceptable to him. (Laughter.) Sir, there are inam villages which will still come under the operation of this Act and compensation has to be paid even to other inam villages which are supposed to be exempted and they will all come in for enquiry under another section which is already accepted. Under that section, compensation will have to be given in several cases of inams which are small in extent and where the interests of the various inamdars are, really speaking, small. It does no good to them if the compensation that is due to them is to be paid in separate or small sums at different intervals of time. Therefore, Sir, I submit it becomes easier if the Government were to pay the compensation in one lump sum, particularly when there are no other bona fide claimants and when the sum which has got to be paid is very small, say Rs. 10,000 or Rs. 20,000 or even Rs. 30,000. Therefore, in these cases, it would be proper if the various sums payable to the various inamdars are paid in one lump sum. In one provision which has already been accepted by the Government, Government prescribed that it may be taken at one or more instalments. Therefore, Sir, I submit that instead of leaving it to the discretion of the officer paying or merely to the discretion of the Government which may change from time to time, if specific provision is made in the Bill itself about payment of compensation in cash, it would go a long way to help these poor people. That is the reason why I have moved this amendment.”

* SRI N. S. VARADACHARI:—“ Mr. Speaker, Sir, I would wish to remind the Hon. the Revenue Minister that even in the Select Committee stage, this matter was taken up and I pressed that it should be incorporated in the Statute itself that the first two classes of the landholders should be paid in cash and that in one instalment. It was then said that it would be inconvenient to put this into the Statute and that the rules that may be framed thereafter may contain such a provision. Considering the hardship which these poor, small landholders will undergo, it is absolutely necessary that where the total compensation amount does not exceed a few thousand rupees or even Rs. 10,000—the limit may be put at Rs. 20,000—Government should pay it in one lump sum. There is absolutely no use if Government divide it piecemeal and

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pay it in several instalments and it would be absolutely wrong to do so because the object of the compensation would be defeated if the small amount of compensation was split up into several instalments and paid at various stages. In fact, Government would be wise in notifying small estates and carrying out survey and settlement in small areas as soon as possible in order to have a rough estimate of the income and the limit of the compensation that is to be paid to these small holders, allowing a very small percentage for later adjustments.

"Sir, I would like to refer to one other matter in this connexion. In many of these small estates, the officers working in connexion with the Rent Reduction Act have not gone to those places and made the assessments necessary in respect of reduction and hardship is now felt by many of these people because an unreasonably long time is taken to survey their lands, and all their claims to income on the estates are lost owing to the law of limitation. Sir, there is nothing in the Rent Reduction Act which prevents the application of the law of limitation to such cases. All these small estates are not looked into but only the bigger zamindaris are concentrated upon and the chances are that in these small estates even the payment of the revised assessment would take an unduly long time with the result that persons may lose their incomes by the law of limitation. Sir, I was one of those who pressed for a provision that the courts of law should be brought in at every stage if Government is to be efficient and helpful in these cases. But, then Government felt that there may be several people having to go to a court of law and therefore did not agree. But, Sir, I know large numbers of interested men trying to influence the ryots and the landholders, to bring them together and make compromise. Sir, in one village which I recently visited, the people there said, we do not know what machinery the Government are going to create and when they are going to create that machinery; it may be that several suits will get time-barred in regard to recoveries of assessments. Sir, they do not know what is the position in regard to these matters and it is as good as this Bill not having been brought on the floor of this House. Therefore, Sir, in order that Government may be able to assess the compensation properly and take speedy action in the case of the relatively small estates, this amendment is necessary and I second it."

* SRI D. V. RAMASWAMI:—"Mr. Speaker, Sir, this is one of the few amendments on which I take courage to say that the Hon. the Revenue Minister should be good enough to accept without demur. The amendment itself is self-evident. It seeks to safeguard the interests of the minor inamdars, particularly in these days of inflation when a few thousands of rupees mean only a few hundreds in practical worth. Sir, seeing the actualities of the present money-market situation in our country, the proviso that is sought to be introduced by way of this amendment by

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the hon. Member, Sri T. Viswanatham, is very reasonable and it should not create in the mind of the Hon. the Revenue Minister the possibility of any complication that may result by accepting the proviso. As Mr. N. S. Varadachari has said, the case of smaller inamdars stands absolutely on a different footing from the case of the zamindars in the matter of compensation which is due to them. I therefore support this amendment and I request that the Hon. the Revenue Minister may be pleased to accept it."

* THE HON. SRI KALA VENKATA RAO:—"Sir, while I am unable to accept the amendment in this case, I would like to say again what I stated in the Select Committee. When framing the rules for the payment of compensation, for the small people to whom the amount to be paid is rather small, that is, something like the first and second categories of the schedule, Government will see whether it would be possible to arrange to pay in cash. Therefore, Sir, I would request my hon. Friend to withdraw the amendment."

* SRI T. VISWANATHAM:—"Sir, in view of the very categorical assurance given by the Hon. Minister, I can certainly withdraw. It is as good as accepting the amendment."

The amendment was by leave of the House withdrawn.

MR. SPEAKER:—"The hon. Member, Sri K. Bhashyam is not in his place."

SRI T. VISWANATHAM:—"May I move it, Sir?"

MR. SPEAKER:—"I cannot allow the hon. Member to move it."

* SRI T. VISWANATHAM:—"Sir, the difficulty is this. In the Bill it is said that such rules shall be subject to the approval of the Provincial Legislative Assembly. Sir, they must be approved by both the Houses. That is why the Hon. Mr. Bhashyam has given notice of this amendment. It is a very small thing."

MR. SPEAKER:—"It must be moved by Mr. Bhashyam himself."

* SRI T. VISWANATHAM:—"I entirely agree with the Hon. Speaker with regard to the procedure but it should not land us into a morass. Sir, the rules under this clause must be accepted by both Houses."

MR. SPEAKER:—"Order, order. The hon. Member cannot move it. Now, we pass on to the next amendment."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Mr. Speaker, Sir, I want to speak on clause 39 as amended. I thought, Sir, that Government would come out with some practical method of payment of compensation but I am very much disappointed. This clause, as it stands, is very vague. We cannot be certain when compensation will be paid and in how many instalments it will

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be paid and what form the payment will take. We do not know the method and the manner of payment. I submit, Sir, that this kind of vague provision for payment of compensation for the rights acquired by the Government is, to say the least, illegal. Sir, it is like the purchaser saying, I will pay the money for the purchase whenever I want and in the manner I want. Again, it is like the purchaser saying that in exchange for the house which he has purchased, he might give cattle and in exchange for the lands he has purchased, he might give hills. Then, Sir, at what time, the Government are going to pay the compensation is left to the discretion of the Government. Can there be anything more unreasonable?

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"Sir, I can only characterize the acquisition by Government of the rights of their citizens, as nothing but a compulsory sale. You are acquiring the rights of the citizens. And you don't tell them as to when you are going to pay, in what manner you are going to pay, whether in the form of bonds, transferable, negotiable or not, or in the form of cash. Is that the way in which the Government should respect law? Is that the way in which the Government should respect the rights of the citizens? And my hon. Friend, the Revenue Minister has moved an amendment that the compensation shall be paid at such time or times, as may be prescribed by the rules that the Government may frame. I may now draw the attention of the House to the opinions of the highest law officers of the Government. The Advocate-General of Madras has clearly stated that compensation must be paid in cash. You may delay the payment for some time, but it must be paid in cash. There is no indication anywhere in this Bill, as to what form this compensation will take. The Advocate-General's clear opinion is that if you are not giving cash, but bonds, these bonds are nothing but promises of payment, and therefore it cannot be compensation at all, that is given to them. He also held that such form of compensation is illegal and the transaction will be invalid. So, Sir, this provision is bad, on account of the indefiniteness as to the manner and the time of the payment of the compensation, and unjust because the purchaser, i.e., the Government are given the discretion to pay the money in the manner in which they may choose to pay at such time or times which they may lay down in rules to be prescribed by them in this behalf. I ask, can any responsible Government, responsible to its people, make a provision of this kind. I expected, Sir, that after the discussion that took place after the Advocate-General of this Province expressed the position very clearly, the Government would come out with some definiteness as to the payment of compensation. But what we find here is that discretion is given to the Government to pay at such time or times, and in such manner as they may choose. There cannot be anything more unfair, or more illegal and unjust than this provision. I request the Hon. the Revenue Minister to ponder over this matter and see that proper amendments are made to this provision."

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MUHAMMAD RAZA KHAN SAHIB:—"Mr. Speaker, Sir, I thought that the previous speakers who moved the amendments, would tackle the whole question of the payment of compensation, but they rather confined themselves only to representing how it affects the poor inamdars. From the point of view of a principle, it is but right that I should oppose the whole clause as amended. The only saving grace in this clause is 39 (2), wherein it is stated that such rules shall be subject to the approval of the Provincial Legislative Assembly. Sir, I am not much enamoured of this right which is to be vested in the members of this House, because, take it from me, whatever rules or regulations are decided by the Hon. Revenue Minister, will stand, and there is not going to be any change in them. With all our experience of the discussion of this Bill, for the last 20 or 25 days, when even reasonable amendments even flaws which have been pointed out by the members of his own party were not accepted by the Hon. Sri Kala Venkata Rao, who fortunately or unfortunately happens to be the Revenue Minister, I am not at all enamoured, nor do I feel sanguine that there is going to be any change when these rules are going to be moved on the floor of this House, by the Hon. Minister. My hon. Friend, Mr. Mahboob Ali Baig, being an eminent lawyer, was perfectly right in putting forward his case. My submission is that here is a case where Government are acquiring the rights in the property of the persons concerned, be they big or small zamindars, or inamdars. After having been so unfair to them in the matter of payment, after having decided to pay them so low, don't you think that they deserve some sort of fair consideration at the hands of this Government? After all, their only request and submission are that when you are taking away the property, or their rights in the property, it is but right that you should pay them immediately, and they should know when they will get the full amount. According to this clause, they will be entirely at the mercy of the Government and the Hon. Revenue Minister. It has been pointed out, and it was just now referred to by my hon. Friend, Sri N. S. Varadachari, that even the survey and settlement, which are to be done in these inams have not yet started, and believe me when I say it will take at least ten years for the Government to carry out the survey, and to reduce the present rent level to the ryotwari level. It will take ten years at least, and for ten years, these people will be at the mercy of the Government, and what is more, according to the provisions of another clause, when once there is a notification after this Bill is passed in the Legislature, the Government take possession of these estates, and even in the matter of income, these dispossessed landholders will be getting only 25 per cent of their present income, the rest going to fill up the coffers of Government. The Hon. Revenue Minister may well feel 'I have got nothing to worry myself about. Out of the income which I will be getting from these estates, I shall pay them only one-fourth'. And it would be open for the Government to prolong this process, apart from other such devices."

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Therefore I feel it is quite unfair on the part of the Government to incorporate a provision of this nature. They may do it in the case of the zamindari legislation and simply make the zamindar class as something undesirable or capitalistic, as we have heard so many times on the floor of this House. But the effect of such legislation will be very devastating on other interests, because this will become a precedent for the Government. Therefore, I appeal to the Hon. Minister in the name of justice and fairness, even as a man endowed with some commonsense, that when a person's properties are being acquired by Government, it is but fair that the dispossessed person shall be paid the compensation immediately and to make a categorical statement as to when the compensation will be paid.

"One more point, and I will conclude. Of course, it all depends on the capacity of this Government to pay. Already there have been serious contradictions, into which I do not like to go just now, on this question of payment. Our Revenue Minister boasted once that the money is ready, and the compensation can be paid, and that they required no help from the Central Government, and as soon as these estates are taken over by Government, they will make the payment. But there have been many contradictions later.

"Sir, the time is up and with these few words, I oppose the whole clause as amended."

* SRI M. G. NATESA CHETTIYAR:—"Sir, I am sorry that I was not in my seat when my name was called out, in respect of my amendment for a new clause to be incorporated in the Bill. But I am not so sorry about it, because the bent of the Hon. Minister's mind is so stern, and so unreasonable that it would not matter much, if that amendment has not been moved. I shall reserve my lungs for some other useful purpose in the future, instead of wasting the energy by speaking on this amendment . . ."

* MR. SPEAKER:—"Then the hon. member need not speak."

* SRI M. G. NATESA CHETTIYAR:—"I only want to put before the hon. Members a few important points. After what had happened in respect of the amount that would be made available to them as compensation, and after the doubts that have arisen in the minds of the landholders, especially the small landholders of my type, are cleared they are now seriously thinking of the occupation which they have to take up. They are very anxious to know what would happen to them. They want to know exactly what would be available to them, in order to carry on their living till the full compensation is paid to them, after the estates are taken over by Government. They are afraid they will be dispossessed of their present income, and their occupation, and will be paid much less than what they would be able to get

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otherwise and with which they may not be able to carry on their livelihood. So, they want to pursue some other alternative occupation, but they may not be able to get the necessary capital. They thought that at least that capital would be given to them. Now they have been deprived of that hope also. They thought that the Central Government would come to the aid of the Provincial Government to enable the latter to pay them the compensation. But after what has happened, it has become practically a losing proposition for them to be lingering on any further hopes of such a nature. Their hope now is only in the Pandora's box. The policy with which this Government have been carrying on is one consisting of, if I may say so, unstable financial programmes. We have got very many laudable programmes before us. We do not know what would happen, and with what ways and means. We do not know whether within a period of ten years, the finances of the Province would be depleted to such an extent that these dispossessed landlords may be paid nothing at all. That is the doubt lurking in the minds of these small landholders. Under these circumstances, when the Government get into possession of the estates, what right have they to utilize the income derived from these estates for some other purpose? Why should they not deposit it with the Accountant-General and keep a separate account? (Interruption.) It is not on the unmove amendment of mine that I am speaking. I am only making a suggestion."

THE HON. SRI KALA VENKATA RAO:—"His suggestion is the creation of a fund, which is contained in his amendment that has not been moved."

MR. SPEAKER:—"The hon. Member is speaking on the whole clause as amended. His amendment was to make a separate fund out of the collections. He is just referring to it."

* SRI M. G. NATESA CHETTIYAR:—"It is only to ensure the financial stability of this very Government, and to see that they may not create any doubts in the minds of the dispossessed landholders that I am making this suggestion. I trust that they will implement this suggestion, and create confidence in the minds of these landholders who are dispossessed of their estates. (Interruption.) I state very emphatically that the Government will be doing quite a wrong thing if they utilize the collections of revenue from the estates for any purpose other than that of paying compensation. Having adopted a wrong procedure, they have no right to touch these collections, and utilize them as the general revenues. Again, Sir, it is wrong, as I stated once before, to utilize these for any other purpose except the payment of compensation and for the interim payments in that behalf. As it is, it is only certain classes of the people that will be benefited. I expect Government to remove the fear in the minds of the other classes of people, and see that things are not in a mess."

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3-30
P.m.

THE RAJA OF VENKATAGIRI:—"Sir, besides the other fears that I have expressed, the other difficulties that I have pointed out and the other points which I have mentioned which would cause unnecessary and unwarranted injustice, hardship and suffering to the zamindars, I have got certain fears with regard to this clause as it is drafted. The clause says that the compensation may be paid in such form and manner and at such times as may be prescribed by rules made by the Government. Sir, payment should be made as the property is taken away from the zamindars. That is the opinion held by eminent lawyers and that is the advice given to us. As one who though opposed to the abolition of zamindaris, is interested in passing a legislative measure that can stand the test in any court of law, I apprehend that this Bill, if passed in the present form, would not be in a position to stand the legal test. The clause says that the form, the manner, the stages and the instalments in which this compensation would be paid would be decided by rules that are to be laid before the Legislative Assembly. If I again refer to the legality of the measure, I request the House not to misunderstand me that I do so because I am against this abolition Bill. I do so because I want to save myself and the members of my class from the unnecessary dire consequences. I say that the amount should be paid as the property is taken away from the zamindars. In regard to the adequacy or otherwise of the compensation, I am not now speaking. I am only dealing with the manner, the stages and the form in which this compensation is to be paid. If I remember rightly, the Advocate-General in his evidence before the Select Committee, said that bonds were promised payments. I would like to be corrected if I am wrong. Therefore if the form of payment is to be in the nature of bonds, I fail to see how legal validity can be expected to vest in such a form of payment.

"Sir, if compensation is to be paid in instalments spread over a long period of years, it would not only be, if I may say so, unhuman but also illegal. Therefore whatever may be the legal power the Ministry would take, they should see that when the estates are taken over they find some method by which a substantial portion of the compensation due to the divested proprietors is paid and the legality of the measure is prevented from being affected.

"Further, Sir, the question of stages and instalments is another matter which causes great alarm among the zamindars because we do not know whether it will be 10, 20 or 40 instalments. I would again stress the need for the payment being made immediately the estate is taken over. As regards the finances, the Government should see that they have the necessary finances before they take steps in this direction. This is a matter of the gravest importance and significance to our class of people. It may be that public opinion, misinformed as it is, may be behind this measure, but the leaders of public opinion have got another duty to mould the public opinion on right lines, so that the implementing of the

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public opinion may yield good results and not dire consequences for which the misinformed public opinion would not have bargained. The Ministry should therefore see that even if public opinion is expressed in a particular manner, justice is done and what is in accord with the election programme is carried out. For these reasons, I would strongly suggest to the Ministry that the needful should be done so that the unintended dire consequences of this clause may not materialize. I oppose the clause."

* THE HON. SRI KALA VENKATA RAO:—"I rise to speak after four hon. Members have spoken opposing this clause. The main point of attack is that the provision is not very clear. Sir, it is purposely kept so, because when we want to pay the zamindars we must have a complete appreciation of the market conditions. Therefore the Government have reserved the power to make rules so as to suit the conditions of the market. The Government may be deemed to be a man who is in debts after the estates are taken over and a man in debt cannot sleep till he clears off his debts. It is the duty of the Government to consider how best to clear off these debts as early as possible and as easily as possible. Therefore I thought that the zamindars would welcome the provision in the Bill. Suppose we collect more money in one year, or we have a budget balance or a revenue reserve or other source of income, we can make the payment immediately. If the market conditions are stiff we will not be able to raise a loan but we can so arrange our method and manner of payment to suit the market conditions. The hon. Member referred to the Advocate-General's opinion regarding the payment of this money in bonds, but he only quoted the latter half and not the former half of the opinion in which he said that the amount can be paid in instalments. The zamindars would prefer negotiable bonds for payment by instalments spread over 40 years. Without committing ourselves to payment in instalments and the number of instalments, and also whether the payment should be in bonds or not, we have kept the thing necessarily open so that we may take advantage of the market conditions and clear the debts at the earliest possible time. I think that there is not much material in the objections raised to this clause and I request the House to pass the clause as amended."

Clause 39 as amended was put and carried.

Clause 40.

* THE HON. SRI KALA VENKATA RAO:—"Sir, I beg to move the following amendment:—

Sub-clause (1).

'For the first paragraph substitute the following:—

"The Government shall deposit in the office of the Tribunal, the compensation in respect of each estate as finally determined under section 38, in such form and manner, and at such time or times and in one or more instalments, as may be prescribed by rules made under section 39."

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This is only a clear drafting of sub-clause (1) of clause 40 so as to cover what I have said just now. I would request the House to accept the amendment."

3-45
p.m.

* SRI A. KALESWARA RAO:—"Sir, I am not one of those who object to the payment of compensation in negotiable bonds; I want that there should be no obstacle of any form or shape for giving effect to the provisions of this Act immediately. The whole ryot population are most anxious that the zamindari system should be abolished. The question of payment in cash or bonds should not come in the way of the Government taking over the estates. But only one thing the Government should have accepted. They are saying that the whole compensation would be deposited. If lands are to be given to the small landholders in lieu of compensation, then this precludes that. I thought that the Revenue Minister would agree that at least in the case of smaller people lands may be given in lieu of compensation. Now that is precluded by this amendment. The original clause as well as this amendment says that the whole compensation will be deposited in bonds or promissory notes or cash or paid in instalment. What the Revenue Minister wanted to see was that they were treated as landless people—it was his mercy; that is not what I wanted. I wanted that wherever possible, they should be given lands. Even now, if he excludes lands, I have no objection and I shall be glad. Without exclusion, if he puts in this provision, I must oppose this amendment of the Government."

THE RAJA OF VENKATAGIRI:—"In regard to the points which I raised while supporting the rejection of the other clauses, the Hon. Revenue Minister put some questions which have some bearing on this amendment. Therefore, I would refer to them. While referring to the evidence given by the Advocate-General, he asked the zamindars whether they would not prefer payment in bonds instead of having to wait to receive cash in instalments. Under the rules, compensation if it takes the form of bonds, could not be had at once; it would be payment in bond which has been described as a mere promise to pay. This amendment contemplates payment in instalments. These two unsatisfactory features are embodied in this amendment. I have no objection to payment in bonds, so long as the bonds are alienable and encashable, though I only refer to the legality of it; but still I want that the payment must be made in a lump sum. That is what I would continue to stress, so that the injustice and the possibility of the invalidity of the measure may be avoided."

* SRI M. G. NATESA CHETTIYAR:—"Sir, according to the Government amendment, it is stated that it is only the compensation amount that will be deposited under section 38 'in such form and manner', etc. I have given an amendment to this clause for the inclusion of interim payments also in the sums to be deposited with the tribunal; and I wanted that to be included in this clause

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as a new sub-clause. Supposing there is a dispute in respect of interim payment where is it to be kept, who is to draw and when is he to draw it—all these complications will arise. Again, supposing a court has appointed a receiver and he pays the amount into court; who is to draw the amount? The Government soon after dispossessing the estate holder and getting possession of the estate, steps into the shoe of the debtor and payment has to be deposited into court. There are instances where the creditor has a decree and receives interim payment from court in the shape of interest. Under such circumstances, what would happen under this clause? It is in this view that I want interim payments also to be provided for for being deposited with the Tribunal, to be paid along with the compensation amount. I believe, Sir, the difficulties will be appreciated by the Government as mentioned by me now. In fact, I am myself involved in a matter of this nature. I own a decree, there is a receiver and the receiver pays towards interest on my decree through court and I am entitled to receive that interim payment. What is to happen in such cases; I want a clear explanation in the matter. Under what clause will interim payments from estates received through court be accepted?"

MR. SPEAKER:—"Mr. Viswanatham, if the Government amendment is carried, how will your amendment fit in?"

* SRI T. VISWANATHAM:—"In order to make matters short, I will speak now, Sir. It is true that if the Government amendment is passed, my amendment might not have a place, and in order to avoid doubt, I shall put forward what I have to say on this amendment itself.

"Sir, I need not advert to what has already been said with regard to uncertainties, because the Bill itself is based on a foundation of uncertainties and to pick up one clause or sub-clause here and say it is uncertain is really to say what is very obvious to everybody. But at the same time we have to go through the process as it were, and that is the lot of the hon. the Revenue Minister and of the Members here.

"As regards the Tribunal, it has been created already under a provision, but what its powers and duties are, is not succinctly stated in any one section. In the section constituting the tribunal, it is not said that the tribunal shall exercise such and such powers, although several references to it are made in different places. This is one section where the tribunal comes in for doing certain things, i.e., to receive the monies which the Government may deposit after some years under section 38. I submitted in another connexion that the tribunal is not the proper authority to deposit this compensation amount, because the tribunal under other provisions has been entrusted with some important judicial functions. That is why I have given notice of my amendment that the Government should deposit the compensation in the Court of the Subordinate Judge within whose jurisdiction the estate or a portion of it is

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situated. That is in line with the view which I have all along taken and the amendment of Sri Kala Venkata Rao is in line with the view which he has always taken. Both of us are like the banks of a river; we seem to come near to each other, but we never meet and we always part. And here again, this question of the tribunal has come; I submit the tribunal is not the proper body with whom the deposit should be made. Even assuming this amendment is passed, I will still press my amendment, but under the existing circumstances I do not propose to move it. As regards the Government amendment now before us, I may say there is great force in all the arguments advanced by the previous speakers in opposition to it; the Government can take time to think over the position; the discussion is to continue for another two or three more days and the Government can come forward with a more definite proposition in regard to the whole question of compensation. First of all, there is no ascertained amount of compensation. Again, it is stated here 'in such form and manner'; the form is not settled and the manner has not been said. Sir, some time ago assertions were made by members from both sides of the House that those who are in charge of the affairs of the country have given the advice that about 80 per cent of the compensation should be paid away immediately to the estate holders. I do not know what has become of that 80 per cent, how it started and how and why it has melted away now into vapour. And we find here 'in such manner'; and so, this 'form' and this 'manner' have been newly invented. What is the manner of deposit I cannot understand. 'Form' probably may mean paper currency, redeemable bonds or even irredeemable bonds; but 'manner' I think refers to various methods of procedure. In another connexion, we have had occasion to hear it stated that the compensation would be not 80 per cent, but it would be 2 or 20 per cent or that it would be spread over a hundred years or that it may all be paid away at one time—all left to the pleasure of the Government. What the people say and what I on behalf of the people say here is this: when you take my property, you give me its worth; and when you do give it, you give it with good grace and give me to know the time by which you will give it. Please do not say that there are so many complications, that you cannot raise money in the open market and all that; because by saying all this, you will be only affecting the credit of the province. I say this Rs. 12 crores or Rs. 15 crores question does not arise at all. I have been observing what the Rent Reduction Deputy Collectors are doing in my part of the province. They have been reducing the rents of the estates, not by one-third or one-fourth, but to one-third or one-fourth. There have also been some cases which came to my notice which are before the courts for instructions and in those cases the rents have been reduced almost to the level of the peishkash. Notwithstanding the hopes of my hon. Friend sitting opposite here, I believe, the total amount cannot be Rs. 12 crores; it may not be more than Rs. 2 crores, if not something less. I think it will be quite possible even within the budget

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provision of this province to pay the entire amount in one lump sum according to what is going on under the Rent Reduction Act. Notwithstanding the provision here that no court can question the decision of the Director and the other people who settle the matter finally, we know that possibly an order from the Secretariat here will change matters; such being the case, why should the hon. Minister fear that the Government might have to deposit it 'in such form and in such manner.' As I said, it will be a very small amount the Government will have to pay, it will not be more than Rs. 2 crores for all the zamindars put together. I shall certainly be able to give the calculations when the time comes; but we can easily assume it, on the basis of the work done by the Rent Reduction Deputy Collectors under the Rent Reduction Rules. When actually a Deputy Collector has gone and made some sort of, not scientific but something approaching a pseudo-scientific enquiry and has come to a particular conclusion, it will be very difficult for the Director of Settlement or anybody else later to differ and say: 'No, no, the income in this estate is Rs. 30,000 and not Rs. 9,000', and if out of this Rs. 9,000 one-third is taken and if again another 13 per cent for other purposes is also taken out of it, there will be very little left over for calculating compensation amount. And so, Sir, I submit the hon. Revenue Minister and the hon. Finance Minister need not be under any great fear that there would be inflation if they pay off these zamindars at one time or in one place or in a definite, understandable and acceptable form. Therefore, Sir, let them have peace of mind and let the Government pay whatever they want to pay in one lump sum to these persons, or give them nothing if nothing is due to them. But, what I say is, let there be, for God's sake, some certainty about all these matters."

* SRI N. S. VARADACHARI:—"Sir, I am not moving my 4 p.m. amendment but I wish to emphasise the very correct principle which is embodied in my amendment. Of course, it has been accepted by the Government in principle. That is all, but they have never had the courage to put it into practice. Now let us see what is happening. On the one side, people are dispossessed and paid compensation. It is right. We do not want this particular kind of free tenure, but we want a uniform tenure all over the Province. All intermediaries have got to be removed. All these are very correct propositions and seem to be very attractive. But, Sir, as against this, what should a careful Government do? When they give away properties to other people, are they to be given free and at reduced rents? You are doing them a double favour. I call it favour and will not use any other word which may be stronger and which may seem rather awkward for Government to combat. What is it we are actually doing under this legislation? We are taking away the rights of certain landholders and assessing their compensation in a manner to which they are now made to assent by force of law. I do not question the justice or injustice

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of that step. I have pointed out several anomalies in the course of the discussion but they are only anomalies. In general I may be in agreement with the mode of compensation prescribed but what should a careful Government do, especially when they are faced with financial distress? We are asked to be cautious and the Government of India have asked us to conserve our resources and not to expect any aid or assistance from them especially in regard to the dispossession of these estates. Now we are able to take charge of them and do it on the strength of our own carefully built up reserves leaving aside for the moment even Post-war development schemes for which the reserve was intended at the time it was built up. Now I say all this in order to add force to the argument. If we are not able even to recover fully the value and it may not perhaps be proper, at least should not some form of purchase value—I would call it not full purchase value but some token purchase value—be realized from the pattadars who are going to get possession and into full ownership of these lands and also whose rents are to be reduced and they are to be treated as all other ryotwari pattadars? They will not hereafter bear the intolerable burden they were said to be bearing all these years. And what is their number? There is no information on this point. They may consist of small people and big people alike. Let all small people be left out and I do not mind giving them property at reduced rates, but why should big people, perhaps worth lakhs of rupees or thousands of rupees and owning properties not in one village but in several villages, be given free pattas? Is that the conduct of a careful Government? Is that the test of caution? I say there is something to be said in favour of the view I express here and which the Congress High Command had expressed to this very Ministry that they should devise some form or other of putting land into possession of these pattadars only on payment of some token purchase value. This, Sir, would be a fitting and proper consummation in respect of this Bill, if it had contained a clause—even if it were a nominal thing—asserting the right of the State to be given the value of property which it enables by legislation the parties to acquire. This as a very fair proposition. Now what is the effect of the present Bill? It puts into possession, as I said, small and big people alike on land holdings and why should these people possess, for instance, more than five acres of land, which you consider proper gift for your political sufferers who have suffered so much to get into possession, without payment of compensation of any kind of fee whatsoever? Should not Government at least levy an inclusion fee on these pattadars who get full ownership on account of this Bill? If the Government are going to legalize the full ownership of each one of these especially of those who have more than the economic holding which they have in view, what justification can there be for Government not to enact a clause in this Bill which will prescribe the amount of annuity which each landholder will have to pay in order to get full possession or full ownership. I say, in fact, this opens up the

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flood gates of extravagance. What will you do, for instance, when you pass another Bill which may be not in respect of estates, but in respect of ryotwari land holdings wherein you want to put some people in possession because they have been cultivating those lands on behalf of others who may not actually be in possession, and are not paying enough attention to the lands? You are talking big about absentee landlords and the like. I am not, of course one of those who talk on abstract propositions but I would examine each proposition on its merits and the practical effects it will have on the land law in this country and the land practice in this country. I will not disturb anything so violently as would jeopardize the food production of the Province. I do not say that this Bill does it either. But, would you take the risk of giving up your rights for ever in creating new properties by legislation and the right of the State to prescribe a fee which alone ought to entitle these pattadars to get into full ownership. I am not one of those who are afraid of saying these things. I take the full consequence of whatever I say on the floor of this House and I am prepared to face my electorate. I do not stand for merely playing to the masses. (The Hon. Sri Kala Venkata Rao: 'Playing to the gallery.') No, not to the gallery—I would not use the phrase which the Hon. Minister may probably choose to use. I am not for playing to the masses. Masses are not at all benefited by this Bill but the people who will benefit by this Bill are another class of intermediaries whom you are seeking to put into possession of land holdings without taking a single pie from them even in token of the full property being passed on to them and that too after rents are reduced to a level much lower than they had reason to expect at any time. Now, I ask in all justice and fairness, is there any need for such a provision especially at this juncture? Why should Government lose and why should Government pay full compensation to all the zamindars from their own resources and why not enable themselves to collect some money in order that they may pay some part of the compensation—if not in part, at least that much to mark State ownership? It is, as I said, the soundest theory. I do not accept any old-fangled theory of the State not owning land. We are all subsidiary owners and the State is the permanent owner and it is the State that discharges its responsibilities in respect of the land; it preserves its rights to redistribute the land in a more equitable and proper manner."

MR. SPEAKER:—"What about compensation?"

* SRI N. S. VARADACHARI:—"Yes, Sir. It is this compensation I ask for in the clause to be added. This compensation which the Government are proposing to pay to the zamindars and inamdars under this Bill is going to be a burden on the tax-payers. I am reminded of one hon. Friend opposite who said, no, no, why should the State pay for all these? The State should not pay and that is what people think. I say, let not the

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State pay in entirety the compensation but only part of the compensation money for putting these pattadars in entire possession of property. If you want to put new men into ownership by legislation without consideration, I tell you it is as much void in morals as it is in law. So, Sir, I would urge on the Hon. Minister to review the position later and say that he will in the course of at least making rules or bringing in a Bill for this purpose provide for levying an inclusion fee from these new intermediaries whom you want to create in place of the old ones."

* THE HON. SRI KALA VENKATA RAO:—"Sir, I am very much surprised at the opposition to this clause especially after we have passed Clause 39. This is only a consequential arrangement with reference to Clause 39 and except for the repetition of the argument there was nothing more spoken by hon. Members. The hon. Member Mr. T. Viswanatham was referring to the colossal reduction under the Rent Reduction Act. Some members feel that it is not a Rent Reduction Act but a Rent Enhancement Act."

SRI T. VISWANATHAM:—"It is not a view, but a fact."

* THE HON. SRI KALA VENKATA RAO:—"Let it be a fact. I shall be very glad to see that rents are reduced to the ryotwari level under the scheme of the present legislation. So, it only means that there is more of rackrenting than we have ever imagined. I shall be a very happy person indeed if the present rental is very much reduced."

"Now, Sir, with reference to the other point raised by my hon. Friend, Mr. N. S. Varadachari about the need for a betterment levy because we are transferring land free to the ryot, I may tell him that except for the reduction of rent, we are not giving any extra property rights to the pattadar by the abolition of the zamindaris except in a very restricted sense. And except for a few extra benefits that accrue to him as pattadar, there is nothing else. That benefit he will any how get and for that we need not ask him to pay any fee. So, Sir, I am unable to accept these suggestions. I would request the House to pass the redrafted amendment (No. 344)."

The amendment was put and carried.

Clause 40 as amended was put and carried.

Clause 41.

4-15 p.m. * SRI M. G. NATESA CHETTIYAR:—"My amendment, Mr. Speaker is a very simple one and it is in respect of people who claim compensation and interim payment together and it is to facilitate both to be deposited with the tribunal so that they may claim them after the settlement has been reached between themselves. The claim may be in dispute; the time in respect of which

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these things have to be received may be in dispute. It is just to afford facility to receive interim payments along with compensation, that I have moved the amendment:

'In line 1, between the words "compensation" and "so" insert the words "or interim payment or both".'

The amendment fell through for want of a seconder.

Clause 41 was put and carried.

Clause 42.

* SRI M. G. NATESA CHETTIYAR:—"I will not move my amendment if the Hon. Minister will give some assurance in the matter."

* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, I would like to state that in the matter of interim payment no provision is necessary because we take only the peishkush and the percentage of collection charges according to the terms of the Bill. There will be no difficulty about paying 'interim payments'."

Clause 42 was put and carried.

Clause 43.

Sub-clause (1).

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

'Before the words "in accordance with the value of their respective interests in the estate" insert the words "as far as possible".'

For the words "whose rights in the estate" substitute the words "whose rights or interests in the estate".'

The amendments were put and carried.

Clause 43 as amended was put and carried.

Clause 44.

* SRI A. KALESWARA RAO:—"Mr. Speaker, I move—

'For the existing clause, the following shall be substituted:—

"(1) With effect on and from the commencement of this Act, the Madras Impartible Estates Act, 1904, shall cease to apply to any estate for the purposes of this Act.

"(2) The compensation payable under this Act to any landholder, who was governed by the Madras Impartible Estates Act, 1904, till the commencement of this Act, and the lands to which he obtains a ryotwari patta under this Act shall be treated as the property of the Hindu joint family to which he belongs and shall be distributed

ended

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among the members thereof according to Hindu Law, notwithstanding any family maintenance arrangements that had been entered into or awards or decrees or orders of a Court obtained before the commencement of this Act. And the said arrangements, awards, decrees and orders stand cancelled with effect on and from the commencement of this Act."

In the original Bill introduced by the Government they had put in a provision that impartible estates also should be treated like partible estates. There are about 130 impartible estates in the Province and as you are aware they are the artificial creations of British Imperialism so that they might serve as their support and prop. Just as they helped capitalists, they helped these people for political considerations. (The Rajah of Venkatagiri: Question.) Thank you, Sir; I can understand it. He is affected. Just as they supported capitalists, just as they supported the Indian states they also supported these feudal people,—they could not make every zamindari impartible and they only took up the major ones and the bigger ones with good income and they called them impartible estates under an Act, the Impartibles Estates Act passed in 1904. These are artificial creations made for certain political considerations and purposes of the British Government and really they are as good Hindus as any partible estate zamindars who number about 2,700 or 2,800. The Permanent Settlement Regulation itself laid it down that these may be sold or transferred or disposed of as they liked. All of them were treated in the same way and it is only in 1923 that the Madras Impartible Estates Act was amended with reference to the amount of maintenance to be paid and the category of persons entitled to the maintenance and except that amendment that was made in 1933 or thereabouts, there is no change in the Act. I am sorry, Sir, that my learned friend, Mr. Kala Venkata Rao has suddenly introduced a new clause in the Select Committee stage which is of advantage to the bigger zamindars but the smaller fry are not affected. They are not helped in any way. My complaint is that in the Select Committee whatever was possible in favour of the bigger zamindars was done and this is one of the instances where I am strengthened by the opinion of the Provincial Congress Committee who are of the opinion that there should not be any concentration of wealth in the hands of a few zamindars and we are for the distribution of wealth to all the members of the joint family of the zamindars and they should all be treated equitably and fairly. Of course my friend will say that some hidden record, some secret instructions have been received from the High Command which may not see the light of day. He was telling: 'If a person like Mr. Kaleswara Rao was strengthened by the opinion of the Provincial Congress Committee. I am strengthened by the opinion of the High Command.' The one thing is that the opinion of the Provincial Congress Committee is before us and before everybody it is before me and before every Congress member of this House

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whereas for the other instructions we have to rely upon him and I do not want the House to rely upon them because they are irrelevant. It is after all a question of justice and I want justice to be done to the members of the families of these zamindars and therefore, the question of impartibility does not at all arise. The Permanent Settlement Regulation is being repealed and the Estates Land Act except to the extent that it will apply to inams which are excluded, that is inam villages of 1936 Act, is to go and there are no other laws except this law that will apply to zamindars and estate-holders. They will all become ryots and get ryotwari pattas and when that is so, why should maintenance decrees and awards, maintenance arrangements and such things remain? The old zamindari system is swept off and there is a clean slate created by the Government under this Bill and I hope that all the intermediaries will be going and the Hon. Minister for Revenue will bring in another Bill very soon with regard to them and also with regard to the 4,000 villages which represent the inams of 1936. When everything is going and the feudal system is swept off, why should there be these distinctions, why should the impartible estate zamindar be preferred and why should a clause be introduced in the Select Committee which will be of particular advantage to the bigger zamindars. Of course it is said that all the members of these families should not get more than one-fifth and so they will get one-fifth compensation and in that proportion it will be calculated and some lump sum will be settled and the tribunal will pay them. It is unjust, wrong, inequitable, unsocialistic and un-Congress and I say that this sort of thing should not have been done by the Hon. Minister in the interests of the impartible estate-holders. I, therefore, submit that the whole clause as it has emerged from the Select Committee should go. Whatever may be the result of my motion, I must do my duty. Of course the Revenue Minister will not heed. It is just as if he is shutting all the doors and windows and sitting inside without allowing the light or air to come in. Let him be there like that. The whips have been sent out and there are not even members prepared to speak and much less will they vote for my amendment. Mr. Swaminathan, I feel, is prepared to speak but he is afraid to vote but with all that I must do my duty in the interests of justice, fair-play and the good name of the great institution to which I have the honour to belong, whatever may be said by the Revenue Minister. Whatever may be the reason, I fear he is not acting properly and that is my complaint. He may challenge every one of my amendments, but I have public opinion behind me and the whole ryot population is behind me and the whole Andhra country is behind me. So, Sir, let him not challenge me and let him not challenge my amendments. The only thing I am concerned with is public opinion and I am more experienced and am in touch with the people and I am not afraid. If it is against public opinion I would not have moved the amendment and I move the amendment for the acceptance of the House."

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4-30
p.m.

* SRI T. VISWANATHAM:—“ Mr. Speaker, Sir, in seconding this amendment I wish to say the clause in the Bill presents some difficulty not only to the Hon. Revenue Minister, to the present impartible holders but to everybody else. In the original Bill as introduced in the Assembly this complication was not present. As hon. Mr. Kaleswara Rao explained, the Impartible Estates Act came into existence in 1904. Of course the incident of impartibility was attached to certain estates by virtue of some custom prevailing not only in South India but also in other Provinces in this country. Although the Permanent Settlement Regulation was passed in 1802 the position of impartible estate-holders was not defined until 1904, when, in that year, the Act was passed. In the preamble it is stated, ‘ *whereas it is expedient to amend the law in regard to the impartibility and inalienability of certain estates; it is hereby enacted as follows:* ’ The title of the Act is ‘ *An Act to declare that certain estates are impartible* ’ and in the definition of the words, it is stated that ‘ *Proprietor of an impartible estate* ’ means ‘ *the person entitled to possession thereof as single heir under the special custom of the family or locality in which the estate is situated or if there be no such family or local custom under the general custom regulating the succession to impartible estates in Southern India.* ’ Sir, there is a sort of begging the question in the definition, as it stands. The difficulty presented itself to the draftsmen of the legislators of that date. The difficulty was to find out who are the holders of the impartible estates. Until the matter went to a court of law it was not clear whether the estate was to be deemed to be an impartible estate or not. Therefore in several estates when family settlement or adoption came into question these estate-holders had to go to the Privy Council, and the Privy Council went on, as and when occasion arose, deciding whether a particular estate was impartible or not, according as the incident of impartibility was proved or not. But in 1904, possibly it was thought better to declare—whether the matter went to a court of law or not, whether the custom was proved or not—by the Legislature that certain estates in the Province governed by the Permanent Settlement Regulation and which had been impartible for 102 years from 1802, should be brought into an Impartible Estates Act, and so that Act was passed and the schedule gave a list of such estates. After 1904, there were also cases when certain other estates were purchased by these estate-holders and added to their estates; for those estate-holders had the good luck of having some money to invest in land and so they purchased them and added to their estates. From that date no case arose to prove the incidence of impartibility of those estates. Still in 1926 or 1927 several estates wanted to declare themselves as impartible and by an amending Act, they too were added to the schedule of impartible estates in the Act of 1904. Therefore the incidents of impartibility attached to some of the estates is not an ancient thing, as is imagined by some in the Province. It is true in some big estates the incidence of

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impartibility was clear and old. But the impartibility did not do away with the right of survivorship of the other members of the joint family. That is a fact which we should not forget. The other members of the family have a right for maintenance from the estate. To-day there are several maintenance holders. The whole trouble is with regard to them. All the members of the joint family have an interest in the estate; it is only for the purpose of management of the estate, the estate is vested in one individual of the family. A week ago, for example, the Hon. Revenue Minister opened a building given by the Rajah of Vizianagaram for the purpose of a first-grade college. It is doubtful whether he has the right to give it without a particular certificate from the Collector. It is also a moot point whether the other members of the joint family cannot question the gift, though they may not do it. For they are good people, and I know they never intend to question it. But all the same, the position is there. If we only look at clause 4 of the Act of 1904 we will understand the nature of the position of the estate-holder in these impartible estates. That section deals with restrictions on alienations of impartible estates and permissible alienations. There are sub-clauses (a), (b) and (c) in that section, all dealing with the question of alienations of impartible estates, when and how they can be made. So it will be seen that the estate-holder has no absolute right over the estate. By a sort of transfer—just like the transfer pictures used by children—impartibility has been added to other estates, in which the incidents of impartibility never existed. Prior to 1926, for example, the holders of several estates never claimed their estates as impartible. Properties were freely purchased and divided by brothers and other joint family members. As I said a little while ago, section 4 of the Act of 1904 declares when the impartible estate may be alienated. The Board of Revenue has to certify that a particular transaction is for the benefit of the estate; and there are so many restrictions upon alienation. For the purpose of management all the estates may be brought under one category. Therefore the amendment of Mr. Kaleswara Rao means that the incidence of impartibility itself was not an ancient incidence attached to the estates and if even that was not a subject-matter of legislation from 1802 to 1904, is it wise now, with so many maintenance-holders and junior members of the joint family to pay all the amount of compensation only to the single holder? And to whom are you going to pay compensation? What is his position? That is why, we said, better leave these things to a court of law, the highest court of law. But most unfortunately the Hon. Revenue Minister is adamant. Whatever may be the legal difficulty, whatever may be the position, the Hon. Revenue Minister says, ‘ *My view is right; there are only two views on a question; one of it is right and the other is wrong; my view is right and so your view is wrong.* ’ Now there are so many claimants to this 12½ crores of compensation. The brothers would get equal shares and some other junior members may get

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less than that. This is a point for serious consideration. Now when I say this, I am not pleading for outsiders, but for the junior members of the family; for it is just that each man should get his due share."

MR. SPEAKER:—"The hon. Member has taken more than ten minutes."

SRI T. VISWANATHAM:—"I am sorry. I want to make clear the seriousness of the question involved. I do not know whether I have made myself clear. Perhaps I shall be able to make it clear."

MR. SPEAKER:—"No, the point is clear; the hon. Member may take three or four minutes more and finish his say."

4-45
p.m. SRI T. VISWANATHAM:—"In fact I was speaking with a certain amount of reserve. I am speaking now on behalf of the estate-holder, his brothers, the junior members of his family and other members who have got a right of survivorship. Even to-day there are several cases where the alienations made by the estate-holders have to be consented to by so many persons including the Government. In this connexion I may draw your attention to the munificent gift given by the Maharaja of Jaipur to the Andhra University. You remember, Sir, how, difficult it was to make it legal. It was not easy. Although he was the last holder of the estate with no joint family members, still it was so difficult. The Madras Government and the Orissa Government had to come together and the best legal brains had to meet and evolve a formula to see that the son whom the Maharaja was going to adopt could not question the gift. The law of joint Hindu family exists in this country and therefore it is not an easy matter. Let me submit that the original provision which was introduced by the Hon. Revenue Minister would have been a better thing. (The Raja of Venkatagiri: 'Please also deal with the case law on the subject.') I will certainly deal with the Case Law if I were before a court of law. But the trouble in this House is that I have to get the books, give a copy to the Chair and the Revenue Minister and then deal with it. It does not seem to be a practicable proposition. I am sure of my ground when I say that impartibility attached itself only for purposes of possession and management of the estate subject to the various restrictions in the Impartible Estates Act. I submit that this is a matter which ought not to be left for a decision on the floor of this House, nor is it merely a matter of policy. We admit that the members of the joint family are entitled to maintenance. We go even to the extent of providing twenty per cent in a lump sum for all of them. I make an appeal not only to the Government but also to the estate-holders. Even though not a single junior member of any estate has come to me, still as I survey what is happening, I see that estates are being dissolved and the compensation money is going into the hands of a

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single holder. Is it right for the landholders to stick to their guns and say that, because they hold now the impartible estates, the junior members could not have anything equal to what they get? Is it right to say that the other members of the joint Hindu family shall not have their rights recognized? I am appealing to their generosity and to their noble sentiment. Will it ever happen in an ordinary joint Hindu family that brothers would be deprived in this manner? Will it ever happen that junior members could be deprived in this manner? I do not say that it is due to any wickedness on the part of the present estate-holders. I do not say that it is due to any pre-meditated malice. All of a sudden, a property which has been yielding income to the maintenance-holders and a good lot of income to the estate-holders is being dissolved. A new situation has suddenly sprung up. Even the estate-holders are still in the first shock and they are not able to see the full implications of it. Is it right that an estate-holder should say: 'Because the property has come into my hands and I have been the disposer of its income for a number of years, I alone shall be entitled to the compensation.' While it is unjust on the part of the Government to force such a decision on the junior members of a joint Hindu family, I submit that it will be equally ungenerous on the part of the estate-holders to claim all the income for themselves.

"These are some of the considerations which have weighed with me in seconding the amendment."

MAHBOOB ALI BAIG SAHIB RAHADUR:—"I regret very much to have to oppose this amendment moved by one of the intelligent lawyers of my district and seconded by an equally brilliant lawyer—the hon. Sri T. Viswanatham. Both of them did not speak as lawyers. But for the first time I see Mr. T. Viswanatham speaking not as a lawyer. He began by saying that the enactment of 1904 was based upon the custom then prevailing in the country. That was a sound proposition. As you know, Mr. Speaker, in India custom prevails over every other thing. It has got the force of law. In 1904, in spite of the custom of impartibility and inalienability attached to estates, they were being alienated by irresponsible people. In the interests of the estates and in the interests of the country, it was thought necessary to prevent these gentlemen, who under a custom became the owners of the property without the right of alienation, from making alienations. Therefore, it is that the 1904 Act was passed. Sri A. Kaleswara Rao said that that Act was brought into existence to buttress British Imperialism. That is a wholly incorrect view as far as I can see.

"Sri T. Viswanatham said that an impartible estate-holder was entitled to the possession of the estate. But he conveniently left out the words which follow, namely, 'as a single heir.' These

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gentlemen who inherited the estate as a single heir by the principle of primogeniture have been vested with rights. Throughout the discussion of this Bill, Sri Viswanatham has been presenting the legal aspect of the clauses. But for the first time he has failed to do so. The Government are acquiring the rights of the estate-holders as they stand now and as decided by courts of law. The highest courts have held that the present estate-holder is the only person having rights over the estate subject to certain limitations like the charge on the property, the maintenance due to the maintenance holders and so on. The law is clear on the matter. When we as legislators are legislating, I am very sorry to find that my friend Sri Viswanatham, who is a very enthusiastic advocate of the legal point of view, has been swayed by other than legal considerations. That is my view. On the day the Government are acquiring the rights, who are the persons entitled to that estate? I am sure that legal opinion has been taken by the Government in the matter and that they are satisfied with that opinion. Therefore it is that they have amended the original clause. If the Government have changed their view and amended the original clause to be in tune with law on the advice of their legal advisers, it is one of the very rare occasions on which the Government should be congratulated. That is the point of view I wish to urge. As I said, my justification for opposing this amendment is the purely legal point of view and nothing else. If we go back upon the present clause and revert to the previous clause, we will be running the risk of making the clause *ultra vires*. Therefore I oppose the amendment.

"I want to answer one other point raised by my Friend. It is clearly stated in the Madras Impartible Estates Act, 1904, that if there be no special custom of the family or locality, the person entitled to the possession of the estate shall succeed according to the general custom regulating the succession to impartible estates in Southern India. This has given scope for other zamindaris to be brought under this Act by means of amendments. You will be surprised to know that the mover of this amendment himself advocated the inclusion in this Act of some zamindaris in my district and urged in the Legislative Council that they should be declared impartible. When he did that, he did it with full consciousness that it was in the interests of the estates and of the people. I could never believe that he was briefed to advocate that point of view. As a Member of the Legislative Council, he did that. Whatever be the past history, we are concerned with the question as to who the person is who has got the rights on the date the Government acquire them and who is entitled to the compensation amount. The argument that the estate-holder must have due consideration to his relatives and similar arguments do not at all appeal to us as legislators. Therefore, it is incorrect to say that the present clause as amended by the Select Committee is wrong and that we must revert to the original clause."

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MR. SPEAKER:—"We shall continue the debate to-morrow. We shall take up the half-hour debate now. But before we take it up, I must tell the House that only five minutes will be allowed to each Member including the Hon. Minister."

SRI R. V. SWAMINATHAN:—"May I submit that I, as the Member who moved for the half-hour debate, be allowed at least fifteen minutes?"

MR. SPEAKER:—"It is not possible. Simply because an hon. Member asks for an half-hour debate, it does not mean that he should take fifteen minutes. A number of Members want to take part in the debate. Even at the rate of five minutes for each Member, only five Members and the Hon. Minister can take part."

V.—HALF-HOUR DEBATE ON THE PREPARATION OF DRAFT PRELIMINARY ELECTORAL ROLLS.

SRI M. KANNIYAPPAN:—"தலைவர் ஸார், இது ரொம்பவும் முக்கியமான விஷயம். ஆகையால் விவாதத்திற்கு ஒரு மணி நேரம் கொடுத்தால் நன்றாக இருக்கும்."

MR. SPEAKER:—"ரூலில் அரை மணி நேரம்தான் கொடுக்க வேண்டுமென்று சொல்லப்பட்டிருக்கிறது. அதனால் நம்முடைய இஷ்டப் பிரகாரம் வைத்துக்கொள்வது என்பது முடியாது."

* SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, I have 5 p.m. to thank you very much for allowing us this half-hour debate over this very important matter. In the preparation of these electoral rolls, the procedure adopted by the Government contained a number of irregularities and defects. Sir, so far as the numbering of houses is concerned, I have to state that in our village parts, a major portion of the huts have been left out without being given numbers. We asked the village officers why they have left out these huts and they said that they had not received definite and clear instructions in the matter. Even when we pointed out certain cases where they have omitted some important portions of the villages they replied that they have no instructions to do otherwise. Sir, even in the printed reply to the question raised on the subject, which has been placed on the table of the House by the Hon. Leader of the House, it is stated that the Government have given necessary instructions for the numbering of the houses throughout the Province including huts and that these numbers should be written on the walls or on the door or in some prominent front portion of the huts. But these instructions have not been carried out in most of the villages at all. I ask, Sir, what is the use of merely giving some replies and answers in this House when such instructions have not been properly carried out in the village parts.

"Sir, moreover it was insisted that every person should sign or affix his thumb-impression in the prescribed form. I do not

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know whether this has been the practice in this Province alone or whether other provinces are also adopting this procedure in the preparation of electoral rolls. My information is that other provinces do not insist on the signature of the voters and I do not know whether I am correctly informed or not. Only in this Province I hear that voters are asked to affix their signatures or thumb-impressions in the prescribed form and I am afraid that many of the illiterate people in the villages would not come forward to affix their thumb-impressions due to the fear that they might be used for some other purposes to their detriment.

"Sir, the other point about which we are worried is this. If you take the southern districts of Ramnad, Tinnevely, Madura and Trichinopoly, about 2 lakhs of people had left out of one district alone, namely, Ramnad, and had gone temporarily to earn their livelihood in the Tanjore district owing to the acute famine conditions prevailing in the district. I am told in the Tinnevely district also about 2 lakhs of people have gone out to other districts. A friend of mine from Trichinopoly told me that about 30,000 people had gone out of that district to Tanjore to eke out their living. And in Madura also a good number of people had gone out. What about these people? Surely their names would not have been enrolled in the districts to which they had gone, and moreover what is the use of putting their names in the voters' list in those districts? They have gone there only for a temporary stay and they are not going to live all their lives permanently in those districts. If conditions improve in their own districts, they would certainly come back, because many of them have got their own lands, houses and their relatives in these districts. Thus, Sir, several lakhs of people have been deprived of their franchise. Many of them are not included either in their own districts or in the districts to which they had migrated. If at least property qualification is insisted, some of the names of these people could have found a place in the voters' list of the respective villages. But that was not done and there were no instructions to enroll them as such. I ask, what is the use of giving adult franchise when you have deprived several lakhs of people of their franchise by this defective method of enumeration? Is it for this purpose that we wanted Swaraj? The Hon. Leader of the House has himself stated this morning in answer to a supplementary question that even his name has been left out. Even some of the Ministers' names have been left out. The Hon. Leader of the House should not take it as a matter of pride in giving this kind of answer. On the other hand it is a matter of shame that such irregularities should have been allowed to creep in. The Government should have adopted a procedure which should have no defects and loopholes and they should have made perfect arrangements with regard to enlisting all eligible people to be enrolled. The electoral list should be as complete and as perfect as possible. I have great regard and respect for the Hon. Leader of the House, but I am only sorry why he should take pride in saying that his name has not found a place in the voters' list.

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"Sir, one other point is this. During the first week of this month, I had an opportunity of touring in my district along with the Hon. Minister for Agriculture, Mr. Madhava Menon in connection with the inauguration of the prohibition campaign. We covered about 108 villages in six days. Everywhere there were cries from people on two matters. One was the want of food-grains. Perhaps I might have an opportunity to speak about this some time later. The other cry is that the voters' lists have not been prepared properly and that many people who had gone out of the district have not been included in the lists. These were the two chief complaints in the village parts wherever we went to address meetings and we found that in many villages the majority of the people present in those meetings were only women. The hon. Lady Member Mrs. Kuttimalu Amma who was also along with us was surprised and asked why ladies alone were present and some one replied that the ladies were more interested in prohibition than men. But that was not the fact, Sir, it is because many of their male members had gone out of the district, that was why they were not there. Sir, I have got some more points to say, and if you would allow me a little more time, I would deal with them as briefly as I can."

MR. SPEAKER:—"The hon. Member has already taken more time. Now I call upon Mr. V. I. Muniswami Pillay to speak."

* SRI V. I. MUNISWAMI PILLAY:—"Mr. Speaker, Sir, I must thank you for giving us an opportunity to express ourselves on a very important matter like this. Sir, after great agitation in this country, it has been possible for us to get adult suffrage and unless the electoral rolls are prepared in a proper and satisfactory manner, the advantages that the poor communities like the Harijans are expecting cannot be got. Sir, this morning the answers elicited from the Hon. Leader of the House were not satisfactory to me and so also to most of the members of my community. In the first place the days that were fixed for enumeration were working days and all the labourers both in the urban and rural areas had to go out and attend to their avocations, and thereby they were not able to get themselves enumerated. This is so not only in my own district of the Nilgiris, but even in the other districts where I have been touring during the last four days. I heard similar complaints.

"Sir, this morning the Hon. Minister was telling us that unless there is a residential qualification, the voters cannot be counted. Take for instance the City of Madras itself. There are a lot of workers both in the Kothawal Bazaar and the Flower Bazaar and in many other places also there are a sort of floating population with no permanent residence anywhere and according to the Hon. Minister, those people cannot be counted. They are permanent population although they may not have permanent residences and so they ought to be counted as permanent people in the City. Harijans are the toilers of the soil, the hewers of wood

[Sri V. I. Muniswami Pillay] [19th October 1948]

and labourers who work all day long and they must be given a chance to get into the electoral rolls. It is with that object that I feel, Sir, that the Government must come forward to extend the time so that all those people who have been left out must be able to get themselves enrolled.

"Sir, I know that in some of the districts the Congress Committees have already sent resolutions to the present organization and to the Government stating that the time allotted was too short and that the enumeration that was conducted was not at all satisfactory. In my own town of Ootacamund, the local Congress Committee printed about 5,000 application forms and distributed them to those people whose names had not been taken in the voters' list. I hope that the Government will take all these into account and see that justice is done to those people, so that all the labourers who have been clamouring for ages to get into the voters' list and thereby get some political power in the administration of the land, should not be lost sight of. I do not question the *bona fides* of the Government or accuse them that they are not sympathetic towards the cause of the Harijans and of the poorer classes of the people, but I do feel that in this matter proper justice has not been done and even the Hon. Minister was telling us that he has been able to get only 50 per cent of the people in the voters' list. I do not know if all the Collectors have sent in their reports about the percentage of the population who had been enrolled, but whatever that may be, I plead that the Government must come to our rescue and see that at least 75 per cent of the people in this Province get into the voters' list."

* M. S. ABDUL MAJID SAHIB BAHADUR :—"Mr. Speaker, Sir, from several of the letters published in the daily papers and from the editorials written by some of them, it is seen that the enumeration was not done properly. But one realizes the huge undertaking of enumerating the whole of the adult population of this Province and under the scheme of adult franchise it is nothing strange or unusual that the work could not be done properly and in a satisfactory manner. Sir, in the first place, we must be in a position to know the percentage of the adult population in this Province and the Government should see whether the percentage of the people enumerated tallies with the percentage of the adult population in this Province. If it does not tally, then the Government must arrange to enumerate such of those places where they have not done it properly. The Election Commissioner has accepted that several of the streets and houses and huts have been omitted. I am given to understand that the illiterate people, out of certain fear, refused to give their names to the enumerators who have visited their houses.

"Secondly Sir, the days chosen for enumeration were not all right. I wish that the Government had chosen two Sundays, when not only the people would be free, but also people working in big firms, in shops and in business houses and small workshops might have got a holiday and would have remained in their houses, so

19th October 1948] [M. S. Abdul Majid Sahib Bahadur]

that they could have been easily enumerated. But actually what had happened was that when the enumeration took place not only in the City, but also in the mufassal, nearly 10 to 15 per cent of the population were actually working in their offices or shops. Therefore the enumerators were not able to catch such of those voters and hence the defective enumeration.

"Again Sir, if the Government now propose to enumerate such of those people who had been left out unenumerated, I would wish them to make such arrangements as to see that the people who are to be enrolled are not made to go and present their forms in distant places or offices, but to the nearest polling stations particularly in the City of Madras and if it is a mufassal place, they might be asked to present the forms to the village karnams or the village headman, so that their task might be rendered easy. Otherwise, people would become indifferent if they are asked to walk to distant places, and the electoral rolls would still be defective.

"Then Sir, the system of obtaining signatures from voters in the prescribed forms might seem to be defective to some Members, but I feel that it is very necessary and it is the only correct procedure, as otherwise, as we have seen in the Corporation elections which have taken place recently in the City of Madras, many people who have been dead would be resurrected and many who were living would be impersonated. Therefore there should be some such safeguard or a system by which the real voter could be identified. The only method that I can think of is the getting of the voter's signature, if he is a literate person, or his thumb-impression if he is not literate, and thereby we can avoid any possibility of impersonation. Therefore my hon. Friend Mr. R. V. Swaminathan or any other member should not object to such a system of enumeration as otherwise it would lead to more difficulties and troubles in the future.

"Again, Sir, in view of impending further enumeration, I would suggest that the Government enlist the help of private agencies, such as the Tamil Nad Congress Committee which has already come forward to help them in this matter. Similarly there are many other organizations who might be prepared to help the Government in this regard, and opportunity should be given to them to present the application forms in the manner prescribed. At the same time, the Government must also take care to see that no manipulation is made by interested parties and they must remove such of those manipulators from the list of helpers. These are some of the suggestions that I wish to make and I hope the Government will take due note of them in proceeding with their re-enumeration, which they have proposed."

*SRI K. T. KOSALRAM :—"Mr. Speaker, Sir, இது ஒரு முக்கியமான விஷயம். மனிதனுடைய ஜீவாதாரமான பிறப்புரிமையைப்பற்றி விவரம். திக்கவேண்டுமென்று அரை மணி நேரம் கேட்டு அதை நீங்கள் கொடுத்த தற்கு என்னுடைய நன்றி. நன்மையர் கோபால் ரெட்டி அவர்கள் காலையில் இந்த சபையில் பதிலளிக்கும்போது இந்த சபைக்கு கொஞ்சமும் பொறுத்தம் 5.15 p.m.

[Sri K. T. Kosalram] [19th October 1948]

இல்லாமலும் ஒருவருக்கும் திருப்தி இல்லாத முறையிலும் பதில் சொன்னார் என்பதை நான் முதலில் தெரிவித்துக்கொள்ளுகிறேன். இப்பொழுது நாம் சென்னைக்கு வருவதற்கு முன்னால் 20, 25 கிராமங்களுக்கு இது சம்பந்தமாக போயிருந்தபோது அங்கே கிராமவாசிகள் இந்த வோட்டர்கள் ஜாப்தா தயாரித்ததைப்பற்றி என்னென்ன சொன்னார்கள் என்பதை சொல்லப் பிரியப்படுகிறேன். அந்தந்த கிராமங்களில் அந்தந்த கிராம முன்சீப்புகளை நியமித்து ஜாப்தா தயார் செய்யச் சொல்லப் பட்டிருக்கிறது. அந்த கிராம முன்சீப்புகள் தங்களுடைய வேலைகளை சரியாக செய்ய முடியாமலும் அவர்களிடம் வோட்டர்கள் சென்று தங்களை பதிவுசெய்து கொள்வதற்கும் அரசாங்கம் எவ்வளவோ controlகள் போடப்பட்டிருக்கிறது என்பதும் நண்பர்களில் ஒவ்வொருவருக்கும் தெரியும். அவர்கள் கிராமங்களில் செருத் தெருவாகப்போய் தங்களுடைய வேலைகளை சரிவரச் செய்யவில்லை. ஆனால் வோட்டர்கள் முன்சீப்புகளுடைய வீட்டிற்குச்சென்று தங்களை பதிவு செய்துகொள்ளவேண்டுமென்றால் அந்த முன்சீப்புகள் அப்பொழுது வீட்டிலிருப்பது இல்லை என்பதை ஒவ்வொருவரும் அறியவேண்டும். அவர்களுக்கு எவ்வளவோ சர்க்கார் வேலைகள் இருக்கின்றன. உத்தியோகஸ்தர்கள் முகாம் செய்கிறார்கள் என்று தெரிந்தவுடனே அவர்களுக்குவேண்டிய சௌகரியங்கள் செய்வதற்கு ஈடுபடவேண்டியதாக இருக்கிறது. இன்னும் போலீஸ்காரர்களுக்கு case investigation சம்பந்தமாய் உதவி செய்யவேண்டியதாக இருக்கிறது. இன்னும் அவர்களுடைய கிராமங்களுக்கு வரும் அதிகாரிகளுக்கு உதவி செய்யவேண்டியதாக இருக்கிறது. இவ்வளவு வேலைகளுக்கும் மத்தியில் அவர்களுக்கு வோட்டர்களைப் பதிவு செய்யும் வேலையைக் கொடுத்தவுடனே அவர்கள் அதை சரியான முறையில் செய்யவில்லை. இன்னும் அநேக இடத்தில் சாதாரணமாக அடக்கி ஒடுக்கி இருக்கும் பிற்போக்கு சமுதாயங்களை கவனிக்கவே இல்லை. அவர்களை வோட்டர்களாக பதிவு செய்யாமல் விட்டு விடப்பட்டிருக்கிறது. அவர்களை அடக்கி ஒடுக்கிவைத்திருப்பதால் அவர்களால் முன்சீப்புகள் வீட்டிற்குச் சென்று தங்களுடைய பெயர்களை பதிவு செய்துகொள்ளமுடியவில்லை. அவர்களை இன்னும் அடக்கி ஒடுக்கி வைத்திருப்பதால் அவர்களால் தெருவில் போகமுடியாமல் பதிவு செய்யப்படாமலிருக்கிறார்கள். முன்சீப்புகளும் அவர்களிருக்கும் இடங்களுக்குச்சென்று பதிவு செய்யவே இல்லை என்பதை நான் தெரிவித்துக்கொள்ளுகிறேன். இதைத் தவிர இன்னும் அநேகம் விவசாயிகள் இந்த முன்சீப்புகள் பதிவு செய்ய வந்தபோது வயல்களில் வேலை செய்துகொண்டிருந்திருப்பார்கள். அதனால் அவர்களையும் பதிவு செய்யாமல் விட்டுவிடப்பட்டிருக்கிறது. அவர்களுக்கு பகல் பூராவும் வயலில் தான் வேலைசெய்யவேண்டும். ஏனென்றால் அவர்கள் அப்படி வேலை செய்யாவிட்டால் நாம் இங்கே உட்கார்ந்திருக்க முடியாது. அவர்கள் இல்லாவிட்டால் நாம் ஜீவித்திருக்கமுடியாது. ஆகையால் இந்த முன்சீப்புகள் வந்தபோது அவர்கள் வீட்டிலிருந்திருக்க முடியாது. ஆகையால் முன்சீப்புகள் வோட்டர்களை பதிவுசெய்வதற்கு இவ்வளவு கஷ்டங்களிருப்பதால் இன்னும் அவர்களுக்கு இரண்டு மாத தவணை கொடுக்கவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். இப்பொழுது நீடித்திருக்கும் டயம்போதாது. அரசாங்கத்தாரால் கொடுத்திருக்கும் இந்த வேலைகளை முன்சீப்புகளும், கிராம உத்தியோகஸ்தர்களும், டிபுடி தாசில் தாரர்களும் சரிவர செய்வதற்கு இன்னும் கவனம் செலுத்தவேண்டும். அவ்விதம் சர்க்கார் ஒரு உத்திரவை அவர்களுக்கு கண்டிப்பாக போட வேண்டும். அவர்களும் வோட்டர்களை பதிவு செய்யும் விஷயத்தில் impartial ஆக நடந்துகொள்ளவேண்டுமென்று சர்க்கார் அவர்களுக்கு ஒரு உத்திரவு அனுப்பவேண்டும். அவ்விதம் அவர்கள் நடக்காவிட்டால் கடுமையாக தண்டிக்கப்படுவார்கள் என்று ஒரு சுற்று அறிக்கையை அரசாங்கம் விடவேண்டும். அப்படி இல்லாவிட்டால் நம்முடைய ஜீவாதார ஜனநாயக உரிமையை அளிக்கப்படாமலிருப்பதாகிவிடும் என்பதை சொல்லிக்கொள்ளப் பிரியப்படுகிறேன். இப்பொழுது இலங்கையில் ஜனங்களுக்கு பிரஜா உரிமை வழங்கப்படுகிறது. அங்கே நம் இந்தியர்கள் அநேகம் பேர்கள் இருக்கிறார்கள். அவர்களுக்கு அந்த உரிமை வழங்கப் பட்டவில்லை.

[19th October 1948]

Mr. SPEAKER :—“நீங்கள் இப்பொழுது கொள்கையில் நடப்பதைப் பற்றி பேசக்கூடாது.”

SRI K. T. KOSALRAM :—“அங்கே இருக்கும் இந்தியர்களுக்கு அநேகம் கஷ்டங்கள் இழைக்கிறார்கள். அவர்களை அன்னியர்களாக கருதுகிறார்கள். அங்கே அவர்கள் வோட்டர்களைப் பதிவு செய்துகொள்வதற்கு முடியாமல் விருக்கிறார்கள். ஆனால் அங்கு சென்ற இந்தியர்களுடைய குடும்பங்கள் இங்கே இருக்கின்றன. அப்படி இருந்தும் அந்த குடும்பங்களிலுள்ளவர்களை பதிவு செய்யப்படாமலிருக்கிறது. அப்படி இருப்பவர்களிடமிருந்து தங்களை வோட்டர்களாக பதிவு செய்து கொள்ளவேண்டுமென்று ஏதாவது மனுக்கள் வந்தால் அவர்களை வோட்டர்களாக பதிவு செய்துகொள்ளவேண்டுமென்று அரசாங்கத்திடம் தெரிவித்துக்கொள்ளுகிறேன்.”

“இதைத் தவிர இன்னும் வர்த்தக குமாஸ்தாக்கள் இருக்கிறார்கள். அவர்களுக்கு விடுமுறை கிணையாது. அதனால் அவர்களை அவரவர்களுடைய கடைகளில் பதிவு செய்யவேண்டும். ஒவ்வொரு Sunday-யும் அவரவர்களுடைய கடைக்குச் சென்று அவர்களை வோட்டர்களாக பதிவு செய்யவேண்டும். எந்த முறையிலாவது அவர்களை பதிவு செய்ய வேண்டியதவசியமாக இருக்கிறது.”

Mr. SPEAKER :—“இன்னும் ஒரு நிமிஷம் தாவிருக்கிறது.”

SRI K. T. KOSALRAM :—“இன்னும் எவ்வளவோ குறைகள் இருக்கின்றன. அவ்வாறு இந்த அரை மணி நேரத்திற்குள் சொல்லிக்கொள்ள முடியவில்லை. ஆகையால் சரியான முறையில் ஜாப்தா தயார் செய்வதற்கு குறைந்த பட்சம் இரண்டு மாதங்கள் நீடிப்பதுடன் ஒவ்வொரு அதிகாரியும் வீட்டிற்கு வீடு சென்று பதிவு செய்யவேண்டுமென்று ஒரு உத்திரவு போட்டால் லெஜிஸ்லேட்டின் உத்தரவையாக அரசாங்கத்தின் நோக்கத்தைப் புர்த்தி செய்ய முடியாது என்பதைத் தெரிவித்துக் கொள்ளுகிறேன்.”

SRI K. R. KARANTH :—“Mr. Speaker, Sir, it is not in any sense of carping criticism that I want to speak on this subject. But I do feel that the work that the Government have undertaken at so much cost is going to waste. It is my feeling, and I speak with respect to my district, South Kanara. Even in Mangalore town on the second day the enumerators came to me—they are municipal servants—and said that in most of the houses they were not able to find most of the people. When that is the case in a town like Mangalore where houses are very near, the situation will be much worse in the rural areas. After all it is no good spending thousands of rupees on printing these rolls if they are to be useless for the purpose later on. I have heard from more than one Tahsildar—here again it is not to find fault with the Government that I say this—that week by week the orders issued by Government on this business are changed and they therefore hardly knew what to do. At one time they issue one order about the numbering of the houses. Within a few days another order comes revising the old order.”

“On the 11th of this month I read in the ‘Indian Express’ a Government communiqué which said that by October 13th (that is within two days) people must apply for enumeration in the prescribed forms. Then two days back I read that it is not October 13th but October 23rd. This is really very unsatisfactory. I do not know how the Hon. the Leader of the House got the information that 50 per cent of the people are on the rolls. That is quite wrong. If it is 50 per cent of the voters, it is certainly

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not satisfactory. But if it is 50 per cent of the people which averages the adult population, I am afraid, Sir, that it is a very serious mistake. I would submit that if only those two days had been left to the enumerators to prepare a list of all the adult persons of their own accord that is without any application from the parties, I am sure they would have done the work very satisfactorily. I agree with my hon. friend Mr. Swaminathan that it is not easy for our people who are illiterate to give thumb-impressions in printed forms. If it had been left to Government servants or District Board servants to enumerate, I do not think there would have been any manipulation and nobody would have felt sorry for it. A week or ten days' time might have been given for interested organizations to file objections, if any, and then the objected names could have been deleted.

"In the villages—if anybody goes to my district, he will know that—the illiterate people are very reluctant to give thumb-impressions fearing they might be promissory notes or lease deeds, which landlords take from the villagers. If the object of the Government is to bring the largest number of people on to the rolls, irrespective of party or creed, I submit Sir, that the whole procedure adopted requires thorough overhauling. There should be no haste. Government are spending lakhs of rupees on this. It is no use of adjourning from five days to a week or ten days. Let them seriously consider whether it is not worthwhile, even at this stage, to have a re-enumeration but without these application forms. Let organizations—whether it be the Congress or any other—go round and get on with enumeration work on private forms. It has appeared in the papers that certain particulars should be given. This appeared in a Madras daily paper three days back. There are no papers in the villages. How are the villagers to give all the requisite information? There are no forms in the districts. Therefore, give a month's time. For goodness's sake, let Government not spoil this work by undue haste. It is not going to be ready by the end of March. It will take more than three or four months in Government or private presses. So, nothing will be lost by giving a month's time. Let Government give time till the end of November and ask private organizations to carry on the work. Let them go round and take signatures, and then give ten days' time for filing objections, if any. Otherwise, this work is not going to be satisfactory.

"Article 149 of the Draft Constitution is yet to be passed by the Constituent Assembly. After all it is for the purpose of an election to be held under the New Constitution, I take it. If that is so, unless the Constitution is passed by the Constituent Assembly we do not know how finally it will be passed. Article 149 says that every adult is entitled to vote unless by reason of non-residence he is disqualified by an Act of the Provincial Legislature. We do not know in what form this Article 149 is going to be passed by the Constituent Assembly. Now, this Government insists on 180 days' residential qualification. Under what authority is this enforced? There is no such law on the subject. Therefore, to

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anticipate something which is not there is not correct. A man may be living anywhere in the Province. Under Article 149 as it stands to-day, he is entitled to be on the rolls. Therefore, Sir, I submit that it is better that there is a delay of one month or two months. Let there be no haste and let not the whole matter be spoiled."

SRI A. SUBRAHMANYAM—“கனம் தலைவர் அவர்களே, நம் நாடு வெகுநாட்களாக விடுதலைக்குப் பாடுபட்டு இப்பொழுது சமீபத்தில் விடுதலை யடைந்திருக்கிறது. இந்த விடுதலை அடைந்ததின் முக்யமான தன்மை வோட்டு சுதந்திரம்தான். ஆனால் இந்த சுதந்திரத்தை சரியான முறையில் மக்கள் அடைவதற்கு அரசாங்கம் மார்க்கம் செய்யவே இல்லை. அது அதிருபதியளிக்கக்கூடிய விஷயம்தான் என்பதை யாவரும் மறுக்க முடியாது. எனவே இதை இனிமேலாவது சரிவர கவனித்து அதில் அதிக கவனம் செலுத்தவேண்டும். அக்டோபர் 8, 9 தேதிகளில் மேஜர் பஞ்சாயத்துகளிலும், முனிசிபாலிட்டிகளிலும், ஷோட்டர்களை பதிவு செய்ய வேண்டுமென்று அரசாங்கத்தாரால் உத்திரவிடப்பட்டது. ஆனால் கிராமங்களில் இந்தத் தேதியிலிருந்து இந்தத் தேதிவரையிலும் வோட்டர்களை பதிவு செய்யப்படும் என்பதை விவரமாக அறிக்கையில் குறிப்பிடப்படவில்லை. இவ்விஷயத்தை தெளிவாகவும் விவரமாகவும் கிராமங்களில் மக்களுக்கு எடுத்துக்காட்டி இருக்கவேண்டும். அவர்களுக்கு பதிவு செய்து கொள்வதற்கு ஒரு குறிப்பிட்ட தினத்தையோ, வாரத்தையோ ஒதுக்கிவைத்திருக்கவேண்டும்.

“மற்றொரு முக்யமான விஷயம். இனம் என்றிருப்பதால் இந்த இனத்தைச் சேர்ந்தவர்கள் என்று பல இடங்களில் குறிப்பாக எழுதப்படவில்லை. இதுபோன்றது பல தாலுகாக்களிலும், கிராமங்களிலும் நடந்திருக்கிறது. இனம் அதாவது ஜாதி என்று இருக்கும்தத்தில் கிருஷ்ணவர், முஸ்லிம், ஹரிஜன் என்றுதான் குறிப்பிடமுடியுமென்று பதிவு செய்யுபவர்கள் அர்த்தம் செய்து அவ்வாறே வோட்டர்களை பதிவு செய்திருக்கிறார்கள். இது முற்றிலும் விரோதமானது. என்னையே எடுத்துக்கொள்வோம். என் பெயர் சுப்பிரமணிய நாயகர் என்று பதிவு செய்திருந்தால் நாயகர் என்பது வன்னியர் இனத்தைச் சார்ந்தது. இனம் என்னுமிடத்தில் வன்னியர் என்று எழுதப்படவேண்டும். அதை விட்டுவிட்டு முதலியாசு என்று எழுதி விடுவார்களானால் நான் வோட்டு அளிக்க முடியாமல் போய் விடுமெல்லாம், எனவே இனம் என்னும் இடத்தில் இன்ன ஜாதி என்பதைத் தெளிவாக எழுதும்படி யதிவு செய்யும் உத்தியோகஸ்தர்களுக்கு உத்திரவு போடவேண்டுமென்று அரசாங்கத்தைக் கேட்டுக்கொள்ளுகிறேன். அதையும் உடனே செய்யவேண்டுமென்று தெரிவித்துக்கொள்ளுகிறேன்.

“இன்னும் சில இடங்களில் வோட்டர்கள் கையெழுத்திட மறுத்திருக்கிறார்கள். ஏனென்றால் அரசாங்கம் ஏதோ குற்றங்களுக்காக கையெழுத்து வாங்குகிறார்கள் என்று பயந்துகொண்டு அப்படி கையெழுத்துப்போட மறுத்திருக்கிறார்கள். ஆகையால் இவ்வகை யெல்லாம் நிவர்த்தி செய்ய இரண்டு மாதங்களோ அல்லது மூன்று மாதங்களோ ஒத்திப்போட்டு சரியான முறையில் கணக்கு எடுக்க சுதந்திரம் கொடுத்து இந்த வேலையை பூர்த்தி செய்யவேண்டுமென்று நான் அரசாங்கத்தைக்கேட்டுக்கொள்ளுகிறேன்.

M. MUHAMMAD ISMAIL SAHIB BAHADUR—“Mr. Speaker Sir, many mistakes have been committed in the enumeration, and that has been made clear by many speakers before me. Armies of people have been left out, and streets, if not villages, have been left out of enumeration in the southern districts particularly. We have been given concrete, definite, and sure information in the matter. Therefore, I say that Government will do well in the name of Democracy to extend the time by at least two months and make it very widely known to the people that the time has been

[M. Muhammad Ismail Sahib Bahadur] [19th October 1948]

extended and that people have to register their names in such and such a manner. If Government simply extend the time without making it widely known to the public, it would not do. People in the villages must know that time has been extended, and that they must get themselves registered in such and such a way. Forms should be supplied quickly, and people should not be made to wait for hours before they get forms.

"When the time is extended, I take it that these voters have to go to the Registering Officers. No more visits to the houses of people will be made hereafter. Therefore, what I say is that every voter should not be insisted to take his or her paper to the Registering Officer. The Government must make arrangements for people who cannot go out and who cannot appear before Registering officers. If the Government would not do so, the voters will have to lose their fundamental and vital rights of franchise. Therefore, the Government must make it possible for these people to send their papers through their relatives such as fathers, brothers, husbands and such other relatives. If need be, Government may require these relatives to countersign the papers which are being presented on behalf of their other relatives.

"One other point was raised on the floor of this House this morning regarding people who are houseless and homeless and who live in the City. In my own constituency in the City there are thousands of people. It is not their fault that they do not have houses. They are already suffering for want of shelter. You should not make them suffer more by depriving them of their franchise. You must devise some means of bringing them to the electoral roll. That will mean only doing bare justice to these people to which they are entitled.

"There is another category of people who are in distant places on account of their avocations or due to other reasons."

MR. SPEAKER:—"The hon. Member's time is up."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"One more word, Sir. Government should not make it incumbent upon those people to go with their papers to the Registering officers."

THE HON. SRI B. GOPALA REDDI:—"Sir, I am thankful to hon. Members for the various suggestions they have made. All these will certainly be borne in mind and necessary precautions will be taken to see that more people are brought on to the rolls. We are anxious that the largest number of people should be enfranchised so that we may work Democracy on a sound basis. But in view of the magnitude of the work and the inexperience of the enumerators, some mistakes might have been committed. We will try to improve them as time goes on."

MR. SPEAKER:—"I now adjourn the House till to-morrow 11 a.m."

The House then adjourned to meet again at 11 a.m. on the 20th October 1948.

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

1. Notification issued with G.O. Ms. No. 3326, Home, dated 4th September 1948, making amendments to the Madras Motor Vehicles Rules, 1940, published with Home Department Notification No. 357, dated the 29th March 1940, as subsequently amended.

2. Notification I appended to G.O. No. 1661, L.A., dated 4th September 1948; regarding the constitution of Rasipuram (Salem) Municipality.

3. Notification IV appended to G.O. No. 1662, L.A., dated 4th September 1948, regarding the constitution of the Mettupalayam (Coimbatore) Municipality.

* Laid on the table on 18th October 1948.

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APPENDIX I.

[Vide answer to starred question No. 399 asked by Sri V. I. Muni-swami Pillay at the meeting of the Legislative Assembly held on the 19th October 1948, page 309 supra.]

[Elections—New Constitution—Adult franchise—Preparation of Draft Preliminary Electoral Rolls—Numbering of houses.]

The Government have issued instructions for the numbering of houses throughout the Province. These numbers will be permanent and maintained. Every dwelling with a separate main entrance is treated as a distinct house and numbered even if the dwelling harbours more than one family. The following is the scheme adopted on the lines prescribed by the Government of India in connexion with the Census of 1951:—

I. Villages and minor panchayats.—The area will be split up into compact blocks with 100 houses in each block (or slightly more or less), and the houses numbered in one series in each block. A block will consist of a group of adjoining streets or other compact local area with well-defined boundaries. The numbering will be done clockwise if the houses are scattered, or by streets, proceeding from north to south (or east to west), the numbering in each street being done from east to west (or south to north), odd numbers being given to the houses on the right and even numbers to those on the left. In streets where houses are confined to one side of the street, the houses will however, be numbered consecutively. Thus, the house number 5-15 marked on a house will denote house No. 15 in Block No. 5. In a small village, the numbering could be done in one series throughout the village. But numbering by blocks will be necessary for the larger villages and villages with hamlets. The work will be done by the village officers and checked by the special staff appointed for the purpose under the Tahsildars.

A rough plan of the village will be prepared in duplicate showing the location of the blocks, the streets and the house numbers in each street and block. The karnam will prepare this plan. One copy of the plan will be retained by the karnam and the other sent to the Taluk office. A key to the plan in the following form will be recorded on the plan itself:—

Number of the block in serial order.	Name of the street or streets comprising the block in column (1).	House numbers in the block (by streets).	Total number of houses in the block (by streets).
(1)	(2)	(3)	(4)
1	A. B.	1 to 25	25
	C. D.	26 to 75	50

The Taluk office copy of the plan will be made available to Polling Officers for reference at the time of elections to facilitate identification of voters.

II. Major panchayats, municipalities and Corporation of Madras.—In areas in which the houses are all situated in well-formed streets, the existing arrangement under which the houses

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in each street have been numbered in a separate series, irrespective of the size of the street, will be left undisturbed. In other areas, the houses will be numbered in a separate series in each block and not by streets. Old houses that have been omitted to be numbered or new houses which have since sprung up, will be given sub-numbers, or fresh numbers in continuation, according to the existing plan of numbering and with reference to the location of the houses in the street or block in which they are situated.

The existing wards and divisions will probably have to be changed with reference to the large size of the new electorate for elections to local bodies under adult suffrage. It is therefore considered that the new electoral rolls should not be prepared with reference to the existing wards and divisions. As the names in the new rolls will be written separately for each street or block, the new rolls can be conveniently adapted for the purpose of elections to the local body with reference to the wards and divisions that may be fixed after the introduction of adult suffrage.

For purposes of easy identification of the voters, it is considered desirable that the well-established existing localities like Mylapore, Triplicane, Royapetta, etc., in Madras City, Brodipet and Arundelpet in Guntur town and Vannarpet in Palamcottah Municipality, should be duly taken into account and preserved in the new scheme of numbering. Under the new scheme, these well-known localities will accordingly be first numbered in one series for the whole town. Thus, Adyar will be numbered as No. 1, Mylapore No. 2, Royapetta No. 3 and so on. The streets which are now known only by their names will then be numbered in one series, separately for each locality. Any new streets in the locality will be duly numbered according to their location therein. The existing numbers marked on the houses will remain unchanged. Thus under this scheme, house No. 5-10-25 will mean, house No. 25 in Street No. 10, in Locality No. 5 and this is sufficient to locate the house exactly. The number (5-10 in the illustration) which helps to locate the street will be painted on the name plate or board at the street-ends; this would obviate the need for marking the additional number (5-10 in the illustration) on every house in that street.

In respect of each major panchayat or municipality, including the Corporation of Madras, a list in the following form will be maintained:—

Number and name of the locality (in serial order).	Number and name of the street (in serial order of street numbers).	House numbers in the street in column (2).	Total number of houses in the street in column (3).
(1)	(2)	(3)	(4)
1 Adyar ..	1 A.B. ..	1 to 25, 25A, 25 to 30	31
	2 C.D. ..	1 to 50 ..	50

The list will be kept in duplicate one copy being kept in the office of the local body and the other being sent to the Taluk office. The Taluk office copy of the list will be made available to Polling Officers for reference at the time of elections.

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At the end of each financial year, the karnam will record on the house-list, a certificate as to the number of houses in the village at the beginning of the financial year, the number of houses added during the year and the total number of houses at the end of the financial year and also certify that the house numbers in the village have been maintained. The intention is that these house numbers should be permanent and that they should be used as far as possible both by the people and by the Government for all purposes including electoral rolls and census.

The above numbering scheme will apply even to huts. If the hut has walls, the house number will be marked in tar on a white-washed background on the wall next to the main entrance. If there are no walls, the number will be marked on a small metal plate or wooden board and hung up in the hut.

The Government have directed that the expenditure in connexion with the house numbering should be met by the local body concerned in Madras City, mufassal municipalities and panchayats, and by the Government in the remaining areas in the Province.

APPENDIX II.

[Vide answer to Starred Question No. 421 asked by Sri K. Raja Ram Nayudu, at the meeting of the Legislative Assembly held on the 19th October 1948, page 327 supra.]

The information on the points raised in the question is furnished below:—

Schools managed by.	Elementary schools.		Middle schools.		High schools.		Colleges.	
	Municipal area.	District board and panchayat area.	Municipal area.	District board area.	Municipal area.	District board area.	Municipal area.	District board area.
1 District board:		588 plus 127 girls schools.		1		5		
2 Municipality	57 plus 39 girls' schools.							
3 Labour department	3	235 plus 8 girls' schools.						
4 Private management	62 plus 21 girls' schools.	328 plus 28 girls' schools.						
5 Missionaries	30 plus 14 girls' schools.	140 plus 21 girls' schools.						

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, the 20th October 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.

The report of the Harijan Welfare Committee.

* 427-A Q.—SRI V. I. MUNISWAMI PILLAY (on behalf of Sri P. Kakkan): Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether the Government have accepted the Report of the Harijan Welfare Committee about the one crore rupees; and

(b) if so, when the Government will give effect to that report?

THE HON. SRI V. KURMAYYA:—“(a) The matter is under active consideration.

“(b) As soon as it is considered by the Government.”

SRI V. I. MUNISWAMI PILLAY:—“May I know what is the cause for the delay in accepting this report? Though it was signed some ten months back why is it still under consideration?”

THE HON. SRI V. KURMAYYA:—“It is being examined. It will be brought up before the Cabinet shortly.”

SRI S. NAGAPPA:—“Arising from the answer that the report is under active consideration, am I to understand that it was under passive consideration for some time past?”

SRI V. I. MUNISWAMI PILLAY:—“Are the Government aware that in many of the conferences of Harijans, resolutions were passed, asking for action being taken on this matter?”

THE HON. SRI V. KURMAYYA:—“I am aware of it.”

SRI V. RAGHAVAYYA:—“May I know what are the specific grounds that have caused the delay in the active consideration of the matter?”

THE HON. SRI V. KURMAYYA:—“Each item and suggestion made by the Welfare Committee has to be carefully examined and then put into action.”

SRI L. N. GOPALASWAMI:—“Will the Government be able to give an assurance, Sir, that it will place a time-limit at least for the consideration of the subject?”

THE HON. SRI V. KURMAYYA:—“The Government cannot give an assurance as regards the time-limit but action will be taken on it as early as possible.”

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SRI S. NAGAPPA:—"In view of the fact that the Hon. Minister himself was the Chairman of the Committee may I know, Sir, why it is under consideration for such a long time? Is it under the consideration of the Minister or anybody else and if so, who it is?"

THE HON. SRI V. KURMAYYA:—"The Government will have to take it into consideration. One Minister cannot pass orders. It will have to be considered by all the Ministers."

SRI S. NAGAPPA:—"Cannot the Government give an assurance that the report will be given effect to within a definite time?"

THE HON. SRI V. KURMAYYA:—"The Government cannot give an assurance. The consideration of the report itself must be an assurance."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Is the Hon. Minister aware that if the amount of one crore is not spent, it will lapse?"

THE HON. SRI V. KURMAYYA:—"No, it will not lapse as it constitutes a separate fund."

SRI B. S. MURTHI:—"Are the Government aware of the discontent of the Harijans and Harijan workers regarding the slow progress, the Government are making in regard to the spending of the amount built up by the first Congress Government?"

THE HON. SRI V. KURMAYYA:—"The Government are aware that there is generally considerable discontent among Harijans and that it has been lessened now."

SRI V. I. MUNISWAMI PILLAY:—"In view of the delay in the decision of this report, is it a fact that Part II Schemes of Harijan Uplift have not been sent up by the Labour Commissioner?"

THE HON. SRI V. KURMAYYA:—"I am aware of it."

SRI L. N. GOPALASWAMI:—"Is it a fact that out of the one crore fund, money has been spent for schemes other than those mentioned in the Committee's recommendations?"

THE HON. SRI V. KURMAYYA:—"Yes, Sir."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"While the report is still under consideration, may I know if a large amount has been spent out of the one crore fund?"

THE HON. SRI V. KURMAYYA:—"I cannot give the figures now. The hon. Gentleman may put a separate question."

[20th October 1948]

SRI V. RAGHAVAYYA:—"Is the Hon. Minister aware of the impression in the country that the Harijan Minister feels embarrassed and is not able to press the case before his Colleagues?"

THE HON. SRI V. KURMAYYA:—"It is not correct."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know whether the Government continue to spend out of the one crore of rupees?"

THE HON. SRI V. KURMAYYA:—"The Committee has made some suggestions. As regards the implementation of these suggestions, the Government have considered that question. As regards items already accepted by the Government, the Government are spending on the already accepted suggestion that has been worked out in the Labour Department."

SRI S. NAGAPPA:—"May I ask, why that amounts have been spent out of the Harijan Fund for purposes other than the Harijan Committee's recommendations, and how did the Hon. Minister allow this expenditure for other purposes?"

THE HON. SRI V. KURMAYYA:—"We never spent on items other than Harijan welfare. As far as my memory goes, we have spent one lakh and eighty thousand for the Thakkar Baba Institution which has been the premier institution in this Province. And also we have spent about one lakh to compensate the district board schools as regards fee concessions to Harijan students."

SRI R. V. SWAMINATHAN:—"Arising out of the answer that they have the active and passive consideration, may I ask when the Government will take to fruitful consideration?" (Laughter.)

SRI B. S. MURTHI:—"Regarding the recommendations made by the Retrenchment and Reorganization Committee, the Government took immediate steps in order to implement them. May I know what are the causes for the delay in putting into practice the recommendations contained in the report of the Harijan Welfare Committee?"

THE HON. SRI V. KURMAYYA:—"The Reorganization Committee is dealing with so many things and unless Mr. Murthi specifies the things under my portfolio, I cannot answer the question."

Tenancy Protection Act of 1946.

* 427-B Q.—SRI G. SANYASI RAO: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have passed orders extending the Tenancy Protection Act of 1946 which expires on the 4th October 1948; and

(b) if so, for how long?

[20th October 1948]

THE HON. SRI KALA VENKATA RAO:—“(a) Yes.

“(b) For one year commencing on 8th October 1948.”

SRI G. SANYASI RAO:—“May I ask when the Bill for the Abolition of the 1936 Inams will come forward, and if so, within what period?”

THE HON. SRI KALA VENKATA RAO:—“This question refers only to the Tenants' Protection Act.”

SRI M. P. GOVINDA MENON:—“In spite of the fact that the Act is extended may I ask the Hon. Revenue Minister to give an assurance that the proposed Malabar Tenancy Amendment Act will be introduced as early as possible at least when he is free from the zamindari legislation?”

THE HON. SRI KALA VENKATA RAO:—“Yes, Sir, that will be done.”

K. M. SEETHI SAHIB BAHADUR:—“May I know, Sir, whether any draft of the Malabar Tenancy Amendment Bill has been prepared by the Government or is being prepared by them?”

THE HON. SRI KALA VENKATA RAO:—“The Tenants' Protection Act refers to tenants in general. The Malabar Tenancy Bill has nothing to do with this. I have answered that it will be considered very soon.”

K. M. SEETHI SAHIB BAHADUR:—“Since matters involving questions of tenancy under the Malabar Tenancy Act are being stayed and held up indefinitely by the Ryots' Protection Act, the reference to the Malabar Tenancy Act is quite relevant. So I am asking whether a draft Bill on the Malabar Tenancy Act is prepared or is being prepared.”

THE HON. SRI KALA VENKATA RAO:—“The thing is being speedily expedited. If he helps me to get through the present Bill, I will speed up that Bill.”

Sanctioned strength of Judges in the Madras High Court.

* 428 Q.—MUHAMMAD RAZA KHAN SAHIB: Will the Hon. the Premier be pleased to state—

(a) what the total sanctioned strength of Judges in the Madras High Court is; and

(b) the number of existing vacancies of Judges in the Madras High Court?

THE HON. SRI B. GOPALA REDDI:—“(a) The total sanctioned strength of Judges in the Madras High Court is 16, including two temporary Additional Judges.

“(b) There are at present four vacancies of Judges in the Madras High Court. The question of filling up the vacancies is under the consideration of Government.”

[20th October 1948]

MUHAMMAD RAZA KHAN SAHIB:—“May I know whether the attention of the Government has been drawn to the resolution passed by the Bar Council regarding the non-filling of vacancies in the High Court and that there is a good deal of delay because of it?”

THE HON. SRI B. GOPALA REDDI:—“I have not seen the resolution. It is possible that there is some pendency of cases.”

SRI B. S. MURTHI:—“May I know whether the Government will consider the desirability of giving preference to Harijans in filling up the four vacancies?” (Laughter.) “Why laugh?” (Renewed laughter.)

THE HON. SRI B. GOPALA REDDI:—“Merits of all suitable candidates will be considered.”

SRI P. NATESAN:—“May I know, Sir, if the salary of the High Court Judges has been reduced from four to three thousand rupees?”

THE HON. SRI B. GOPALA REDDI:—“Regarding the salaries, Sir, there is no reduction.”

SRI V. RAGHAVAYYA:—“Are the Government aware of the feeling that the number of High Court Judges need to be reduced and this question was considered by the previous Ministry and it has not been finished.”

THE HON. SRI B. GOPALA REDDI:—“All these facts are being considered and that is the cause of the delay also.”

SRI T. VISWANATHAM:—“May I know, Sir, whether the Government will consider in filling up the vacancies, the question of filling some of the vacancies from the mufussal Bars instead of confining the selection always to the Madras High Court Bar?”

THE HON. SRI B. GOPALA REDDI:—“I cannot give any categorical assurance to the hon. Member but, with regard to mufassal advocates, when recommendations are made by the Chief Justice, they will be considered by the Government.”

K. M. SEETHI SAHIB BAHADUR:—“May I ask the Govern-^{11-15 a.m.}ment whether the claims of non-civilian District Judges will be considered in filling up the vacancies on the High Court?”

THE HON. SRI B. GOPALA REDDI:—“Just now there is nothing like civilian Judges or non-civilian Judges. That distinction has been removed some time back.”

MUHAMMAD RAZA KHAN SAHIB:—“May I ask, Sir, what is the present procedure adopted by the Madras Government in filling up the vacancies on the High Court?”

THE HON. SRI B. GOPALA REDDI:—“All the details of the procedure need not be given out to the House. The Provincial Government make recommendations and the Government of India finally select the persons.”

[20th October 1948]

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Is the Government aware of the reasonable demands made that the present strength of the Madras High Court should be kept up, particularly in view of the desirability of not allowing arrears to accumulate?"

THE HON. SRI B. GOPALA REDDI:—"We are aware that it is not desirable to keep long pendency of work in the High Court. There are also other things that can be done in order to decrease the pendency."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Is it not a fact that in the past persons were selected to the Bench of the High Court by a Committee consisting of the Premier of this Province, the Chief Justice of the High Court and one or two Legal Department officials and now that system is not being continued and the selection is being done individually by the Premier?"

THE HON. SRI B. GOPALA REDDI:—"I am not aware of any Committee functioning in the past."

MR. SPEAKER:—"Section 220 of the Government of India Act says:

'Every Judge of a High Court shall be appointed by the Governor-General and shall hold office until he attains the age of sixty years.'

I want to know how far the Provincial Government is responsible in filling up these appointments so that I may rule out some of these supplementary questions."

THE HON. SRI B. GOPALA REDDI:—"The final selection is done by the Governor-General on the advice of his Ministry. But, of course, the responsibility for making the recommendations rests with the Provincial Government."

SRI V. RAGHAVAYYA:—"Do the Government think that the inclusion of persons from the Indian Civil Service in the judiciary is still necessary and still indispensable?"

THE HON. SRI B. GOPALA REDDI:—"They are not considered as mere members of the Indian Civil Service. As District Judges, their claims also must be considered by the Government."

SRI P. KANDASWAMI PILLAI:—"Is it a fact that the Provincial Government in consultation with the Chief Justice must recommend the names for the appointment of High Court Judges and formally it should be approved by the Governor-General?"

THE HON. SRI B. GOPALA REDDI:—"Details of how the consultation is made need not be given to the House."

SRI T. VISWANATHAM:—"May I know, Sir, whether the claims of women will be considered in filling up these vacancies?"

THE HON. SRI B. GOPALA REDDI:—"Yes, Sir. If there are suitable women forthcoming, their claims will be considered."

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MOHAMED ABDUL SALAM SAHIB BAHADUR:—"May I know, Sir, whether linguistic and communal considerations are taken up by the Provincial Government when they make their recommendations?"

THE HON. SRI B. GOPALA REDDI:—"No, Sir."

MR. L. C. PAIS:—"May I know whether the selection of these Judges depends on merit alone or other considerations prevail and if there are other considerations, what are those considerations?"

THE HON. SRI B. GOPALA REDDI:—"It is merit, Sir, that is the primary consideration."

Number of Europeans who have come to this Province from Hyderabad.

* 429 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Premier be pleased to state—

(a) how many Europeans have come into our Province from Hyderabad owing to the recent critical situation there; and

(b) how long the Government propose to allow them to remain in this Province?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—" (a) The Government have no definite information.

" (b) There is nothing to prevent them staying on in Madras."

SRI A. VEDARATNAM PILLAI:—"May I ask the Government whether they are aware that Europeans who came to Madras from Hyderabad during the critical situation are doing propaganda prejudicial to the Indian Union and if it is so, is it not advisable to send them back to Europe?"

THE HON. SRI B. GOPALA REDDI:—"If the hon. Member has any definite information that some Europeans are doing 'anti-Indian Union' propaganda in the streets of Madras, they will certainly be booked."

Income derived from the Government House Estate, Mount Road.

* 430 Q.—MUHAMMAD RAZA KHAN SAHIB: Will the Hon. the Minister for Public Works be pleased to state—

(a) the approximate monthly income derived by the Government by letting out houses on rent to the Ministers, M.L.As. and officials in the Government House Estate, Mount Road, Madras; and

(b) the approximate annual income for last year derived by the Government by letting out the Rajaji Hall in the Government House Estate, Madras?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) Rs. 5,606. " (b) Rs. 405."

[20th October 1948]

MUHAMMAD RAZA KHAN SAHIB:—" May I ask, Sir, whether any payments are made by the Congress Legislature Party for having its office in the Government House Estate and also for holding its meetings in the Rajaji Hall? "

THE HON. SRI M. BHAKTAVATSALAM:—" No, Sir."

MUHAMMAD RAZA KHAN SAHIB:—" If that privilege is allowed to the Congress Legislature Party which is a political party, will that privilege also be allowed to other parties? "

THE HON. SRI M. BHAKTAVATSALAM:—" If other parties make applications, they will be considered."

SRI S. NAGAPPA:—" What is the amount monthly spent by the Government in order to maintain this house? "

THE HON. SRI M. BHAKTAVATSALAM:—" I would like to have separate notice of this question. We cannot give monthly details. We can give the annual figure. For that I want notice."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—" Is it a fact that an M.L.A. who is owning a house in the City has yet decided to reside within the Government House and is occupying a big house and is sub-letting it to somebody else and making a profit out of this? "

THE HON. SRI M. BHAKTAVATSALAM:—" I am unable to understand what the hon. Member means. If there are any particulars, he might furnish them to me and I would look into the matter."

Purchase of a dredger.

* 431 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the proposal of purchasing a dredger to deepen the Vedaranyam-Nagapattinam canal is still under consideration or dropped;

(b) if the answer to (a) is in the affirmative, at what stage it is;

(c) whether there is any progress in the proposal of connecting Buckingham canal with Nagapattinam-Vedaranyam canal; and

(d) if not, when the Government propose to take up this work?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) The proposal is still under consideration.

" (b) The plans and estimates for the scheme relating to the improvements to Vedaranyam canal, which includes the purchase of a dredger, are under preparation.

" (c) No.

[20th October 1948]

" (d) The scheme was originally included in the list of post-war schemes for the improvement of inland waterways, which are being sanctioned one by one according to their urgency and eligibility for a grant from the Centre. In view of the need for the curtailment of expenditure, it was considered necessary to drop some of the less important schemes. The scheme for the linking of the Vedaranyam canal with the Buckingham canal is one of those recommended by the Chief Engineer (Irrigation) to be dropped. It will be taken up when its necessity and urgency are established. So far, only one scheme, viz., Rivetting the slopes of Junction canal, i.e., Buckingham canal between Adayar and Cooum locks, has been sanctioned, and proposals for sanctioning another (Elathur-Kallai canal on the West Coast) are under consideration."

SRI A. VEDARATNAM PILLAI:—" May I know whether the Government are aware that the mouth of the canal at Thopputhurai is completely blocked by sea-sand and it has become quite impossible to ply boats along the canal? If it is so, may I ask whether Government are proposing to do anything in the matter? "

THE HON. SRI M. BHAKTAVATSALAM:—" I have received such a representation from the hon. Member and we are looking into it."

SRI S. PARAMANANDA RAYAR:—" Is it a fact that the Government have issued Press Notes saying that they would extend the Buckingham canal up to Porto Novo? "

THE HON. SRI M. BHAKTAVATSALAM:—" If the Government have issued any such Press Notes, the hon. Member must be aware of them and there is no need to put a question."

Stock of rice in the Tirunelveli district.

* 432 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that the present stock of rice in Tirunelveli district will last only for three days;

(b) whether it is a fact that because of the low stock of rice there is no supply of rice in many of the relief shops in Tiruchendur, Nanguneri and Koilpatti taluks; and

(c) what arrangements the Government propose to make to relieve the situation?

THE HON. DR. T. S. S. RAJAN:—" (a) No. The existing stock of rice in the district will last up to 3rd November 1948.

" (b) & (c) Do not arise. It is also understood that the kar harvest has commenced in the district."

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SRI K. T. KOSALRAM :—“ கனம் மந்திரி அவர்கள் சொன்ன பதிலிலிருந்து இப்பொழுது harvest ஆகி இருக்கிற படியால் இந்த நிலைமை ஏற்பட்டிருக்கிறது என்று சொல்லுகிறார்கள். ஆனால் ஜில்லாக்களில் இது வரைக்கும் நூற்றுக்கு . . . ”

MR. SPEAKER :—“ நீங்கள் கேள்வியாக கேளுங்கள்.”

SRI K. T. KOSALRAM :—“ நூற்றுக்கு 90 வீதம் இப்பொழுது harvest ஆகி இருந்தும் சர்க்காரால் Procurement செய்ய முடியாமலும், சாதாரணமாக ஜில்லாக்களுக்கு நெல் கொண்டுபோக முடியாமலிருந்தும் ரேஷன் கடைகளில் சப்ளை செய்யாமல் இருக்கிறது. ஜனங்களுக்கு அந்த movement-ஐ restrict பண்ணாமல் அரசாங்கம் இருக்குமா என்று கேட்கிறேன்.”

THE HON. DR. T. S. S. RAJAN :—“ இப்பொழுது 3—11—1948-ம் தேதி வரைக்கும் தேவையான அரிசி இருக்கிறது என்று பதில் சொல்லி இருக்கிறேன்.”

MR. P. A. THANGASWAMI :—“ May I know from the Hon. Minister whether, so far as the supply of paddy in the Tirunelveli district is concerned, there are complaints about the poor quality of paddy supplied and that it is mixed with sand and chaff? ”

THE HON. DR. T. S. S. RAJAN :—“ The Government are not aware of any complaints that have been sent. If there are any such complaints, we shall certainly go into the question.”

Payment of dearness allowance by the East Godavari District Board.

* 433 Q.—**S. MUHAMMAD ISMAIL SAHIB BAHADUR** : Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that the District Board of East Godavari has not paid so far full dearness allowance to its staff, and to the secondary and elementary school teachers;

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

(c) if the answer to (b) is in the negative, why the Government have not taken any action so far?

THE HON. SRI K. CHANDRAMOULI :—“ (a) The East Godavari District Board has paid full dearness allowance to all its ministerial staff and payment to secondary and elementary education staff is being made as and when bills are received from the heads of the institutions.

“ (b) & (c) Do not arise.”

BEGUM SULTAN MIR AMIRUDDIN :—“ May I know, Sir, why this question is being answered by the Hon. Mr. Chandramouli and not by the Education Minister? ”

MR. SPEAKER :—“ The question relates to the District Board and comes under the Local Administration Department.”

[20th October 1948]

Copyright of the works of Bharathi.

* 434 Q.—**SRI R. V. SWAMINATHAN** : Will the Hon. the Minister for Education be pleased to state whether the Government intend to buy the copyright of all the works of Bharathi?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ The matter is under consideration.”

SRI R. V. SWAMINATHAN :—“ May I know, Sir, whether the Government are aware of the fact that some persons who are claiming the ownership of Bharathi's works are preventing others singing Bharathi songs and have also taken legal action against T. K. S. Brothers for introducing Bharathi songs in their Tamil film? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ That matter is the one which is in the District Court of Coimbatore now.”

SRI R. V. SWAMINATHAN :—“ If so, have the Government examined the question and found out who are the persons claiming the ownership of Bharathi's works and under what authority? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ We are awaiting the decision of the Court in this matter. As soon as the decision of the Court is received the Government will take further steps in the matter.”

SRI R. V. SWAMINATHAN :—“ May I ask the Government whether they will come forward and declare Bharathi's works as belonging to the State, even if it is necessary, by introducing a new legislation? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ The Government must await the decision of the Court before taking action. After the decision of the Court has been received, and after the claims of the various parties have been fixed, the Government will consider what steps may be taken in that matter.”

SRI B. S. MURTHI :—“ May I know whether the Government will consider buying the copyright of other linguistic national poets? ”

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

Closure of certain secondary schools.

* 435 Q.—**MOHAMED ABDUL SALAM SAHIB BAHADUR** : Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government have recently directed that certain secondary schools in this Province should be closed; and

(b) what the reasons for taking such a step are?

[20th October 1948]

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

“(a) & (b) No; only certain classes and forms in some Government Secondary and Training Schools were abolished or amalgamated with those in other schools, as their strength was poor.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Has not the amalgamation of schools which are 400 miles apart and thousand miles apart, virtually amounted to the abolition of the schools?”

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

“No Sir. In the current year, no such amalgamations have taken place.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I enquire, Sir, what steps the Government have taken to make uneconomic schools economic as was promised by the Hon. the Education Minister in reply to my adjournment motion?”

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

“Circulars have been issued to the respective schools and the public in those places have been informed that they should send their children to schools in order to keep up the strength of those schools so that they may be continued in the future.”

SRI B. S. MURTHI:—“May I know what are the reasons for the decrease in the strength in those schools which were flourishing prior to a certain period?”

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

“No, the schools were not flourishing before. Certain new schools were started. For example, in Conjeevaram, it was found that in the sixth form there was only one girl and in the fifth form, there were about eight or nine girls and therefore, with the consent of the public, the school was abolished and the children were admitted in other schools. These schools were started on the assumption that sufficient strength would be forthcoming but the strength was not forthcoming and so, they have been abolished.”

11-30
a.m.

BEGUM SULTAN MIR AMIRUDDIN:—“Are the Government aware of the fact that they are not discharging their duty with reference to these schools inasmuch as they are not providing them with the additional accommodation and the additional staff that they require, particularly with reference to the George Town Muslim Girls' School?”

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

“The hon. Member may put a separate question about the George Town School, which is not covered by this question at all. In cases where there is poor strength in the schools, the Government can only make propaganda that more students should be admitted. And that they have done.”

BEGUM SULTAN MIR AMIRUDDIN:—“When sufficient accommodation is not provided in schools may I know what on earth is the use of asking more children to flock to such schools?”

[20th October 1948]

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

“None of the schools have been abolished for want of accommodation, or for want of the requisite staff. In the absence of sufficient strength of students only, these schools have been abolished.”

SRI S. NAGAPPA:—“May I know, Sir, among the schools that have been abolished, the Telugu sections are also included?”

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

“No Telugu sections as such have been abolished.”

Representations regarding the conversion of the Board Higher Elementary Schools into Middle Schools.

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

(a) whether the Government have received any representations from the public of the villages of Polaki and Kotakommali of Narasannapeta taluk of Vizagapatam district requesting for the conversion of the Board Higher Elementary Schools there into Board Middle Schools; and

(b) what action the Government propose to take to convert them into Middle Schools?

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

“(a) No.

“(b) In view of answer to clause (a), this question does not arise. But I must state here that the matter is one for the District Board.”

Construction of a rice mill at Tirupanandal.

* 437 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government have received any protest from the public of Tirupanandal, Kumbakonam taluk, Tanjore district, regarding the construction of a rice mill near a hospital, by which much inconvenience is caused to the general public; and

(b) what action the Government have taken in this matter?

THE HON. SRI A. B. SHETTY:—“(a) A representation was received from one Sri T. R. Manickam Pillai objecting to the running of Sri Nataraja Rice Mill in the panchayat. It is not clear whether the hon. Member refers to that mill or any other mill.

“(b) The matter was considered by Government, but as the parties subsequently took the case to a Court of Law, the Government declined to interfere in the matter.”

SRI A. VEDARATNAM PILLAI:—“May I know, Sir, whether the millowner has obtained any licence to run his mill, and if so, when and by whom the licence was issued to run the mill in a place where it is most inconvenient to the public?”

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THE HON. SRI A. B. SHETTY :—“ The mill has been running there from 1936. In 1946, the old engine was replaced by a new one, and the licence was not renewed.”

SRI L. N. GOPALASWAMI :—“ In view of the Hon. Food Minister's statement appearing in the Press to-day and in view of the fact that unpolished rice is of greater nutritive value, will the Government consider the advisability of at least refusing licences to these rice mills, from to-day? ”

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

SRI A. VEDARATNAM PILLAI :—“ May I know, Sir, whether the building immediately adjoining the mill collapsed recently on account of the shock of the mill? ”

THE HON. SRI A. B. SHETTY :—“ The matter is pending with the Court, and the case is *sub judice*.”

Objection to Harijans, etc., from passing through Ekambarapuram street in Kalladaikurichi.

* 438 Q.—SRI P. KAKKAN: Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether it is a fact that the Harijans are not allowed to go through the street named Ekambarapuram street in Kalladaikurichi, Tirunelveli district;

(b) whether any section of caste Hindus too are not allowed to pass along the abovementioned street; and

(c) what the main reasons therefor are?

THE HON. SRI V. KURMAYYA :—“ (a) & (b) No.

“ (c) Does not arise.”

SRI K. T. KOSALRAM :—“ May I know from the Hon. Minister as to whether the Government are prepared to order a fresh enquiry by a non-official committee? I challenge the answer given by the Hon. Minister and state that it is not correct.”

THE HON. SRI V. KURMAYYA :—“ The Tahsildar of Ambasamudram made an enquiry and reported that the Harijans are going through the streets of Ekambarapuram. In view of this answer, I do not think any non-official committee is needed.”

SRI S. NAGAPPA :—“ May I ask the Government whether they only want to repeat the answers given by the Tahsildars? In view of the change of Government from the bureaucratic to the responsible type, may I ask whether they will not consult the local bodies, such as the Harijan Sevak Sanghs or some other Congress Committees instead of calling for such reports from these Tahsildars who always give incorrect information? ”

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THE HON. SRI V. KURMAYYA :—“ Sir, these Tahsildars are the people who are well acquainted with the local affairs, and competent to enquire into the matter and report to the Government.”

SRI V. I. MUNISWAMI PILLAY :—“ Since the statement of the Hon. Minister has been challenged, may I request the Government to depute the Collector of the district to make a personal investigation into the matter? ”

THE HON. SRI V. KURMAYYA :—“ Yes, Sir. I shall do it.”

SRI V. RAGHAVAYYA :—“ In view of the stereo-typed nature of the answers to questions of this type that Tahsildars have contradicted the allegations, may I know whether the Government will not make it a cognizable offence, so that the Sub-Inspector in charge may book the offenders straightway, without coming to the Assembly again and again? ”

THE HON. SRI V. KURMAYYA :—“ Sir, the aggrieved person may report to the nearest Police station.”

SRI B. S. MURTHI :—“ May I know whether the Hon. Minister has consulted the local M.L.As. regarding this question, and whether he has got any information complementing that given by the Tahsildar? ”

THE HON. SRI V. KURMAYYA :—“ I have no objection to go into the reports that any local M.L.A. might give on this matter. I shall certainly consider them also.”

SRI L. N. GOPALASWAMI :—“ In view of these evasive answers that have always been given on the floor of this House in respect of complaints concerning civil disabilities suffered by Harijans, will the Government take steps to do something that will effect a proper approach to this problem, by appointing proper persons to be in-charge of these affairs? ”

THE HON. SRI V. KURMAYYA :—“ I do not understand the meaning of the hon. Member's expression: ‘ proper approach to the problem, by appointing proper people ’.”

SRI L. N. GOPALASWAMI :—“ Sir, the whole thing is contained in the recommendations of the Harijan Welfare Committee Report. May I ask whether the Hon. Minister will expedite giving effect to the recommendations of this Committee's Report? ”

THE HON. SRI V. KURMAYYA :—“ I have already answered this, in reply to a previous question.”

SRI G. RAJAMANNAR CHETTY :—“ May I know who these wonderful gentlemen are that are residing in Ekambarapuram, and are preventing the Harijans and some sections of caste-Hindus from going into the streets of that place? ”

SRI K. T. KOSALRAM :—“ May I ask the Government, whether they will go into the matter by appointing non-official committees, when specific instance are brought to their notice? ”

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THE HON. SRI V. KURMAYYA:—"I have already answered that the local M.L.As. can send their report on the matter, and therefore there is no need for any non-official committee."

SRI B. S. MURTHI:—"In the Harijan-Welfare Committee's report, a suggestion was made that a local non-official committee may be constituted."

MR. SPEAKER:—"That question has been put by Mr. L. N. Gopalaswami."

SRI B. V. SWAMINATHAN:—"In view of the importance of this question in which not only Harijans but even caste-Hindus are involved, may I ask the Minister whether instead of depending upon the Collector or the Revenue Officials he will himself visit the place and enquire into the matter?"

THE HON. SRI V. KURMAYYA:—"I have no time now to do so. I will go there, when I have time."

SRI B. S. MURTHI:—"The Government have often said 'Give us specific instances'. Here is a specific instance. Especially as the Hon. Minister happens to be a Harijan himself, may I ask whether it will not be possible for him to go there and see whether such a thing as that has been going on there, and see that necessary action is taken to nip the evil in the bud?"

THE HON. SRI V. KURMAYYA:—"It is not a fact that the Harijans are not allowed to go into the streets. The Government cannot believe the statement that it is a fact."

SRI V. M. RAMASWAMY MUDALIYAR:—"In view of the statement made by an hon. Member of this House, the Hon. Minister was good enough to say that he will re-transmit the question for further enquiry. May I ask whether he would place the result of that enquiry before this House?"

THE HON. SRI V. KURMAYYA:—"The Collector will be asked to go to that place, and have a personal enquiry into the matter."

Introduction of Prohibition in the Agency area.

* 439 SRI G. SANYASI RAO: Will the Hon. the Minister for Firka Development be pleased to state—

(a) whether Prohibition is going to be introduced in the Agency area; and

(b) if so, what steps the Government propose to take to enforce the above scheme in that area?

THE HON. DR. S. GURUBATHAM:—" (a) & (b) the matter is under the consideration of Government."

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SRI G. SANYASI RAO:—"May I know whether the Government propose to close the shops that are situated near the border?"

THE HON. DR. S. GURUBATHAM:—"Sir, I said the matter is under the consideration of the Government."

SRI V. RAGHAVAYYA:—"May I know, why the Government have not extended prohibition to the Agency area also? Is it because any responsible body of public opinion is against it?"

THE HON. DR. S. GURUBATHAM:—"The agency tracts are not like the regular areas in the Madras Presidency. They have got an obligation to the Government of India. The whole question has to be considered in consultation with the Government of India."

SRI D. V. RAMASWAMI:—"As the Araku region of the Agency area is treated on the basis of Firka Development and Prohibition schemes already, will the Government consider the desirability of extending prohibition to the region between Araku and Srungavarapukota where smuggling is carried on now?"

THE HON. DR. S. GURUBATHAM:—"The Government are going to introduce prohibition in that area also, and it is under their consideration now."

SRI G. RAJAMANNAR CHETTY:—"May I ask, Sir, whether in the opinion of the Government, the Agency area is a prohibited area for the introduction of prohibition?"

MR. SPEAKER:—"The matter has to be decided in consultation with the Government of India."

SRI K. BRAHMANANDAM REDDI:—"The Hon. Minister stated that this has to be decided in consultation with the Government of India. May I know whether this Government have addressed the Government of India on the matter?"

THE HON. DR. S. GURUBATHAM:—"The Government of India have not been addressed as yet. We are investigating the possibilities and the implications of introducing prohibition in these localities."

MR. SPEAKER:—"Questions are over."

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

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

Clause 44.

* THE HON. SRI KALA VENKATA RAO:—"Whatever opinions the hon. Mover of this amendment may have in respect of the provisions in this Bill for the distribution of the compensation as between those that are entitled to it in the case of impartible estates, he has been hardly fair to me. He brought

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into discussion extraneous things, and unnecessary heat into the discussion. I would not mind very much if he had made a criticism that the provision in this Bill does not satisfy the socialist tendencies or anything of that sort. But I was pained to hear him say that it is all 'un-Congress'. Whether a thing is Congress or un-Congress has to be decided not by small like men like me, but by people who can interpret the Congress election manifesto. I can say that the present provision has the support of those who can interpret the Congress election manifesto. If those gentlemen are un-Congress, I have no objection to be called un-Congress. It is they who interpret the Congress election manifesto and who give directions for us to follow. Therefore, Sir, that criticism is inappropriate. He also said that I would bring forward my present argument but that he would not rely on it. I am not trying to get any reliance from my hon. Friend. If I am sure of the reliance of my Party and the House, it is more than sufficient for me. If I have got the support of those who guide the destinies of my Party I am more than satisfied. I do not like to put any heat into the arguments over this matter. The hon. Member has stated it in his excitement. I am simply following the directions given by those who are entitled to say which thing is Congress and which is un-Congress. About the merits of the question"

MR. SPEAKER:—"Order, order. There is too much noise in the House. I am not able to hear the Hon. Minister at all."

* THE HON. SRI KALA VENKATA RAO:—"About the merits of the question, the position is this. I am one of those who think that the Impartible Estates Act should go. This is what I said early in 1939 when I moved an amendment to the motion for the consideration of the Report of the Prakasam Committee:—

"I would like to submit that the law of primogeniture should go. Under the existing circumstances, Sir, it is the zamindar's eldest son that succeeds to the zamindari. This should be repealed. I should like to quote the Hon. Mr. G. C. Brodrick:

"Primogeniture must be condemned, politically, as aggravating the perilous dualism of town and country: as affording the very minimum instincts of proprietorship as giving a very limited body of landlords a preponderance in the State. It must be condemned socially, because it helps to stereotype the caste-like organization of English classes in horizontal layers. It must be condemned economically, because it cramps the free play of economic laws in dealing with land, multiplies the difficulties and cost of transfer, and discourages a far-sighted application of capital to agriculture. It must be condemned morally, because it holds out to almost every eldest son in what must still be regarded as the governing class the assurance of wealth and power, whether he be worthy of it or not, and subject to no condition but of surviving his father. It must be condemned, in the interests of family government, because it fatally weakens the authority of parents over eldest sons and introduces a degree of inequality into the relations of children brought up together, which often mars the cordiality of their intercourse in after-life." (Assembly Debates, Volume IX, page 463.)

Sir, I have no sympathy with the law of primogeniture. This Bill seeks to abolish that law once for all.

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"Sir, the next question is about the distribution of the money that is to be given as compensation to the present holder of the estate. It is however dependent on the basis that the money should go to the Hindu joint family. Later on the matter was examined by very competent people both here and in Delhi and they wanted us to amend the clause in the form in which it is before the House for discussion. The hon. Member Mr. T. Viswanatham has clarified the position with regard to the Impartible Estates Act and Mr. Mahboob Ali Baig has expressed his point of view.

"Sir, where an impartible estate is ancestral it is regarded as joint family property only for certain purposes. The other members of the joint family have no right to claim partition nor have they a right to share in the income. The succession to the estate is however dependent on the basis that it is joint family property. Before the Impartible Estates Act of 1904 it was the settled law that the holder of an impartible estate had full power of disposition. He can either make a gift of the property or will it away. The Act was designed to curtail the rights of the proprietor and preserve the estate for the benefit of the family. Under the Act the holder or the proprietor can only enjoy the income during his lifetime without any power of alienation except for legal necessity. The corpus of the estate was preserved so that the successors may enjoy it.

"That was the position. Now we have to look to equity in distributing the compensation, because we are acquiring the right as it will exist on the date of the notification. The original suggestion of having the joint Hindu family as the basis has not found favour. Therefore the present Bill provides a *via media* between the law of primogeniture and the joint Hindu family law. It provides for the distribution of the compensation to the present holder of the estate and his sons and grandsons, etc., according to what is called the estripes basis. Therefore under the present Bill the corpus may be divided between the present holder, his sons and grandsons—whoever is entitled to it. The claims of the maintenance holders—whether they are brothers, sisters, uncles or uncle's sons, whoever is entitled to maintenance under the Impartible Estates Act—are preserved under this clause. But the provision in the Impartible Estates Act that all these claims should not be more than one-fifth of the total of the income has been applied to the corpus and is maintained in the Bill. It is extended not only to the money that is going to be paid but also to the lands for which the landholder will get ryotwari pattas according to the provisions of this Bill. Under these circumstances, however much I personally want to give to the junior members, I am unable to accept the amendment of my hon. Friend, Mr. Kaleswara Rao."

* SRI A. KALESWARA RAO:—"Mr. Speaker, I do not want to go into the personal aspect. But with regard to the

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instructions said to have been given by the Congress High Command we have no copy of it and we have no clear idea of it. Therefore that portion is perfectly irrelevant. The only question is what is legal and equitable.

"With regard to the law, I have great authority to show that the whole thing is joint Hindu family property. Only the British Government wanted to preserve these estates and therefore they curtailed the right of the members of the joint family. I have the authority of Sri S. Srinivasa Ayyangar for what I am saying. In his Commentary on Hindu Law, page 847, he has based his view on 59 Indian Appeals, 331—Shivaprasad's case. He says:—

'It is now settled that the fact that an estate is impartible does not make it a separate or exclusive property of the holder; when the property is ancestral and the holder has succeeded to it, it will be part of the joint estate of the undivided family.'

No greater and no clearer authority than this can be cited. Before the Shivaprasad case, there was the first Pithapuram case in which it was held that the whole property was at the disposal of the holder of the impartible estate. But in Shivaprasad's case, 59 Indian Appeals, 331, it was made the joint family property. Even in the Chellapalli case decided in 1900 by the Privy Council they allowed maintenance to the junior members on the ground that the property is the family property. The case is reported in 24 Madras, 147, which is equivalent to 27 Indian Appeals, 151. The Impartible Estates Act, 1904, has restored the nature of the property as joint family property. Section 4 (1) of the Act says:—

'4. (1) The proprietor shall be incapable of alienating it or binding it by his debts unless the alienation is made or debt incurred under circumstances which should entitle the managing member of a joint Hindu family.'

As Sri S. Srinivasa Ayyangar has said, from the time of Shivaprasad's case, the trend of things has changed. It is in pursuance of that good law that the provision was made in the original Bill on the basis of the joint family property. But somewhere something mysterious has happened and it has been changed. The big zamindars are here, the smaller ones are not here. Somewhere something happened and an attempt was made for the first time in the Select Committee to change the whole thing. I quoted this very law in the Select Committee when the Advocate-General was being examined. I have my own suspicion about the big lawyers of Madras like Mr. T. R. Venkatarama Sastri; they are zamindars' lawyers and they give opinions freely in favour of the big zamindars. If the law is doubtful, it is all right. But the law is not at all doubtful. Mr. Viswanatham said that the old custom existed in certain estates, but at the same time he said that under the Estates Land Act many estates were partible. Estates

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like Mirzapuram and Elamaru were brought under the Impartible Estates Act because the zamindars wanted it and there was nobody to object to it in 1926, 1927 and those days. But when we are making a permanent law, why should we make it in favour of the existing impartible estate holders? My hon. Friend, the Revenue Minister said that he has changed the thing to a certain extent and that the law of primogeniture has been given up. If he wants let him say that the sons and grandsons will not have a share in the compensation, that the zamindar can squander it away, as it was held in the first Pithapuram case—that the zamindar can sell away the estate. Now there have been so many changes and old customs have been given up and old rights have been cancelled. The result is the whole thing has now become joint family property. Now that we are abolishing the Impartible Estates Act, the members of the joint family should be eligible for the compensation. Therefore, from the legal point of view, from the equity point of view and from the Congress point of view, I cannot agree with my friend. The compensation should be distributed among the members of the joint family including brothers and uncles and whoever form part of the joint family. Either the Government should stand on the principle of primogeniture and say that all the Rs. 60 or Rs. 70 lakhs should go to the zamindar as his absolute property or it should be allowed to be divided among the members of the joint Hindu family. On these grounds, Sir, I cannot accept and swallow what the Revenue Minister has stated. I have perfect reason and law on my side. In fact, that is how it was framed in the original instance and whatever modifications were made in the Select Committee are wrong, inequitable and unjust."

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noon.

* THE HON. SRI KALA VENKATA RAO:—"Sir, it is open to Mr. Kaleswara Rao to say that what I said was irrelevant; he is an old gentleman, big and has over-grown the organization to which he belongs. I am a small man and I cannot go against the dictates of the people on whom I count. Let that be to his satisfaction. What I said was relevant enough. There are only 131 impartible estates in the whole Presidency and these provisions affect them only. As I explained, the provision in the Bill is only a *via media* between the law of primogeniture and the joint Hindu family. Apart from the law, both Mr. Kaleswara Rao and myself have been calling these gentlemen rent collectors. The right to collect rent cannot be a joint family property; and therefore, if we stick to our original definition, this kind of argument will not come in.

"It is not as if the junior members of the family are left in the air. The fathers took sufficient care to see that all their sons were well provided for; small estates have been purchased and given to the juniors and even in the family property, shares have been allotted to them. So, they are not in the street. On examination, we have found in one or two important cases that if the joint Hindu

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family law is applied, the junior member will be twice as rich as the senior holder of the estate. And there are other anomalies too. But still, personally speaking, both the law and an appreciation of the circumstances make it incumbent that the *via media* suggested in the Bill is necessary and therefore, Sir, I am unable to accept the amendment."

The amendment was put and *lost*.

* THE HON. SRI KALA VENKATA RAO:—"Sir, for sub-clause (2) (a), I wish to move the following amendment:—

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

"(a) the principal landholder and his legitimate sons, grandsons and great-grandsons in the male line living or in the womb on the notified date including sons, grandsons and great-grandsons adopted before such date (who are hereinafter called 'shares') and."

The reason is this: there was no provision in the original draft for sons in the womb; that may create difficulties; and so it is provided for here in a clearer manner."

The amendment was put and *carried*.

* SRI PYDAH VENKATANARAYANA:—"Sir, my amendment is:

'In sub-clause (2) (a), after the word "landholder", add the words "and his brothers", and for the words "his sons", substitute the words "their sons".'

This is a very important amendment. Clause 44 (2) (a) defines who are all the shareholders. The effect of my amendment is, not only the principal shareholder, his sons and others are entitled to the amount of compensation payable, but also his brothers and their sons, i.e., all belonging to the same generation. The moment the immovable property is converted into cash or movable commodity, the very nature of the impartibility of the estate ceases to exist. In that case, the general law of succession should apply in general. That was the effect of the amendment so ably moved by my hon. Friend, Mr. Kaleswara Rao, and tremendously supported by my friend, Mr. Viswanatham. I could not have moved my amendment had that amendment been accepted by the Government and passed. My amendment is after all one of a compromise in view of the very narrow nature of the original clause and the liberal character of the amendment moved by my friend, Mr. Kaleswara Rao. I do not think the Government will have any difficulty in accepting this amendment which I feel is very reasonable. When it was possible for the Government to waive the law of primogeniture in respect of the junior sons of the principal landholder, I do not find any difficulty in Government logically and generously extending it to the brothers of the principal

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shareholder who all belong, as I said, to the very same generation. Distributing the compensation amount among the principal shareholder's family alone is also unsocialistic in my opinion. Government should see that the compensation amount is distributed as far as practicable among all the sharers of the main family. Of course, where the family is small and where there are not many members in the family, this will not be possible for the Government to do. With these words, Sir, I move the amendment and request the Government to accept it."

* SRI A. KALESWARA RAO:—"Sir, I second this amendment and in doing so, I shall be very brief. The Hon. Revenue Minister says that it applies only to 131 estates. These 131 estates are the principal estates getting the largest income and it is they that consume collectively and individually the largest amount of compensation and get the largest number of acres under ryotwari patta. As regards the Minister's statement regarding High Command, etc., let him place all the correspondence before the House; then I will gladly obey their instructions in every respect, not only in this respect. Sir, I have great pleasure in seconding the amendment moved by my friend, Mr. Venkatanarayana."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"On a point of order, Sir. The House having rejected the amendment of Mr. Kaleswara Rao already, I do not think this amendment can be allowed. The amendment of Mr. Kaleswara Rao was to the effect that compensation should be distributed on the basis that the family is a joint Hindu family—that means the proprietor, his brothers and his children up to the third degree become entitled to the property. This amendment seeks to introduce the same sort of category of sharers or heirs who should be entitled to the compensation. So, Sir, I submit this amendment cannot be allowed."

* SRI T. VISWANATHAM:—"Sir, on the point of order raised, I wish to submit that the amendment is absolutely in order, although whether it is agreeable or not is another matter altogether. Yesterday, Mr. Kaleswara Rao's amendment was to the effect that the family should be treated as a joint Hindu family and it was discussed and voted upon. To-day the position is, while under the Impartible Estates Act, the sons, grandsons and others will be there, this Bill modifies that and brings them into a particular group; and into that group, the amendment now proposed wants to introduce another individual. Therefore, this amendment is totally different from Mr. Kaleswara Rao's amendment and I submit it is quite in order."

MR. SPEAKER:—"I want to know the Government view on this matter."

THE HON. SRI KALA VENKATA RAO:—"I have gone through all the amendments given notice of; they all cover the

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same ground and seek to bring in brothers' sons or grandsons; but once having decided the principle that the joint family should not form the basis in this respect, except for the pleasure of discussing this amendment, I do not see there is much substance in taking it up."

MR. SPEAKER:—"Before I rule out the point of order raised, I must say that the amendment of Mr. Kaleswara Rao is different from this amendment. Mr. Pydah Venkatanarayana in his amendment wants to add some other person to those mentioned already, and it is not the same as the one voted by the House yesterday. I now rule out the point of order."

SRI GUNTUR NARASIMHA RAO:—"Sir, I oppose Mr. Pydah Venkatanarayana's amendment. The moment the property devolves on the head of the family, he and his sons are eligible for it and no complications should be made by including the brothers and their sons. Otherwise, litigation will increase; and there will be scope for the inclusion of persons for whom provision to the extent of 20 per cent has already been made by way of pensions. The present holder and his sons are entitled to the money to be paid by the Government and the others for whom provision has been made should have nothing to do with it. I oppose the amendment."

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THE RAJA OF VENKATAGIRI:—"Mr. Speaker, Sir, after the law based upon historical, equitable and other considerations has been decided by the Courts, that this contemplated legislation should provoke controversy and throw apples of discord among the otherwise very harmonious families who have been getting on amicably so long, is to be deplored. Sir, I can understand the considerations that have prompted my hon. Friends to move these amendments and I do not question their right to have that consideration, but I am afraid, Sir, that this consideration is based upon several misconceptions. Firstly, in regard to the nature of the Impartible Estates, I can only refer to the Prefatory note of the Impartible Estates Act. In that it is stated: 'the rule that governs independent principalities can have no application to the zamindars, but—mark the word "but"—but many of the impartible zamindaris were originally principalities and the rule of succession of the former have come to be regarded as applicable to them' and so on.

"Sir, as I was contending and as I would always contend, we are not farmers of revenue and most of these estates which were included in that list, if not all, are estates which were previously in existence and where this law of primogeniture was in force. But, early in 1904 when the Impartible Estates Act was passed, certain rights which were enjoyed by them were taken away by the Government. The object of that legislation was to preserve these impartible estates as the Government of the day considered that those impartible estates should be preserved. It was for that

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purpose the rights of these estate-holders were also to some extent restricted. I would request my hon. Friends who have held the other view to look into section 9 which says that in the case of the impartible estates the family is considered as a joint Hindu family only for the purpose of succession. That also shows what the intention was. Sir, my hon. Friends who have held the other view did not deal with the case law and I would also refrain from dealing with the case law for I would like to be cautious of my limitations being a layman and particularly when very able lawyers are supporting the other view. But, suffice it to say that the case law has always recognized that only for purposes of succession this question of survivorship should be recognized. Recently, in my own case, when certain individuals claimed as the illegitimate children of one of my ancestors maintenance as members of the Hindu joint family, the Privy Council negated their claim on the grounds enunciated in the other cases quoted in 54, Law Weekly, 635. Though, Sir, I am prepared to go into details, I would not. All that I contend is, it is only when there is the question of succession that this survivorship comes in and that for all other purposes, like the enjoyment of income, and the enjoyment of property, it is the property of the landholder. Sir, it was only in 1904 that even the right to alienate property was taken away and prior to that the zamindar was recognized to possess the right to gift away the property also. It was with a view to prevent such a contingency, certain leading zamindars of the day took the initiative and represented to the Government to have a legislation passed, called the Impartible Estates Act.

"As regards equity, my hon. Friend, Sri Kala Venkata Rao, has rightly observed that on examination it was found that in certain considerable number of cases it would lead to circumstances not originally intended. Sir, if this joint Hindu family principle is adopted, then the uncle or the grand uncle of the present holder may get a much larger share of the compensation than the present holder even out of this compensation. Therefore, what is proposed may not represent the correct law and I think this proposition should not be accepted. For these reasons, I would oppose this amendment.

"Sir, it was urged that when we are abolishing the Impartible Estates Act, socialistic considerations should guide us so that property may be equally distributed among various people. Sir, either law or equity should guide us. If law is to guide us, then I am afraid that idea cannot be given effect to, but if equity is to guide us, by adopting the suggestion, the present landholder in certain cases may get very much less than the others who are sought to be benefited and who are sought to be given equal share. Sir, these considerations of socialism and social justice should only be made in pursuance of a general policy and general legislation. Here the policy of the Government should be that when they seek to abolish the zamindari system, they should recognize their present rights and give compensation according to their present

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rights. Therefore, Sir, it is not proper on the part of the Legislature, I submit, to use this occasion for implementing certain other considerations which might affect the legality of this measure."

* SRI K. VARADACHARI:—"Sir, I am surprised that my hon. Friend, the Raja of Venkatagiri, should have risen up to oppose the amendment moved by my hon. Friend, Mr. Pydah Venkatanarayana. The Raja stated that an apple of discord has been thrown into the happy life of several zamindari families by a proposition like this. If really those families are happy and have been happy, it assumes that the elder brothers had so much of affection for their younger brothers and therefore the lives of those families were happy. If it were not so, this proposition would not have been proposed at all. It is only in a case in which the elder brother is unwilling to share anything with his younger brother, the hon. Raja of Venkatagiri has any justification to oppose the amendment. I say that the zamindar in most cases has been a farmer of revenue and nothing else and he was only a rent collector before the Permanent Settlement came in. (The Raja of Venkatagiri: Then he is in office.) He is in office. It is the right to collect rent that we propose to compensate. Right to collect was enjoyed by you so long and the Government now choose to compensate you. Of course, it is illegal, but even so, it has made a contribution to the happiness of your families. In view of the fact that you have been for a long time without any other employment except the management of your estates, you have to be provided for by compensation. That is what I understand to be the equity behind the proposal to give you compensation. When the compensation is given, the families that you have yourselves been responsible to produce must also be provided for. It is not the monopoly of the elder member of the family alone to lead a happy life. Therefore, when sons and grandsons are entitled at present to share the compensation with you, why not the brothers born in your family"

MR. SPEAKER:—"I would suggest to the hon. Member not to use the word 'you'."

* SRI K. VARADACHARI:—"The use of the word 'you' is forensic and it applies only to the Chair. Sir, that a son who is born to-day should be preferred to a son born yesterday to your father, is a thing which has no equity behind it at all. Therefore, Mr. Pydah Venkatanarayana's proposition is quite equitable. When the Government chose to modify the principle of primogeniture to the extent to which it is done in this Bill giving a share at the present time to the sons, grandsons and great-grandsons and also to the children in the womb and when such people are entitled to a share, it is but fair that your brother also must be entitled to a share. Of course, instances have been quoted by the Hon. Revenue Minister. If this principle is conceded it may be found in most cases that the younger brother may not possess title to property. There is no difficulty in making provision for such

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cases. You may say that all assets in the hands of any member of a family should be pooled together and thrown into a hotch-potch and distributed to all. That is Hindu law also. In the case of partition of joint family estates, this rule is observed and so, there should be no difficulty to include the brother also in the list. I do not think there can be any logical distinction between the right for a share of the brother and that of a son in this compensation. P.m.

THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, I have answered this point in my reply to the earlier debate. If they are included, it will lead to the creation of a new right, namely, that a person who has only a right of maintenance which is limited in its nature and in no case can exceed one-fifth of the income, may become entitled to a share larger than even that of the owner of the estate. Therefore, I am unable to accept the amendment; and I need not go over the question again now."

* SRI PYDAH VENKATANARAYANA:—"Mr. Speaker, the reply given by the Government to this amendment as well as to the previous one amounts to this: Whenever an amendment is moved however reasonable it might be, if the Government are not in a mood to accept it and do not find a reasonable or convincing answer, they do not even lose a single moment to come forward with legal difficulties and God alone knows what those legal difficulties are. If they accept my amendment, no doubt they will have to displease a few, the microscopic few number of zamindars who are not even 131 in number. Many of them may not have any brothers. Though they are few in number they are very influential but this popular Government is powerful and much more powerful after winning Swaraj and I do not think they need care for these few zamindars when the benefit goes to several people who are legally and justly entitled to a share in the amount of compensation. Unless the Government are stiff and stubborn, I do not think they would accept my amendment. I, therefore, request the Government to again reconsider their decision and accept my amendment."

The amendment was put and lost.

THE HON. SRI KALA VENKATA RAO:—"The hon. Member, Mr. M. S. Pattabiramaiah, need not move the amendment No. 367. Notice of a similar motion has been given by Government."

MR. SPEAKER:—"The hon. Member need not move it."

SRI M. S. PATTABIRAMIAH:—"The Government amendment seems to be differently worded 'section 9 or 12', which means that only one of the sections will apply whereas my amendment is '9 and 12' as I am not pressing for the inclusion of the words 'Hindu law'."

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THE HON. SRI KALA VENKATA RAO:—"It will apply to both 9 and 12 also."

SRI M. S. PATTABIRAMIAH:—"I shall formally move my amendment, Sir, so that the Hon. Minister may signify his acceptance and I might withdraw thereupon."

"I move that in sub-clause 2 (b), line 3, for the word and figure 'section 9,' the words and figures 'sections 9 and 12' shall be substituted."

"As the Hon. Minister has accepted the amendment I need not argue at length upon the amendment. It is a very simple one and it will be of benefit to junior members, the less fortunate among the zamindar families. If it is accepted by the Hon. Minister the words 'Hindu law' need not be put in."

SRI A. KALESWARA RAO:—"I second the amendment."

THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, it is only after Mr. Pattabiramiah drew our attention to the omission of 'section 12' we got that included in our own draft and so, Sir, I do not think that there is any necessity for the hon. Member to press his amendment and I hope he will withdraw it."

MR. SPEAKER:—"It is the view of the Government that the one proposed by the Government will be in better form and therefore, the Hon. Minister requests the hon. Member to withdraw his amendment."

The amendment was, by leave, withdrawn.

THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, I move—

In sub-clause 2 (b)—

(i) For the words "are entitled to maintenance," substitute the words "were entitled to maintenance.";

(ii) For the words "award, family arrangement or other instrument in writing," substitute the words "award, other instruments in writing, contract or family arrangement.";

(iii) For the word and figure "under section 9," substitute the words and figures "under section 9 or 12." "

The amendments were put and carried.

SRI PYDAH VENKATANARAYANA:—"Mr. Speaker, this amendment is not a new thing. In the original draft there was a provision to this effect but somehow in the Report of the Joint Select Committee, this did not find a place. When the zamindars are being dispossessed of their rights is it not just and proper that their debts should be scaled down in accordance with the provisions of the Madras Agriculturists Relief Act. I was not a member of the Select Committee. But, I thought that that clause was a good one. I do not know what weighed with them in favour of removing the clause from the original Bill. The Government

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when drafting the Bill must have considered all these things and I think the Hon Revenue Minister will now make an exhaustive statement of the reasons leading to the deletion of the clause in the Select Committee Report. So, Sir, I move that—

In sub-clause (3), after the words "so entitled," add the words "after scaling down the debts due to the creditors in accordance with the provisions of the Madras Agriculturists Relief Act IV of 1938".

MR. SPEAKER:—"The amendment falls through for want of a seconder."

SRI PYDAH VENKATANARAYANA:—"My hon. Friend (Mr. Raza Khan) is seconding the amendment but, the thing is he could not rise from his seat before he is called by the Chair."

MR. SPEAKER:—"But regarding seconding of motions, the hon. Member must himself voluntarily rise and second the motion. The rule that they must speak only when called upon applies when a Member wants to speak but in seconding a motion the hon. Member must himself rise and second."

SRI PYDAH VENKATANARAYANA:—"I would like to have your ruling, Mr. Speaker."

MR. SPEAKER:—"I have just now given the ruling."

* SRI K. BHASHYAM:—"Mr. Speaker, I move that—
in sub-clause (3), the following be added:—

"Unless such maintenance-holder has obtained by agreement or decree of court, a charge on the whole or any portion of the estate in which case he may be treated as a creditor for the value of the amount of the maintenance."

Mr. Speaker, the amendment which I propose is really one in which the Government are not very much interested; it is not going to enhance the amount of compensation. The idea underlying the amendment is in favour of the maintenance-holders only. What I want is that members of the family of the landholders who have either by agreement or by decree of court made their position secure by getting a charge on the property, should be treated in the same manner as creditors of the estate. The liability upon the estate may be created by law or the liability may be created by an act of the parties and so the creditors come into being only when the landholder incurs debts or liability for other causes. If the maintenance liability has been named as an exact sum by means of agreement between them or otherwise or by way of Court decree and made a charge upon the property, I submit that the maintenance-holder should be treated as a creditor of the estate. But, under the provision as it stands it is only after all the creditors have been satisfied that the maintenance-holder comes into the picture. If the maintenance-holder has been careful enough to get a decree in his favour or had the amount been

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determined by means of an agreement, I do not think why he should be put in different category. In such cases he need not be made to scramble for the one-fifth. There may be and I know there are very many cases where the family members have some arrangement with the zamindar long years since and they have been in enjoyment of it all these long years. They may be ageing and not otherwise able to maintain themselves. In such cases, if you pay them their maintenance after the creditors had been paid they may get nothing at all and what is to become of these people? They have been accustomed to a fairly high standard of living. That is why I am requesting the Government now as the Government is not interested in the matter and as it does not affect the question of compensation, to treat such people fairly and justly. Their claim ought not to be postponed till the payment to the creditors had been made; after all it is a piece of justice to the various maintenance-holders who have been deprived of what they are legitimately entitled to as being members of the family of an impartible estate zamindar. After all they did not start recently and I know a number of them, zamindaris, who have had their maintenance settled by Court or by agreement between themselves. I hope the Government will be gracious enough to recognize their claims in preference to creditors whom they want to favour under this Bill."

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P.M.

* SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, I second the amendment of Mr. Bhashyam. For, these maintenance-holders are a small people and they are members of a respectable family. They should have their share in the compensation, and if their share is deferred after all the creditors are satisfied, then, they may not get much or sufficient for their livelihood. So, Sir, it is but right that these people should be also treated as creditors of the impartible estates, and they must be given their due share according to law along with other creditors."

* SRI K. VARADACHARI:—"Mr. Speaker, Sir, I am sorry I have to oppose the amendment of Mr. Bhashyam. For, the Bill does not take away the right of the maintenance-holders. It only makes a definite apportionment of the compensation amount for co-sharers and maintenance-holders. There is no difficulty about their securing their proper share of maintenance. The mere fact that they have by agreement or decree of Court created a charge on property should not give them any priority of right. For such a thing is done behind the back of Government. There are lakhs and lakhs of creditors who have advanced money to these estates in the belief that the property of the estates would yield them the amount they have advanced, and that they would get back their amount in due time. Therefore I say the creditors' claim should not be subordinated to the claims of maintenance-holders. And mind you, the maintenance-holders do not lose their right at all in the Bill. So I oppose the amendment of Mr. Bhashyam."

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* SRI T. VISWANATHAM:—"Sir, I am sorry I am obtruding myself on several amendments. I would have kept quiet if Mr. K. Varadachari had not interfered. In fact I was trying to understand the exact import of the original clause and of the amendment. The clear and lucid speech of Mr. Bhashyam made clear the scope of the amendment; and the objection of Mr. K. Varadachari has made it clearer why the House should support Mr. Bhashyam (Laughter). I shall explain very briefly and analyse the clause. The clause says: The Tribunal shall determine the aggregate compensation payable to all the following persons: first; the principal land-holder and his children; second the maintenance-holders; and then comes the proviso, which says, 'Provided that no such maintenance-holder shall be entitled to any portion of the aggregate compensation aforesaid, if before the notified date his claim for maintenance, or the claim of his branch of the family for maintenance, has been settled or discharged in full.' This is also understandable, because when a claim is discharged, there is nothing else to pay. And here comes the amendment of Mr. Bhashyam to make clear the position. It runs thus: 'Unless such maintenance-holder has obtained by agreement or decree of Court, a charge on the whole or any portion of the estate in which case he may be treated as a creditor for the value of the amount of the maintenance.' If there is a charge created by agreement or decree of Court on the property of the estate then the maintenance-holders should have a first right over the compensation amount over other unsecured creditors. Of course they would not have any preference over secured creditors who have come in advance of them. In such a case the general law of marshalling of securities and the rule regarding rateable distribution might operate. So what the amendment seeks to do is that the maintenance-holders, who have by agreement or by contract in writing a charge on the estate for maintenance, must stand on a better footing than ordinary creditors. It is a very good suggestion; it is in line with accepted notions of law; and I request the Hon. Revenue Minister to accept it."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Mr. Speaker, Sir, I would like to submit one word on this amendment. This clause deals with impartible estates. Under the Impartible Estates Act, section 13 says the award of maintenance under section 9 may be declared a charge upon any portion of an impartible estate or the income thereof. So the maintenance-holders become as it were secured creditors. So in a sense, where there is an agreement or a decree of Court for maintenance they become secured creditors. Now my view is whether the word 'creditors' in the clause itself does not include these maintenance-holders."

SRI K. BHASHYAM:—"It is only to amplify it or make it more clear that I suggest my amendment."

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MAHBOOB ALI BAIG SAHIB BAHADUR:—"My view is that the word creditors includes maintenance-holders also. As Mr. Bhashyam has said, why do you leave in doubt; this proviso may be added in further amplification. There is no doubt about the view taken by Mr. Bhashyam. So whether the present clause provides for it or not, if by way of abundant caution, it is to be provided, Government should have no objection for its acceptance."

THE HON. SRI KALA VENKATA RAO:—"Sir, the draft clause covers the right of the maintenance-holders. But if the acceptance of this amendment means the creation of a right against a creditor I am not prepared to accept it. I consulted and found that it was not necessary to have this proviso."

* **SRI K. BHASHYAM:**—"Sir, I think the point was put squarely by Mr. Mahboob Ali, but the Hon. Minister's reply was halting, hesitant and not clear. If he is not sure himself, why not he refer it to the department and get their opinion? Sir, the ambiguity is created not by me or by law, but by a former provision in the clause, which says that it is only after the creditors are paid the sharers and maintenance-holders shall be paid. The question arises, if the maintenance-holders have a right of charge are they to be paid only after the creditors are paid? That will be a question for the Court to determine; and the ambiguity may be solved by us now by means of my amendment. I am sure, representing as he does the people, the Hon. Revenue Minister is anxious not to benefit lawyers, and so I am asking him to settle it, as judge Solomon sitting here, in this chamber itself. I request him to accept my amendment."

THE HON. SRI KALA VENKATA RAO:—"Sir, if I am to keep everything air-tight against lawyers they will get angry with me. If there is ambiguity, they might be benefited."
(Laughter.)

1 p.m. The amendment was put and lost.

Clause 44, sub-clause (4).

* **SRI A. KALESWARA RAO:**—"Mr. Speaker, Sir, I move—
'Omit sub-clause (4).'

Sub-clause (4) says that the portion of the aggregate compensation aforesaid allotted to the maintenance-holders shall not exceed one-fifth of the remainder referred to in sub-section (3). The Government want that the maintenance to be paid to the maintenance-holders shall not exceed one-fifth of the remainder of the compensation after meeting the dues owing to the creditors. That means the maintenance amount can be even less than one-fifth. I want that that one-fifth limit should be omitted and that the Tribunal should be vested with the discretion to go into the circumstances of each claimant for maintenance and decide the

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claim. The Tribunal should consider whether the claimant is a brother, brother's widow, uncle or some very distant relative, the circumstances of each claimant, whether he has got other property and whether he really deserves so much maintenance as is claimed and so on. My hon. Friend the Revenue Minister speaks as if he knows the history of every case. In many cases the brothers of the estate-holders are better off than the estate holders themselves. I would like the Hon. Revenue Minister to furnish us with a list in respect of all the 131 Impartible Estates specifying in which cases the brothers of the estate-holders are better off, in which cases the estate-holders themselves are better off, how many maintenance-holders there are and how many of them are better off than the estate-holders. (The Hon. Sri Kala Venkata Rao interrupted.) I am not yielding to the Revenue Minister. There may be so many claimants for maintenance. That all of them put together should get a sum which under any circumstances shall not exceed one-fifth of the remainder is unjust. Therefore I want that this clause should be omitted and that the Tribunal should be vested with the discretion to go into the case of each claimant for maintenance and decide the claim."

* **SRI K. BHASHYAM:**—"Mr. Speaker, Sir, I beg to second the amendment."

"The Government seem to be chiefly concerned with the principal landholder, and his sons, grandsons and great-grandsons. The Government's solicitude for them is commendable. I should like that solicitude to be extended to the maintenance-holders as well by treating them more generously than what has been done in the Bill. Some of the maintenance-holders may be closely connected with the last holder of the estate. The claim of the maintenance-holders has been postponed in favour of the claim of the creditors. If in a particular case the creditors swallow the entire compensation, the maintenance-holders will not get anything at all. Even if a small amount is left over as remainder, only one-fifth of that can be given as maintenance! I do not know why that one-fifth should be considered as a sacred number. That is the proportion mentioned in the Madras Impartible Estates Act of 1904; but it may be that one-fifth was enough in those days. In these days, when things have gone up in value and living is difficult, one-fifth is hardly enough for any purpose. Considering the present times, I submit that this one-fifth should be omitted altogether. A Tribunal is going to be set up by the Government consisting of very, very eminent persons well versed in law. It will be able to go into the circumstances of each case and dispense better justice than what a Statute can do. A general rule like this will prevent justice being done to the various maintenance-holders. It is better to leave to the Tribunal the power to divide the compensation between the sharers and the maintenance-holders. At least my amendment to sub-clause (3)

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could have been accepted. I do not think that this amendment will meet with a better fate than that. I am pointing out the justice of the cause that I am pleading for. If it is not accepted, then it will certainly be known that the Government are not for doing justice."

THE HON. SRI KALA VENKATA RAO:—"Many people can appreciate this justice according to the knowledge they have of the circumstances. As I have said many times, this Bill does not seek to create rights other than those that already exist to-day. The Impartible Estates Act is being repealed. The total amount assigned to the maintenance-holders in that Act is one-fifth. We are simply following that and doing nothing more. By accepting this amendment, we will be again throwing the whole thing into the melting pot."

"Regarding the one-fifth, in 1904 if it was one-fifth according to the then values, to-day it will be one-fifth according to the appreciated values. Therefore I am unable to accept the amendment."

SRI A. KALESWARA RAO:—"I see strange arguments have been put forward by the Hon. Revenue Minister. He says that the Impartible Estates Act is so sacred that it should not be violated. He himself is violating it by giving a share of the compensation to the sons, grandsons and great-grandsons. I only want that the violation should be extended a little further to this one-fifth limit set out in the Bill. Therefore I am unable to understand the arguments adduced by the Hon. the Revenue Minister."

The amendment was put and lost.

THE HON. SRI KALA VENKATA RAO:—"Sir, I beg to move that for sub-clause (4), substitute the following:—

(4) The portion of the aggregate compensation aforesaid payable to the maintenance-holders shall be determined by the Tribunal and notwithstanding any arrangement already made in respect of maintenance whether by a decree or order of a Court, award or other instrument in writing or contract or family arrangement, such portion shall not exceed one-fifth of the remainder referred to in sub-section (3), except in the case referred to in the second proviso to section 46, sub-section (2).

This clause is sought to be substituted because it is drafted in a better form."

MR. SPEAKER:—"Sri M. S. Pattabiramaiah has given notice of an amendment to this amendment. We will first take a vote on that and then deal with the Government amendment."

SRI M. S. PATTABIRAMIAH:—"Mr. Speaker, Sir, I move that for the word 'one-fifth', substitute the word 'one-half'."

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"I do not wish to make a long speech on this. The portion of compensation to be paid as maintenance to the junior members of the zamindar's family is too small and I think that every one will agree that it should be raised to at least one-half. I appeal to the zamindars, who are fortunate enough to hold the zamindari, to take compassion on their less fortunate brethren and support this amendment. If the amendment given notice of by my friend Sri K. Brahmanandam Reddi, which raises the amount of maintenance to one-third, had been moved and accepted, I would not have been very keen on pressing my amendment. I want that the portion of compensation to be given as maintenance to the junior members of the zamindar's family should be raised. This is a very simple amendment and I request the Hon. Revenue Minister to accept it."

SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, in seconding I wish to say that this is a very reasonable amendment. Instead of the aggregate compensation allotted to the maintenance-holders remaining as not exceeding one-fifth, the amendment proposes that it should be a sum not exceeding one-half. There is much to be said in favour of the amendment and therefore I second it."

THE HON. SRI KALA VENKATA RAO:—"I have already answered this in my reply to the previous amendment of Sri A. Kaleswara Rao. This amendment proposes to raise the amount of compensation allotted to maintenance-holders to one-half. Accepting this amendment is as good as accepting the amendment to which I have just now referred. I do not accept the amendment."

SRI M. S. PATTABIRAMIAH:—"It may be that the points in favour of this amendment have already been answered. But my amendment is more moderate than Sri A. Kaleswara Rao's amendment."

The amendment was put and lost.

* SRI K. BHASHYAM:—"The Hon. Revenue Minister said that he was very considerate to the rights that had already been in existence and that he did not want to create new rights in respect of this matter. But he is equally destructive. He destroys decrees or orders of a court, award or other instrument in writing or contract or family arrangement. He destroys all these things and leaves it to the Tribunal to be constituted to allocate the maintenance afresh. I do not see why he should do so. He may leave it to the Tribunal itself to see the justice of these arrangement and allocate maintenance properly. After all, the remainder after paying debts will be very small and only one-fifth of it is going to be given. I do not see why he should unsettle award, contract or decrees of courts for the purpose of redistributing the

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little money that is left after paying the creditors. The Government have reduced the value of the property by making it much less than its actual market value. It means the Government are practically squeezing out the maintenance-holders. A lady might have obtained a court decree fifty years ago and she may still be living. She might have been a wife of a zamindar at that time and she may be related to the present zamindar in a very distant degree. Can the Government say that she will not be entitled to anything except the small amount of maintenance? This will be unsettling the lives of people and causing injustice and heartburning among them. What I wish to urge on the Hon. Minister is that he should have some regard for contracts between parties and decrees of courts fixing the amount of maintenance. This is a very, very unsettling clause, which will create a lot of confusion. I submit that the House ought not to accept it."

1-15 P.M. * SRI T. VISWANATHAM:—"Mr. Speaker, Sir, this is a very peculiar amendment of the Government, which has been introduced by the Hon. Minister for Revenue at a late stage. It was not considered even at the Select Committee stage. The reason is obvious. Although we may not give jurisdiction to courts of law in the legislation which we want to introduce here, I think that the draftsman of this Bill has thought it fit that the Government should have at least some courtesy for the decrees already made by the courts previous to this enactment. I think that the draftsman of this Bill had also some regard for contracts and agreements in writing which created a charge upon these properties, prior to the coming into force of this Act. Surely the draftsman who did it in the first instance was not wrong. That is why I am submitting that this new amendment had dawned upon the Hon. Minister for Revenue at a later stage and I have no doubt that it is based upon an incorrect appreciation of the sense of justice. The clause as it originally stood was like this: 'The portion of the aggregate compensation aforesaid allotted to the maintenance-holders shall not, except in the case referred to in the second proviso to section 46, sub-section (2), exceed one-fifth of the remainder referred to in sub-section (3)'. But the clause as now substituted is as follows:—

'The portion of the aggregate compensation aforesaid payable to the maintenance-holders shall be determined by the Tribunal and notwithstanding any arrangement already made in respect of maintenance whether by a decree or order of a Court, award or other instrument in writing or contract or family arrangement, such portion shall not exceed one-fifth of the remainder referred to in sub-section (3), except in the case referred to in the second proviso to section 46, sub-section (2).'

"Now let us suppose that there are two or three maintenance-holders and that one has got an instrument in writing in his favour creating a charge, and that another has got a decree, his

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right having matured into a decree creating a charge. And if according to this new amendment, the total aggregate compensation to the maintenance-holders should be limited to one-fifth, from whose share does the Government propose to reduce the amount? There is no provision here to meet this point. It is one thing if the Government come in and look into all the shares and say, 'all right, the charge and the amounts due to the maintenance-holders shall rateably or in some other proportion according to the discretion of the Tribunal be reduced'. There is no such provision in this Bill. There are decrees standing there; there are charges standing there and the amounts are also there. If on calculation the total exceeds the one-fifth fixed in this clause, from whose maintenance, I am asking, is this figure to be reduced so as to cut it down to one-fifth of the total amount of compensation? Is it from the maintenance-holder or from his brother's son, who is a decree-holder or is it from the maintenance of a person who has not come to the Tribunal at all? Sir, these are real difficulties created by this new amendment. Even the old Impartible Estates Act pays some regard to the decrees of a court of law. For example if we go through section 15 of that Act, we will find the following stated therein:

'Save as provided in section 14 (section 14 deals with the power of court to vary maintenance) nothing contained in sections 9 to 14, shall affect any contract, arrangement, award or decree of court entered into or made before the date of the commencement of the Madras Impartible Estates (Second Amendment) Act, 1934. (Sections 9 to 14 deal with prior contracts, family arrangements, etc., in respect of persons entitled to maintenance out of the impartible estates).'

"There can be no other piece of legislation except where we want to completely scale down or write off or confiscate the amounts due to a person, in which a provision of this type could ever be introduced. The original clause is something different. We have to put a limit to the amount of maintenance that is payable to the maintenance-holders. But in order to fix up this proportion, it is wrong to set aside and it would be illegal to set aside all decrees of courts, or registered instruments or contracts which had been reduced to writing under another law, which is still in force. I therefore submit, Sir, that this new clause, now introduced by the Government, would bring in many difficulties, and would lead us to many illegalities and defects. It will also be a bad precedent. In other sections, you ousted the jurisdiction of the courts and in this section you set aside the decrees already passed by the courts. You say, 'I am the monarch of all I survey; and my right there is none to dispute'. This is the attitude, Sir, and this is the gist of this amendment. It is like saying this, 'I pass anything I like; I call it law; I will not allow any court of law to look into it; I can wipe out or tear away any decree passed by courts, or registered agreements which

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have been entered into previously between the parties.' I submit, Sir, that this attitude of the Government is transgressing too much on the principles of justice. It is another thing with regard to decrees which have to be passed hereafter. Naturally even there, there would be great difficulties, for the courts to pass decrees. Supposing a maintenance-holder has got a document in writing creating a charge and suppose he goes to a court of law for maintenance to which he is entitled to. His prayer petition would contain not only his claim for maintenance, but also for a decree creating a charge over the estate. In that case, the court will be in a very difficult position, if this amendment is passed. It will affect other maintenance-holders whose cases are not before the court. It will be impossible for the court to calculate the amount which is to be decreed in favour of the particular claimant and at the same time to see that the total amount does not exceed the one-fifth laid down in this clause. Sir, this will lead to an almost impossible position. I therefore submit that this amendment must be opposed, because it is unworkable and it will lead us into illegalities."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Mr. Speaker, Sir, I am very much surprised that the two eminent lawyers who have preceded me have failed to appreciate the necessity for a change in the wording of this clause. May I read to you, Sir, the provisions with regard to restricting the amount to one-fifth, which is contained in section 10 of the Impartible Estates Act? Section 10 (2) of that Act states, 'that the court shall so fix the amount of such maintenance that the total amount payable out of the estate by way of maintenance to the relations mentioned in section 9 shall not exceed one-fifth of the net income.' So, when these decrees were passed or when these arrangements were made in the past, no court would have passed any decree granting the maintenance-holders more than one-fifth of the net income at that time. Suppose a zamindar was getting a net income of Rs. 1 lakh some four or five years ago. The court was entitled to give only Rs. 20,000 as maintenance. Now you are reducing that net income to Rs. 20,000 itself. So, if you allow these decrees to prevail, the zamindar who was getting an income of Rs. 1 lakh would have made family arrangements to the extent of only Rs. 20,000, or one-fifth of the net income. Now the Government are reducing the Rs. 1 lakh to Rs. 20,000 or to Rs. 25,000 in certain cases. So out of that you are going to pay compensation at so many times. So if those decrees and those arrangements are to be allowed to prevail, the results would be anomalous and will lead to ridiculous absurdities. Hence the necessity for this amendment. Please note the words 'notwithstanding any arrangement already made in respect of maintenance, etc., the amount should be limited to one-fifth of the total compensation'. I am afraid, Sir, that this side of the question was not very much appreciated by my hon. Friends.

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"The second point raised by my hon. Friend Mr. Viswanatham was, with regard to the legality of the amendment. My hon. Friend has not apparently read section 15 of the Impartible Estates Act. There section 15 is always subject to section 14, and section 14 has clearly stated that there may be variations, modifications and adjustments within the limits prescribed under sub-clause (2) of section 10, that is, one-fifth of the net income. Since the net income according to this Bill is to be reduced to one-fourth and since these decrees and arrangements were entered into at a time when the income was three or four times more, it will lead to a ridiculous position if this amendment is not accepted. Therefore, Sir, this is a very necessary amendment; otherwise this provision will be unworkable and I do not think anything will be left to the zamindars. I therefore support the amendment, Sir."

THE HON. SRI KALA VENKATA RAO:—"I have nothing more to say, Sir. I adopt the arguments advanced by my hon. friend Mr. Ali Baig."

The Government amendment was put and carried.

MR. SPEAKER:—"The House will now adjourn for lunch and reassemble at 2-30 p.m."

(After lunch—2-30 p.m.)

Clause 44, sub-clause (5).

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

For this sub-clause substitute the following:—

- (5) (a) The Tribunal shall in determining the amount of the compensation payable to the maintenance-holders and apportioning the same among them, have regard, as far as possible, to the following considerations, namely:—
- (i) the compensation payable in respect of the estate;
 - (ii) the number of persons to be maintained out of the estate;
 - (iii) the nearness of relationship of the person claiming to be maintained;
 - (iv) the other sources of income of the claimant; and
 - (v) the circumstances of the family of the claimant.
- (b) For the purpose of securing (i) that the amount of compensation payable to the maintenance-holders does not exceed the limit specified in sub-section (4) and (ii) that the same is apportioned among them on an equitable basis, the Tribunal shall have power, wherever necessary, to reopen any arrangement already made in respect of maintenance, whether by a decree or order of a Court, award, or other instrument in writing, or contract or family arrangement."

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"Sir, because we have adopted the same wording in the previous amendment to sub-clause (4), this amendment is brought here so as to be more clear."

* SRI A. KALESWARA RAO:—"Sir, I wish to say that we are now going into a large jungle. The Hon. the Revenue Minister said that the Impartible Estates Act was a sacred one and that it should not be touched. (The Hon. Sri Kala Venkata Rao: 'I never said that.') Now he himself wants to annul all arrangements for maintenance hitherto entered into between the impartible estate holders and the junior members of their family. I know certain cases where one or two villages are given away permanently to the junior members in consideration of their giving up all their claims to the bigger estate-holder. In one case the second son is given two villages by the father and the other son is made the impartible estate-holder. Of course in this Act it is not mere principalities, nor mere old estates, nor old military tenures that are made impartible; but impartible estates are made according to conveniences and the desires of the zamindars. Some of them do not like the estates to be impartible. Some wanted that they should be impartible. I know of instances where the father was particular that the estate should be impartible and that it should have the dignity and stability of an impartible estate without being divided into shares. What did he do? He gave his second son two villages permanently and his first son the bigger estate. In that way things went on. Now my hon. Friend the Revenue Minister wants to re-open everything. Sir, there will be no limit for this. He himself was arguing so much that the Impartible Estates Act should not be disturbed, and he wanted that this Legislature, though sovereign, should recognize the existing law as if we cannot touch law. Now, he says that the Tribunal shall re-open the whole thing, that is, maintenance decrees, or orders of a Court, award, or other arrangements. There is no certainty at all. There is no confidence. What will happen? How the Tribunal will act? Nobody is sure of all these things. This is only creating an uncertainty in the life of the junior members. Any amount of argument is not proper. I must say that the original sub-clause (sub-clause 5) is more proper, that is, the Tribunal shall act under the provisions of the Impartible Estates Act, as far as possible. I have not the copy of the Impartible Estates Act with me now, but I remember that under the provisions of that Act certain considerations have to be taken into account. They are all specified there. Nearness of relationship is mentioned—father of the holder, brothers, maintenance-holders and grandfather, etc. In that way, certain relationships are enumerated there based generally on the principle that they are the descendants of the impartible estate-holders in some generation or other. I remember them well, though I cannot give all the details now. The only question is whether they should be treated as members of a joint Hindu

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family. Already there is encroachment upon the Impartible Estates Act that the sons also should have a share. The whole thing is now ripped open. Nobody knows where it will go. It is indeed an arbitrary way of dealing with the existing rights under the existing law. Therefore, I must say that it is not proper and I oppose strongly this amendment."

III.—MEETINGS OF SELECT COMMITTEES NOT TO BE HELD WHILE THE ASSEMBLY IS IN SESSION.

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, before speaking on the amendment, I wish to make a submission. There is a Select Committee going on now, while the meeting is going on here. It certainly deprives us of the advantage of having some Members here who are to take part and who have been taking an active part in the discussions of this particular Bill. May I submit, Sir, that it would be more proper if Select Committees are held when the session is not going on here. For example, my hon. Friend Mr. Bhashyam is not here and he is drawn away to the Select Committee there. If the Select Committee is intended to help the work of the Legislature but at the same time if it deprives the Legislature of the privileges of membership and of the usefulness of discussion, particularly in a matter like this, I would submit, Sir, that that practice of holding Select Committee at the same time as the Legislature must be changed. I request you, Sir, to advise the Government to have their Select Committees hereafter at times when the Assembly is not in session."

MR. SPEAKER:—"I shall inform the Government."

SRI T. VISWANATHAM:—"Thank you, Sir."

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

* SRI T. VISWANATHAM:—"Sir, on this amendment I have to put forward some objections. The Hon. Mr. Kala Venkata Rao is very fidgety about this. His trouble is that I am raising the same point again. But he has brought forward the same amendment, and that is the difficulty. He moved the amendments there and he brings the same amendments here. Having brought those amendments here, he must put up with any amount of discussion and irritation which I am accustomed to give him from time to time. The language of the sub-clause as it is, is this, namely, 'the distribution among the maintenance-holders shall be made, as far as possible, in accordance with the provisions of the Madras Impartible Estates Act, 1904'. The words 'as far as possible' are very good. They make a good phrase. They give sufficient latitude to the Tribunal which has to deal with various claims. But, to-day, all of a sudden, to rip open all the old decrees and upset all family agreements and arrangements, is something very extraordinary. I submit it is a thing

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which this House should not allow the Government to do. I have always been pleading that people must have respect for law and that Government must bring before the Legislature such Bills as would conduce to develop a sense of respect for law among the people. There is no point in passing a legislation to-day giving people certain rights and allowing them to enter into agreements under that legislation only to be told the next day that notwithstanding anything contained in that Act, the whole thing can be ripped open by a Tribunal of a standing much inferior to the High Court. Several of the decrees might have been decrees confirmed at the appellate stage by the High Court or the Privy Council. Sir, the Government seek to invest the Tribunal with powers of reopening all those decrees. This is a very, very bad precedent. I have already submitted and I am tired of submitting it to the Hon. Revenue Minister. But what am I to do? In spite of any amount of repetition, the Hon. Minister feels that he must go on. Is this the way of going on, I ask, Sir? Is this the way that he should inculcate in the people a sense of respect for law and sanctity for law. Sir, a very important principle is involved. It may be in this particular case to-day, but to-morrow it will be in another case. How long shall we tolerate this kind of stampeding upon essential principles of justice?

2-45
p.m. "I submit, Sir, that the Hon. Minister is always disturbing the Chair and also disturbing the members. He is also disturbing my thoughts and he does not hear. Certainly, he will turn round and say, 'It is all the same because you are repeating the same thing.' Therefore, Sir, I submit that though he is seemingly hearing, he does not hear and he is actually non-chalant. I submit, Sir, that he is now introducing a new principle in this Bill which is easily one of the worst principles. He could not have done more harm. There is only one more weapon and one more thing which he has got to introduce in the several Bills he is bringing forward. He is already upsetting the decisions of courts and the decrees issued by the courts. Only one thing he has not done and that is to include a provision to remove the Judges from the High Court. If he does that also, then all his laws can become laws easily. I say, Sir, this provision asks all the decrees passed by courts to be reopened now. At this stage, to give such a power to the Tribunal is a very very bad precedent; it is very bad law and it is very bad justice."

THE HON. SRI KALA VENKATA RAO:—"All these points were dealt with previously."

SRI T. VISWANATHAM:—"That is an absolute repetition, Sir."

THE HON. SRI KALA VENKATA RAO:—"Sir, the hon. Member, Mr. Viswanatham says that I am here repeating over and over again what I have said. That is his stock argument, Sir. Some points were raised in the Select Committee about this

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and we also discussed at length my amendment to sub-clause (4) and it was accepted. This is only a consequential amendment to that and I therefore request the House to pass this amendment also."

The Government amendment was put and carried.

Clause 44 as amended was put and carried.

Clause 45.

* SRI M. G. NATESA CHETTIYAR:—"I wish to move my amendment, Sir, which says—

'in line 1, between the words "compensation" and "has" insert the words "or interim payments or both."'

THE HON. SRI KALA VENKATA RAO:—"I have already said that about interim payments, separate arrangements will be made and therefore, Sir, it need not come here."

* SRI M. G. NATESA CHETTIYAR:—"I wish to say just a few words on this matter. What the Hon. Minister said is in respect of clause 38. This clause relates to interim amount due to the creditors. I say, Sir, that the creditors should also be given a chance to get interim payments along with compensation."

MR. SPEAKER:—"The hon. Member has given notice of that in amendment No. 357."

SRI M. G. NATESA CHETTIYAR:—"That is in respect of a different category of inamdars and this amendment is in respect of creditors who may be entitled by a decree of a court. In this clause, I want the creditors also to be made eligible to get interim payment. That is what I want by means of this amendment."

THE HON. SRI KALA VENKATA RAO:—"Interim payments are ordinarily under the jurisdiction of the civil courts to which the creditors may have recourse if they have decrees. Therefore, it is not necessary to discuss it here."

SRI M. G. NATESA CHETTIYAR:—"Sir, on the assurance given by the Hon. Minister, I am not pressing my amendment, Sir."

MR. SPEAKER:—"A similar amendment to clause 44, viz., amendment No. 388 by the hon. Member was thrown out already and therefore, he cannot move this amendment now."

* SRI PYDAH VENKATANARAYANA:—"Sir, I beg to submit that my amendment is in order. My previous amendment was to clause 44 and this is to clause 45."

MR. SPEAKER:—"That may be right, but the principles are the same."

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* SRI PYDAH VENKATANARAYANA :—“ Sir, I am entitled to move it; I will prove that I am very much in order. My previous amendment related to clause 44, the application of which was to a different category of people. Sir, this is not a uniform measure because, the zamindars and the inamdars are treated separately. Then again, Sir, the post-1936 inamdars and the pre-1936 inamdars were dealt with separately and also the impartible and the partible estates were dealt with separately, and different treatment was given to these different groups. Therefore, Sir, I can move my amendment which says:—

‘ After the words “ decide the amount,” insert the words
“ after scaling down the same in accordance with the
provisions of the Madras Agriculturists’ Relief Act IV
of 1938.” ’

In moving this amendment, Sir, I beg to state one thing. A similar amendment to clause 44 fell through not for want of a seconder but due to other reasons. In moving this amendment, I request the Government to enlighten the House as to the circumstances under which such a clause which has been incorporated in the original Bill was subsequently deleted by means of a narrow majority in the Select Committee. Sir, I beg also to state that the rich bankers who have lent large sums of money and have been charging very high rates of interest must have by this time collected huge amounts by way of interest. Therefore, Sir, the incomes should also be characterized as abnormal unearned incomes. I do not know why these people also should not be affected. In the case of people who were charging high rates of interest, it is but just that the interests also should be scaled down in accordance with the provisions of the Madras Agriculturists’ Relief Act. I therefore request the Government to enlighten the House as to the circumstances which led to the exclusion of such a clause which was the original Bill.”

* MUHAMMAD RAZA KHAN SAHIB :—“ Sir, I second the amendment moved by my hon. Friend, Mr. Pydah Venkatanarayana. I just want a certain piece of information from the Hon. Revenue Minister. As far as the amendment is concerned, the mover of the amendment wants that those zamindars who have taken loans from creditors should have the benefit of the Madras Agriculturists’ Relief Act IV of 1938. The other day, Sir, the Hon. Revenue Minister said that if the present Bill becomes law the zamindar or the inamdar who is in possession of the property to-day will not be the owner of such a property and that if this Bill is placed on the Statute Book, the legal position would be quite different. After the passing of this enactment, the zamindars or the inamdars will not have the rights of ownership of the zamindaris or inams. Therefore, Sir, if this view is correct, then there should surely be some restriction as far as the loans given to these people are concerned. Sir, if a particular creditor has given a loan of one lakh of rupees to a particular estate-holder, if he has

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given it under a misapprehension that the zamindar is the owner of the estate, after the enactment of this Bill, the zamindar will be a mere rent collector, and he will become entitled only to 25 per cent of the value of the property and therefore, it is but right and natural that his creditors who have advanced money, should also bear the burden. Some members of the Select Committee drew the attention of the Government to this important point but then, it was lost by a narrow majority of nine votes to eight in the Select Committee. Therefore, Sir, I say, if it was a question of justice the creditors also who have advanced monies to these zamindars under some misapprehension should share the burden. Here, I would like to bring to the kind notice of the Hon. Minister the fact that if the quantum of compensation is to be decided according to this Bill, then the zamindars will be getting only 25 per cent of the income of their properties and what would happen is this. Because they would not be able to repay the loans, the interests will go on accumulating so much so that at the end of a period of five years, there will be nothing left for the zamindars. Sir, the other day, the Hon. Revenue Minister expressed his kind sympathy for those zamindars who have taken loans at an exorbitant rate of interest. Therefore, Sir, in the case of those people who have advanced loans on zamindari estates at exorbitant rates of interest—and most of these people have recovered something more than their principals—it is but right that they should also bear some burden. Sir, if the Hon. Minister is not prepared to accept the amendment, the position will be reduced to this. When the time comes and when compensation has to be paid, after paying off the dues to the creditors, there will be nothing left to the zamindars. Sir, there are two ways of solving the problem that is either to accept the amendment of my esteemed Friend Mr. Pydah Venkatanarayana, so that they may have some relief or in the alternative to stipulate that these creditors are entitled only to 25 per cent of the money which they have advanced as loans on these zamindari estates, particularly so in the case of zamindaris where the loans might have been spent on the improvements of the estate. Sir, this is an important matter and the Hon. Minister will do well to take legal opinion on this. On the one side he is penalizing the zamindars and on the other side, he is helping those creditors who have advanced loans. With these words, I second the amendment.”

* SRI D. V. RAMASWAMI :—“ Mr. Speaker, Sir, as my hon. Friend, Mr. Raza Khan, has said, this is a very important matter, not for reasons which he has adduced, but it is very important in another sense. This clause is intended to safeguard the interests of bona fide creditors. Sir, when the rights of zamindars are taken away and when substantial amounts have to be paid to the creditors who have advanced loans to the zamindars out of the compensation and after the collection of the peishkush that may be due to

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the Government—after these demands have been met—there might be nothing left to the zamindar. In the original Bill there was a provision to give relief to the zamindar in regard to this matter but in the Select Committee stage, that provision in the original draft Bill was omitted. Reference has been made about it by Mr. Raza Khan in his speech. But, I say, Sir, this is a novel thing. The real persons concerned, the zamindars themselves, have not raised any objection with regard to this.

“Then, Sir, there is another point. This amendment seeks to bring in the Agriculturists’ Relief Act. Are the zamindars peasants? Do they at all come under the category of agriculturists? Sir, all these points need not be gone into at this stage because even in the Select Committee, when the main features of the Bill were decided, this point was opposed strongly and voted down. I therefore request my hon. Friend Mr. Pydah Venkatanarayana who moved the amendment to withdraw the amendment.”

THE HON. SRI KALA VENKATA RAO:—“I am sorry, Sir, I am unable to accept the amendment. Simply because the Madras Agriculturists’ Relief Act is there, it cannot be applied to all. It was intended to apply to a particular category of persons. Till now, Sir, we have been saying that the zamindars are not agriculturists and the hon. Member Pydah Venkatanarayana also has been loud in declaring this fact more than once. Therefore, we cannot extend to them the same privileges which we are giving to the agriculturists. If the zamindars are in jeopardy, it is better to treat their case under other laws and not apply the Agriculturists’ Relief Act. Therefore, Sir, I oppose the amendment.”

The amendment was by leave of the House withdrawn.
Clause 45 was put and carried.

Clause 46.

3 p.m. THE HON. SRI KALA VENKATA RAO:—“Sir, I move that—
‘for the words and figures “sections 11, 12 or 13” wherever they occur, the words and figures “section 11 or 13” shall be substituted.’

This is only a formal amendment.”

The amendment was put and carried.

THE HON. SRI KALA VENKATA RAO:—“Sir, I move—
‘that for the first paragraph of sub-clause (2), the following shall be substituted:—

“(2) The Tribunal shall determine the total extent of the lands in respect of which ryotwari pattas may be granted to the maintenance-holders and divide the same among them; and in doing so, the Tribunal shall, unless for reasons recorded in writing it considers that it is inappropriate to do so, have regard to the considerations set forth in section 44, sub-section (5) and the manner in

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which the compensation payable to the maintenance-holders has been or may be apportioned among them under that sub-section”.

The drafting has been improved here, Sir.”

The amendment was put and carried.

* SRI A. KALESWARA RAO:—“Sir, I move—

‘that the first proviso to sub-clause (2) of Clause 46 be omitted.’

“This proviso refers to the lands that will be given to the estate-holders on ryotwari patta. This proviso says that in the lands to be given on ryotwari patta to the estate-holder, the maintenance-holders will be only entitled to a portion of the lands which will aggregate to only less than one-fifth of the lands to be given to the estate-holders. This means that the Tribunal will not have the right to decide the question. I think this is quite unjust. With regard to compensation, the Hon. Minister stated that it comes in lieu of the impartible estate that the landholder had been in possession of, and because Government are taking possession of the impartible estate, a certain amount of compensation is being paid to him. That is what we have understood. And the question was whether the provisions of the Impartibles Estates Land Act of 1904 should be applied as they are, or whether the whole thing should be treated as joint family property and distributed among all the members. That is a different matter. But then you are giving lands to the zamindar or the impartible estate-holder. Why should not all the junior members share these lands. After all they are going to become the cultivators. Let all the junior members be given equal extents of lands and become cultivators. You are giving patta to the landholder not only for the private lands but also for the lands occupied by the zamindar from a specified period, say from 1939. He is going to get patta for these lands; whether ryoti or private, is a different matter about which we have already discussed. When he is getting it, he is the manager of the estate. Under section 4, sub-section (1) of the Impartible Estates Act of 1904 he is the manager of a joint family. The lands are all there. They are not his personal property, nor are they his private properties. They belong to the family, and therefore they should be really divided between the members. Let there not be any limit, like one-fifth, etc., for the lands to be given to the junior members. The proviso as it stands is unjust as well as unreasonable. There is no meaning in limiting the extent, and saying that the Tribunal shall take into consideration the nearness of the relationship and such other circumstances. Give the junior members a decent portion of the lands for which a ryotwari patta is to be obtained by the zamindar. Sir, there is no principle here, except an arbitrary method, like saying: ‘Yes, I shall give to the sons, the grandsons, but not to brothers.

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I shall do as I like and would not re-open the whole thing. The whole thing is proceeding in a very arbitrary manner. Hence I move that this proviso which reads as follows; shall be omitted:—

'Provided that the total extent of the lands granted to all such maintenance-holders shall not exceed one-fifth of the extent of the lands in respect of which a ryotwari patta may be granted under section 11 or 13.'

"With regard to the maintenance-holders, there is a provision in the Impartible Estates Land Act. There is no such provision with regard to the lands to be enjoyed and possessed on a ryotwari patta. It is a new provision made by the Hon. Minister in an arbitrary way, and does not find a place even in the existing Impartible Estates Land Act. The point is therefore this. The Hon. the Revenue Minister is not confining himself to the Impartible Estates Land Act. He is going out of it. I ask why should he curtail the natural rights of the junior members of the family? So, I move that sub-clause (2) be omitted."

* SRI T. VISWANATHAM:—"Sir, in seconding the amendment, I want to ask the Hon. Revenue Minister some information. The proviso reads: 'Provided that the total extent of the lands granted to all such maintenance-holders shall not exceed . . .'. What are the kinds of lands that will be granted on ryotwari patta? What is the nature of the property that these maintenance holders will take under law? Will such lands be considered to be part of the joint family property, because they are coming out of the general assets of the joint family property or will they be treated for all purposes as against the sons of that maintenance-holder as self-acquired property? What is the kind of provision that the Hon. the Revenue Minister is thinking about in this behalf?"

"As regards the other point raised by my hon. Friend Sri Kaleswara Rao, that with regard to the lands to be given to these maintenance-holders, the restriction of one-fifth need not be there, I would only say that Mr. Kaleswara Rao is fairly right in saying that. With regard to compensation we have already agreed to limit it to one-fifth and the lands which the estate-holders may get under the ryotwari patta, may sometimes be extensive and sometimes very small in extent. In cases where the estate-holder gets an extensive land under the ryotwari patta, the one-fifth which the maintenance-holder might get will be of some decent economic size, but in several other cases, it will not be like that. After all this clause seeks to secure some equity to the junior members of the family. Therefore, Sir, I submit that the amendment is based upon the sense of equity and justice, and might be accepted. I would also repeat my request to the Hon. the Revenue Minister to clarify the nature of the property which the maintenance-holder will get, whether such lands will be treated as self-acquired property or as joint family property as against the sons of the persons who get the patta."

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THE RAJA OF VENKATAGIRI:—"Sir, a distinction is sought to be made between the lands and the compensation amount. And when that attempt is made, it is forgotten that the income from these lands also forms part of the income of the estate. To say that some other principle must be adopted is not just."

THE HON. SRI KALA VENKATA RAO:—"Sir, in this case, it is really a concession that we have shown to the junior members. My hon. Friend Sri Kaleswara Rao well knows that in the Select Committee—he might not have forgotten the discussion that went on there—he pressed that this restriction of one-fifth need not be there. But it was opposed by hon. Friends like Mahboob Ali Baig Sahib and others. None-the-less we thought out a compromise under which the junior members should get a portion of the land that will go to the zamindar on ryotwari patta, and in doing so we thought that it would be reasonable to fix the limit to one-fifth. That is reason why the junior members must be thankful for the concession rather than be critical about it."

SRI A. KALESWARA RAO:—"As my hon. Friend has said, I did press it in the Select Committee. I would only press it here once again, because the junior members ought to be treated much more fairly than in the way the Bill as emerged from the Select Committee seeks to do. What is the meaning of saying 'concession'? They have the right to such lands. They are born to their fathers (laughter) and are members of the family and therefore have a right in the lands or the property that belongs to the family. I cannot understand my hon. and learned Friends saying that they have no right simply because some zamindar's representative said so. Therefore, I am afraid I cannot withdraw the amendment."

The amendment was put and lost.

Clause 46 as amended was put and carried.

New clause 46-A.

MR. SPEAKER:—"I suggest the Hon. Minister may move amendment No. 398 as well as the amendment to the amendment 3-15 p.m. which seeks to substitute the words 'is restricted' for the words 'has been restricted'."

THE HON. SRI KALA VENKATA RAO:—"Yes, Sir, I move the following amendment:—

'After clause 46, insert the following as new clause 46-A:—

"46-A. Where the power of the landholder to alienate any property in an estate is restricted, whether by the terms of the grant or otherwise, the provisions of this Act relating to the payment and apportionment of compensation in respect of impartible estates shall, so far as may be and subject to such rules as may be made by the Government in this behalf, apply to the payment and apportionment of the compensation payable in respect of the estate."

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Sir, the above amendment is found necessary consequent upon the amendments we have made to clause 46."

* SRI T. VISWANATHAM:—"Sir, I want some explanation about the wording of the clause. The body of the clause does not seem to have much to do with the heading. The clause reads:—

'Where the power of the landholder to alienate any property in an estate is restricted, whether by the terms of the grant or otherwise . . .'

What is the grant to which the Hon. Minister refers? A landholder has been defined as a permanent settlement holder, an under-tenure holder as well as certain kinds of inamdars. This clause is a very general clause. It does not apply to any of landholders covered by the permanent settlement, nor does it apply to inams which pay quit-rent to the Government and where under Rules 28 and 29 of the Inams Rules the Government have relinquished all their rights of resumption over these inams. There is no question of restriction there. The question of grant does not apply in both these cases. I would like to offer a few remarks on the clause if the Hon. Minister would first of all be good enough to explain the meaning of the clause he has moved."

THE HON. SRI KALA VENKATA RAO:—"I can tell the hon. Member that this refers to one or two estates in Chingleput district where the East India Company imposed certain restrictions on the power of alienation when the grant was made. This clause has been put in to cover those cases."

* SRI T. VISWANATHAM:—"If there are only one or two estates, they could have been specifically referred to by name. What are those estates where restrictions were put with regard to the power of alienation?"

THE HON. SRI KALA VENKATA RAO:—"They are in Chingleput district."

* SRI T. VISWANATHAM:—"So far as persons who have got their sanads under the permanent settlement and their successors-in-title are concerned, there is no such restriction on alienation. As regards inams, jagirs and mokhasas which pay quit-rent to the Government and where the Government have relinquished their reversionary rights, there can be no restrictions on the power of alienation. The right is absolute. If there are only one or two estates the House would be glad to know what they are. Even then what has this restriction to do with the apportionment of compensation? I want information on this point, Sir."

THE HON. SRI KALA VENKATA RAO:—"As I have already informed you, Sir, there are six lease-hold villages in Chingleput district. The names are not ready with me. If required I will get the information and furnish it."

The amendment to insert clause 46-A was put and carried.

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Clause 47.

* SRI T. VISWANATHAM:—"Sir, I move the following amendment:—

'For the words "the tribunal," substitute the words "the Principal Court of the Subordinate Judge within the jurisdiction of which the estate lies".'

Sir, all the while the Hon. Minister has been saying that the amount of compensation shall be determined by a Tribunal and not by a court of law. Now we have come to a stage where legal principles are involved and it is better that the question is taken before a court of law. The clause says that by the act of parties or by operation of law certain rights may be alleged to have come into existence and in those circumstances, it is but proper that the civil court should be made the forum for the settlement of those rights and not the Tribunal. When once the civil court decides those rights, the tribunal which is the favourite creation of the Hon. Minister may distribute the amount as it likes."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"I second the amendment."

THE HON. SRI KALA VENKATA RAO:—"Sir, if the hon. Member sees the next clause 48, he will find there a provision for an appeal to the High Court. This is one of the cases where the Government have deemed it necessary to provide for an appeal to the High Court. If we provide for the Principal Civil Court also, there will be continuous litigation with the result that the junior members will spend what compensation they get on litigation."

* SRI T. VISWANATHAM:—"Sir, it will be a wonderful thing if the final authority is the High Court, but it is not. Coolly and innocently the Hon. the Revenue Minister asked us to look at the next clause and I was taken aback. I wondered whether all these days we were in a dreamland and we were unnecessarily accusing the Hon. Minister of ousting the jurisdiction of courts. But it is not the High Court that is to decide in this case. It is only a judge of the High Court as *persona designata*. Sir, *persona designata* and nominated tribunals should go. The courts dealing with the administration of justice in the regular course should be the forum for deciding these questions."

THE HON. SRI KALA VENKATA RAO:—"I have nothing more to add, Sir."

The amendment was put and lost.

Clause 47 was put and carried.

Clause 48.

Sub-clause (1).

THE HON. SRI KALA VENKATA RAO:—"Sir, I move the following amendment:—

'For the words and figures "sections 42 to 47" substitute the words and figures "sections 42 to 47-A".'

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The printed amendment has section 47-A. It must be read as section 46-A. This amendment is necessary because another section has been added."

The amendment was put and *carried*.

Sub-clause (2).

* SRI T. VISWANATHAM:—"Sir, I beg to move the following amendment:—

'Delete the sub-clause.'

The Hon. Minister referred to this clause in advance. Now we are on the clause itself. I see no reason why a judge of the High Court should be the *persona designata*. The chief objection is that he is a *persona designata* and not because he is a High Court Judge nominated as such. There are certain rights secured for parties under the Civil Procedure Code and the Letters Patent and by this clause those rights are taken away. Under certain conditions, from the decision of a single judge we can go before a bench. Under other circumstances we can go before a special bench or a full bench. Possibly, if the point of law permitted one can go before the Federal Court also. It is these privileges that are being taken away from the aggrieved parties. That is the reason why I submit this clause should be omitted and the whole forum may be the High Court itself as such."

3-30 P.M. THE HON. SRI KALA VENKATA RAO:—"I should like to know, Sir, if my hon. Friend will withdraw his amendment if I accept Mr. Bhashyam's amendment to substitute the word 'Judge' by the word 'Bench' and to substitute 'single judge' for '*persona designata*'."

* SRI T. VISWANATHAM:—"I have no objection, Sir; but it is not a matter of bargain; the point is, it should be a bench of the High Court, and I do not see why the Hon. Minister is fascinated by the words '*persona designata*'. This is the first time when he is in a mood to agree to something, and therefore I am quite willing to withdraw."

MR. SPEAKER:—"But Mr. Bhashyam is not here to move his amendment; so, irrespective of that, will the hon. Member Mr. Viswanatham withdraw his amendment?"

* SRI T. VISWANATHAM:—"Since the Hon. Minister is prepared to move that as a Government amendment, I have no objection to withdraw."

The amendment was by leave withdrawn.

THE HON. SRI KALA VENKATA RAO:—"Sir, I beg to move that for the word 'Judge', the word 'Bench' be substituted and for the word 'nominated' the word 'constituted' be substituted and also for the words 'his decision' the words 'the decision of the bench' be substituted. It is Mr. Bhashyam's

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amendment that I am now moving as a Government amendment. I move it just with a view to omit the words '*persona designata*' occurring here."

MR. SPEAKER:—"What is it that the Hon. Minister has moved, I want to know. I am quite prepared to wait, if necessary, so that a regular amendment may be given to me; once we put the amendment to the House, we cannot change it afterwards."

THE HON. SRI KALA VENKATA RAO:—"I move that the following be substituted for sub-clause (2) of clause 48:—

'A Judge of the High Court shall hear such an appeal and his decision shall be final'."

MR. SPEAKER:—"I shall give two minutes' time to the Hon. Revenue Minister, or even five minutes since it is an important point; the matter may go to the Court, and so it is better we make it clear even now."

THE HON. SRI KALA VENKATA RAO:—"Sir, my Secretary feels some more difficulty in regard to this amendment. Therefore, I request you to put off this amendment till to-morrow."

MR. SPEAKER:—"I shall adjourn the House for the day; that will be the best thing."

THE HON. SRI KALA VENKATA RAO:—"It is not after all such an important thing as to necessitate an adjournment of the House for the day, Sir. Therefore, I move this amendment as a final one:

'A Bench of the High Court shall hear such an appeal and its decision shall be final'."

MR. SPEAKER:—"I shall now put it to the vote of the House."

THE HON. SRI KALA VENKATA RAO:—"I am sorry, Sir; the amendment may be put in the following form:—

'A Division Bench of the High Court nominated for the purpose by the Chief Justice shall hear such appeal and its decision shall be final'."

MR. P. A. THANGASWAMI:—"Suppose two Judges of the Bench differ; in such a case, a certain procedure has to be observed. But if there is to be a special appeal to the High Court, we should consider what will be the effect."

* SRI V. RAGHAVAYYA:—"My submission is this: apart from the language itself, there is no question of nomination of judges. The Bench should be constituted by the High Court. Secondly, there is no point in saying it in this amendment at all. In the previous sub-clause an appeal to the High Court has been provided for and that is quite sufficient. That takes the usual

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processes of law and all the concomitant results will follow. So, there is absolutely no necessity for this amendment, which is causing such confusion here. That is my suggestion."

SRI A. KALESWARA RAO:—"I suggest that a Bench may be nominated by the Chief Justice; what is the trouble?"

MR. SPEAKER:—"I am now going to put the Government amendment to the vote of the House. This is the amendment:

'Substitute the following for sub-clause (2):—

"A Division Bench of the High Court nominated for the purpose by the Chief Justice shall hear such appeal and its decision shall be final."'

The amendment was put and carried.

Clause 48 as amended was then put and carried.

Clause 49.

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I move that—

'Clause 49 shall be deleted.'

I submit that it can go without any detriment to the scheme of the Bill. It does not affect the general scheme of the Bill and the deletion will also help expedition of business. In the previous clause, which we have just passed, we have said that the High Court can go into certain matters referred to in sections 42 to 47; and if now we restrict its jurisdiction to certain items, there is not much point in it. When once we have agreed to go to the High Court, it is much better that the High Court is allowed to go into all connected matters. By that I do not mean that the High Court will act as a court of first appeal; for instance, it will not go into the arithmetical calculations, etc. The main purpose of the reference to the High Court will be that it will go into the legality, the regularity and the propriety of the various measures taken for arriving at the compensation or for the distribution of the amount. So, having passed clause 48 in the way in which we have done, it will be quite proper for us to omit clause 49 altogether. We should not now confine the jurisdiction of the High Court to particular things as stated in this clause. If my amendment is accepted, no drafting is necessary; it only requires a renumbering of the clauses, and clause 48 which we have passed will be a self-sufficient clause by itself."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Sir, I second the amendment and I do not want to repeat the mover's arguments. We have already passed clause 48 and requested the High Court to hear appeals from aggrieved persons against the decision of the tribunal under sections 42 to 47. Having done that, if you restrict the High Court's and the tribunal's jurisdiction to 'the division of compensation' and to 'the division of the lands in respect of

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which a ryotwari patta may be granted,' it will be contradictory. Whatever powers and whatever rights are given to the aggrieved persons under section 48 (1) and (2) seem to be taken away under section 49. I think, therefore, it is not properly conceived. It is contradictory and I think, this clause is not necessary at all."

3-45
p.m.

* SRI V. RAGHAVAYYA:—"Sir, in fairness to the Government, I think, this is the thin end of the wedge to draw the Government into a false pit. We have unfortunately passed an amendment just now, which ought not to have been passed inconsistent with the Government's decision. Government did not want till now the correctness of the determination of compensation or the adequacy of compensation to be opened in any court of law. It is right according to the wishes of the majority of the House that the High Court should not have any power in respect of this matter for various reasons, one such being that this Assembly after a lot of discussion has come to the opinion that so much of compensation alone need be paid. Whatever may be the compensation that may be arrived at according to the Acquisition Act we have taken, equity into consideration and taken into consideration various other things and also want of legal rights. We have also taken into consideration the number of middlemen or lessees or the rent collectors and having also determined the mode of compensation. I think, it is suicidal to the Bill if you should open the thin end of the wedge and give powers to the High Court to question the correctness of the compensation and the adequacy of it. I am sure the Government will not yield to this siren call because if they hear, all the laborious work done here will be undone. I think the Hon. Minister is quite aware of the mischief of this amendment."

SRI T. VISWANATHAM:—"Sir, I strongly protest against the wording 'mischief' used by the hon. Member."

SRI V. RAGHAVAYYA:—"It is parliamentary, Sir."

MR. SPEAKER:—"Whether it is parliamentary or unparliamentary it is a personal remark made against the hon. Member."

SRI V. RAGHAVAYYA:—"Certainly not, Sir. I am only referring to the mischief of the amendment. I am most innocent. Mischief of the section is a perfectly legal term."

MR. SPEAKER:—"I am not concerned with the legality or otherwise of the term. But, I think, it is a personal remark."

* SRI V. RAGHAVAYYA:—"I never said that of Mr. Viswanatham, Sir. He is a bosom friend of mine and I am only referring here to the mischief of the amendment moved by my hon. Friend, Mr. Viswanatham. I oppose the amendment moved by my hon. Friend and request the Hon. Minister to stick on to his guns."

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"At this stage, I am thinking as to whether we were misled into passing the previous amendment. I think it would have been better if the suggestion of the Hon. Speaker had been accepted, so that this matter might be considered at leisure and we might come to a definite idea. By not listening to the Speaker's advice, the Government have got into a pit from which it is not easy to extricate at this stage. It is therefore better to adjourn the House, so that the Government may think over the legal consequences relating to the matter."

THE HON. SRI KALA VENKATA RAO:—"Sir, I am sorry I am unable to accept the amendment, among other things, for the reason mentioned by my hon. Friend, Mr. Raghavayya. Whether the amendment is accepted or not, it is a different matter. Clause 47 merely refers to the apportionment of compensation, but here the question of compensation will come into question. I am not therefore prepared to accept the suggestion to drop this clause."

* SRI T. VISWANATHAM:—"Sir, in this world when paths are made clear to enable men to walk in a clean path at least for a few minutes, there will always be some people whose physical vision is blurred by psychological fancies and who refuse the straight path. All of a sudden my hon. Friend, Mr. Raghavayya, who has not been sitting here for some days, minding his business elsewhere, to-day comes and says that I misled the Hon. Revenue Minister and that I dragged him into a big pit. (Sri V. Raghavayya: 'I used the active voice and not the passive voice.') The hon. Member actively used the passive voice. Then he said that I did it out of mischief. I should thank him, however, because he corrected himself later by saying 'mischief of the amendment'. That is the legal way of escaping from troubles. I am asking my hon. Friend, Mr. Raghavayya, and the Hon. Revenue Minister, where is the question of adequacy of compensation coming in under sections 46 and 47. Of course the Hon. Minister may say, well, well, I am not going to accept the amendment. But, where is the question of adequacy of compensation here. That was all passed in clauses prior to clause 42. Only my hon. Friend, Mr. Raghavayya, was not here and he did not know that was dealt with in clauses 42 to 47. The amendment seeks to omit the entire clause. Then let us see what would happen. The basic annual sum is calculated under a different clause, compensation is calculated under another clause and the tribunal and the Board are the final authorities upon these matters. Those sections have already been passed. After passing section 42, we have nothing to do regarding adequacy of compensation, because that would not come under this. The provision regarding the High Court which the Hon. Minister was kind enough to accept was only with regard to a very little matter. Points that might arise between the maintenance holder, the creditors and the estate holder, are covered by sections 42 to 47. It has nothing to do with compensation or

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is adequacy and that is the reason why when he has accepted at least that, we have had to be thankful to him. Even leaving aside adequacy of compensation, at least let claims *inter se* as between the maintenance holder, the estate holder and the creditor, be settled in a court of law and the Hon. Revenue Minister is perfectly right in having agreed to it. It was absolutely incorrect on the part of my hon. Friend, Mr. Raghavayya, to have come forward suddenly and said that he was going to second the amendment, if my hon. Friend, Mr. Mahboob Ali Baig did not rise up earlier. He now suddenly turns round and says, like one of the famous heroes in the Spanish novel in the best language, that the Hon. Revenue Minister has been thoroughly puzzled and unnerved. He also referred to the previous sections and then he simply misled the Minister. I do not say wilfully, because he has no malice aforethought but it is part of his nature to do such things. I submit, Sir, therefore, it is wrong. If the Hon. Revenue Minister rejects my amendment, let him reject it, but certainly not on the grounds which he has advanced or which my hon. Friend, Mr. Raghavayya has advanced, because clauses 42-47 have no reference at all to the adequacy of compensation. If he is going to accept this amendment it is not to sabotage the Act. It is not the purpose of anybody here to sabotage the Act and it is not even the purpose of Mr. Raghavayya to do so. I press my amendment, Sir."

The amendment was put and lost.

THE HON. SRI KALA VENKATA RAO:—"Sir, I move the following amendment standing in my name:—

- (i) After the words "the persons referred to in section 42", insert "and the apportionment of the interim payments among the persons referred to in section 47-A."
- (ii) For the words and figures "sections 11, 12, or 13," substitute "section 11 or 13."

On account of better drafting this amendment is proposed, Sir."

The amendments were put and carried.

Clause 49, as amended, was put and carried.

Clause 50.

THE HON. SRI KALA VENKATA RAO:—"Sir, I move the following amendment:—

"For this clause, substitute the following:—

"All payments out of the compensation deposited in the office of the Tribunal under section 49 shall be made by it in accordance with its orders and decisions, subject to the modifications, if any, made on appeal, by the High Court."

This is only better drafting, Sir."

The amendment was put and carried.

Clause 50, as amended, was put and carried.

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Clause 51.

THE HON. SRI KALA VENKATA RAO:—"Sir, I would like to move the amendments one after another:—

'Re-number this clause as clause 47-A.'

This is only consequential, Sir."

The amendment was put and carried.

THE HON. SRI KALA VENKATA RAO:—"Sir, the next amendment is—

'In sub-clause (2) as so re-numbered—

(a) for the words "before compensation", substitute "before the compensation";

(b) for the words "every year," substitute "every fasli year" 2 2 2

These are also consequential amendments, Sir."

The amendments were put and carried.

THE HON. SRI KALA VENKATA RAO:—"Sir, the next amendment is:

'For sub-clauses (3) and (4), substitute the following:—

"(3) In respect of the fasli year in which the estate is notified they shall together be entitled to such amount as the Government may on a rough calculation determine to be the amount of the basic annual sum referred to in section 25 less the rents, if any, collected before the notified date by the landholder from the ryots in respect of that fasli year.

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(4) In respect of each subsequent fasli year, they shall together be entitled to the amount estimated under sub-section (3) to be the basic annual sum, unless data for the better calculation thereof have since become available, in which case the amount to be paid shall be revised by the Government with reference to such data."

"Sir, this is with reference to the payment of interim compensation. The earliest figure that will be in our hands will be the reduced rental under the Rent Reduction Act and as time goes on, it may have to be modified and so as to clear the position, we re-drafted this section."

* SRI M. G. NATESA CHETTIYAR:—"Mr. Speaker, amendment No. 411 which I have proposed is practically a consequential amendment with the addition of a few words and the idea was to enable the interim payment receiver to get it in instalments so that they may carry on their living and so I want it to be included in sub-section (3) along with the Government amendment so that the small landholders may get their payment either monthly or every three months."

The amendment was put and carried.

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THE HON. SRI KALA VENKATA RAO:—"Regarding Mr. Natesa Chettiyar's amendment No. 411, the whole thing will be paid in one instalment as soon as we collect or in a few instalments as is necessary."

SRI M. G. NATESA CHETTIYAR:—"Will it be provided in the rules?"

THE HON. SRI KALA VENKATA RAO:—"Not necessary."

* SRI M. G. NATESA CHETTIYAR:—"On the assurance of the Hon. Revenue Minister I am not moving my amendment."

THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, I move—

(i) Re-number existing sub-clauses (6) to (8) as (7) to (9) respectively and for sub-clause (5), substitute the following as sub-clauses (5) and (6):—

"(5) The Government shall deposit all such amounts in the Office of the Tribunal and the Tribunal shall, after such enquiry, if any, as it thinks fit, apportion the amounts among the principal landholders and the other persons referred to in sub-section (2) as far as possible in accordance with the value of their respective interests.

(6) On the making of such a deposit the Government shall be deemed to have been completely discharged in respect of all claims to, or enforceable against, the amount so deposited."

"Sir, the purpose of Mr. Natesa Chettiyar's amendment is provided for here. The money will be handed over to the Tribunal and the process will be gone through and interim payments may be made and we have no objection to make payments in proper time."

THE RAJA OF VENKATAGIRI:—"Mr. Speaker, this is how sub-section (5) reads:—

'The apportionment of the amounts aforesaid between the principal landholders and the other persons referred to in sub-section (2) shall be made by the Tribunal as soon as possible after the notified date, in accordance with the value of their respective interests'

and the Government's amendment dealing with this sub-clause says—

'apportion the amounts among the principal landholders and the other persons referred to in sub-section (2) as far as possible in accordance with the value of their respective interests.'

Sir, the Bill says that it must be in accordance with the value of the interests of the parties concerned but in the amendment the words 'as far as possible' are used. This I submit is an elastic term. In regard to apportionment also there is an appeal provided to the High Court. If the Government's amendment is

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accepted, my fear is that the use of the words 'as far as possible' may not allow any appeal to be successfully filed in the Special Bench that is to be constituted for that purpose. I would, therefore, request the Government to delete the words 'as far as possible' and retain the original language in sub-section (5) of section 51 of the Bill. I would request him therefore to drop the words 'as far as possible'. My fear is that this is elastic and the wording should be 'in accordance with the value of the interests of the parties concerned'. I hope the Government would either disabuse my mind of this fear or accept my proposal."

THE HON. SRI KALA VENKATA RAO:—"This is put in only as a measure of abundant caution because the interim payments and the collection may not be a definite amount. The language was advisedly used and it does not injure anybody's interest."

The amendment was put and carried.

THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, I move—

"(1) In sub-clause (7) as so re-numbered for the words "in respect of each of the years," substitute "in respect of each of the fasli years", and at the end of the sub-clause, add the following proviso:—

"Provided that in respect of the fasli year in which the estate is notified, the rents, if any, collected before the notified date by the landholder from the ryots in respect of that year shall be deducted from the basic annual sum."

(2) In sub-clause (9) as so renumbered, for the expression "under sub-section (6)," substitute "under sub-section (7)"; and for the words "shall be recovered," substitute "shall be recoverable"."

The amendments were put and carried.

MR. SPEAKER:—"Clause 51, as amended, is for the consideration of the House."

SRI A. KALESWARA RAO:—"Mr. Speaker, clause 51 (7) says that interim payments will be made to the zamindars. All right, I have no objection. But the interim payments will not at all be deducted from out of the compensation amount to be paid to them. I want that interim payments also should be taken into account when the compensation amount is paid to them. All the amounts paid to the zamindars during the interim period should be deducted from the total amount of compensation which would be determined after the settlement and survey had been concluded and the ryotwari rates introduced. That is the point to which I take objection."

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* SRI T. VISWANATHAM:—"Mr. Speaker, there are certain things which should be made clear in the rules. In sub-section (2) it is stated that interim payments shall be made every year to the principal landholder and the other persons referred to in section 43 as follows It should be made clear that in all cases where there are a number of shareholders—and there are quite a number of them in several of these estates, particularly in the inams which are covered by this legislation, the principal landholder shall not, in any case, be the only person to receive the entire amount. The Tribunal may take some time in the first year to ascertain the respective shares of these shareholders so that thereafter it can go on making payments year after year to each shareholder. Otherwise, if the amount goes into the hands of one single individual, there will be so many difficulties for others and the persons affected cannot have easy redress. I suggest that in the rules which the Government are going to make in regard to this Act, clear instructions may be provided so that every interest is separately calculated and separately paid by the Tribunal itself instead of leaving things to the sweet will of any one person."

THE HON. SRI KALA VENKATA RAO:—"Sir, I would request the hon. Member to give in writing what he wants and it will receive consideration at the time when rules are framed."

The amendment was put and carried.

Clause 51, as amended, was put and carried.

Clause 52.

THE HON. SRI KALA VENKATA RAO:—"Sir, I move that—
"for the existing clause substitute the following:—

"52. (1) In cases governed by section 37, after the notified date and before the sums payable to the religious, educational or charitable institutions concerned, under sub-sections (1) and (2) of that section, have been finally determined, Government shall pay to the institution—

(a) in respect of the fasli year in which the estate is notified, such sums as they may on a rough calculation determine to be payable to the institution under section 37, sub-sections (1) and (2) less the rents, if any, collected before the notified date by the institution from the ryots in respect of that fasli year;

(b) in respect of each subsequent fasli year, the sums determined under clause (a), unless data for the better calculation thereof have since become available, in which case the sums to be paid shall be revised by the Government with reference to such data.

(2) After the sums payable to the institution under section 37, sub-sections (1) and (2) have been finally determined, all interim payments made to the institution under sub-section (1) of this section together with the rents, if any, collected by it before the notified date

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shall be adjusted towards the sums so determined; and any deficiency shall be made good to the institution by the Government and any excess shall be deducted from the sums payable to it by the Government in any subsequent fasli year or years."

"Sir, this clause is only to clarify the thing so that the amounts may be adjusted according to the procedure prescribed here."

The amendment was put and carried.

Clause 52, as amended, was put and carried.

Clause 53.

* THE RAJA OF VENKATAGIRI:—Sir, I move—

'Substitute the following for the existing clause:—

'Any arrears of rent which accrued due to the landholder before the notified date, shall be collected by the Government and made over to the landholder after deducting therefrom the cost of collection.'

"Sir, I am sorry the Hon. Revenue Minister has thought it fit that arrears of rent excepting those relating to faslis 1356 and 1357 should be wiped out. Already rents due to landholders have been reduced under the Rent Reduction Act of 1947. Sir, these rents represent not merely what the zamindar gets as his income but also represent the amounts which he has paid to Government as peshkash, and as cesses, half of which he pays, whether he collects or not from the ryot. That being so, it is not fair that all the arrears should be wiped out, as the zamindars have already paid the dues to the Government. So, Sir, I consider this wiping out as unjust, not in accord with law, and I may say, it would work a great hardship on the landholders. Further, Sir, these arrears have not accrued to the zamindar, as is so usually mentioned, and if I may say so, so unbecomingly alleged, because of the economic inability of the tenant. I have submitted before the select committee figures and statements showing how it was found during an inquiry conducted for the purpose of starting a land mortgage bank that most of the arrears did not relate, only to cases where the tenant had no property; but in most cases, the arrears were in cases where the tenant could pay them even according to the economic condition in the depression period. Now, allegations could be levelled that the tenant is not able to pay because of the harassment by the zamindar, because he has been impoverished, because several inhuman hardships were inhumanly inflicted upon the ryots and so on. Sir, it is easy to allege all that, particularly now, when a great political benefit could be made out of those allegations. But, Sir, one must have some regard to facts and equity also. The party aggrieved is the party that would be vitally affected by such things. When I say that equity and law do not justify this, I am aware, that my representations would not attract that attention, which, I think, it

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should. Sir, I would not deal with some of those reckless allegations made, for it is not my habit, nor my mental make-up to indulge in any wordy warfare. I would simply content myself by saying this, that these arrears are capable of repayment, particularly so, now, when prices have risen enormously. So there is absolutely no economic justification for wiping out arrears of rent.

"As regards the legal aspect, my friend, Mr. Rajah Ayyar, the Advocate-General, in his evidence before the Select Committee had described these rents as rights accrued to the landholders and as property within the meaning of section 299 of the Government of India Act. He also said that since the zamindars have paid peshkash to the Government and also cesses they are rights accrued to the zamindar. So according to that opinion, I should think, it has to be construed as expropriatory if any law is passed which would deprive zamindars of arrears of rent, which have legally accrued to them. Then, Sir, I have to submit this also, namely, that according to that expert opinion, the arrears should not be wiped off. I could understand Government's action if they had done that on some other reasonable basis; but to wipe out all the arrears is not fair, it is not in conformity with the high principles of justice for which Congress stands. If really there is that feeling that the economic incapacity of the tenant prevents him from paying that rent (ignoring for the moment the legal rights for the same) I am willing to have a special officer with suitable machinery and safeguards appointed to go into this question and decide fairly, whether a ryot has wilfully withheld his dues to the landholder irrespective of his economic condition or because of his innate incapacity to do it. Therefore I submit that the arrears of rent should not be wiped out but that they should be paid to the landholder by the Government. As I was submitting, if a more scientific and equitable basis could be thought of, we landholders would not be wanting in generous spirit to come to an understanding with the Ministry. But without any consideration to the legality or equity of the proposal, this is sought to be made a part of the law. Sir, we approached the High Command and made representations to them that arrears of rent should be paid to us. We understood that the High Command's wish was that it should be so done. I do not propose to deal with that aspect because personal embarrassment and personal delicacies are involved. I will only content myself with saying that the Ministry should reconsider this matter and see that if the entire arrears could not be paid, at least a more equitable and reasonable basis than the very meagre, inadequate and unjust one that is proposed is adopted. Sir, I am afraid that clauses like this are likely to affect the legal position. Whenever I allude to the legal aspect, I do so because I want to avoid economic difficulty to myself. As one with a little experience of the administration of law and acquainted with political trends, I can visualize the undeserved hardships to which the zamindars would be subjected when this Bill is passed into law. It is because of that that I untiringly and unceasingly represent to the

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Ministry—and representation is my only weapon—to save me from dire consequences. Here not only economic hardship is involved, but direct financial loss to the zamindar is also involved. For this reason, I move the amendment which I have given notice of, and I hope that the Hon. Minister will accept it.

“ Sir, in this connection I must state that the Bihar Government have provided in their Bill, if I am not mistaken, that one-half of the arrears should be collected and paid to the zamindar after deducting the collection charges and the dues to the Government. That reduction by half is very very substantial and even the payment of that much of arrears is not provided for in this Bill. When a Province which, in proportion to the general revenue it gets, has to pay an almost unbearable amount as compensation has provided like that, should not the position be different in the case of a Province like ours? Because of the grace of Providence and because of our better administration, we are in a much better financial position. Is it not the duty of the Government of such a Province to avoid economic injustice to the landholders? Great benefit is sought to be conferred, as it is contended, upon the tenants. If really there are cases where the tenants cannot pay, payment to the zamindar could be made by the Government themselves. In a measure contemplated as a result of a high State policy, it is not the businessman's consideration that should prevail with the Government. Only considerations, which one can normally expect from a Government, should weigh with them. Even if payment has to be made by the Government without collecting, wherever it is necessary, from the ryots, it would not be a burden which could not be borne. On several occasions we have represented to this House and to the authorities concerned both through the Press—of course, we have not got a platform—and through memorials that fortunately for this Province the debt that would have to be incurred by the Government for paying not only the compensation as required by us but also any other amounts due to the zamindars as a result of implementing this policy calculated to benefit the ryots, could be wiped out out of the incomes to be derived from these very estates. It is the duty of the Government to look at the question as if they are rulers and not as mere businessmen. I submit that, even if they look at it from the business standpoint or from the remunerative standpoint, the State would gain and not lose. This is amply supported by the statements made by the Ministers themselves. I will be in the city in the third reading stage of the Bill and I will deal with this matter then. I hope the Hon. Revenue Minister will kindly give sympathetic consideration to the representations I have made.”

* SRI M. G. NATESA CHETTIYAR:—“ Mr. Speaker, Sir, I second the amendment. In seconding I will not be putting forward more grounds and points than what have been very ably put forward by my hon. Friend the Raja of Venkatagiri. As one with some practical experience in the matter, as a small landholder who is bound to be in closer touch with affairs of this nature,

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I may be permitted to put the actual facts before the hon. Members of this House. In 1937, when the Congress Government took over the administration of this Province for the first time, a very very great benefit was conferred by passing the Agriculturists' Relief Act, as if relief was required; but it was thought to be an incentive not to fall into arrears and involve themselves into debts. The very able Prime Minister, who is now His Excellency the Governor-General of this free Indian Union, was the prime mover in the matter and he got the Act enacted for the purpose of giving an incentive and hope, to the tenants and others who were engaged in a very essential industry like the agricultural industry. This very Congress Party was responsible for conferring that benefit. But what happened? With due respect, I say that, that Act time after time encouraged the defaulting people, the middle class people who were neither agriculturists, nor tillers of the soil. Who is it that is going to be benefited by this clause? It is not the actual tiller of the soil. I have got concrete instances to support what I say. When I went through the court decrees for arrears of rent that were pending in my office, I found that they were against Chettiars, Raos, Ayyangars, Mudaliyars and Reddiyars, etc., who are not directly involved in agricultural industry. All these are only intermediaries. So far as the Salem district is concerned, I can say that they are not agriculturists. There was not even one decree against Goundars or Harijans who are supposed to be employed in agriculture who deserve such relief.

“ It is only the middle class of people who do not till the soil, who have nothing to do with the agricultural industry, who are not doing anything to help agriculture, and I may be permitted to say so, I would call them ‘சோம்பேறிகள்’—it is they that have defaulted. When did this default start? It started from the year 1937 and from that year onwards these people have been continuously defaulting. Every time a new Government come into office, they think that they would be given some relief. That impression has been given to them and they have been confirmed in that impression from time to time, and that is why they have continuously defaulted and are still defaulting. Then what is our attitude towards this class of people? You enacted the Tenants and Ryots Protection Act so that the clean slate that was given to them in 1937 may be again washed clean and given to them once again. I ask, is it a benefit which you confer on the tillers of the soil, the men who cultivate the land? No. As I said, these people who are going to be benefited are not the tillers of the soil and they have never been agriculturists. (Interruption.) Sir, I am talking about the arrears of rent and it is quite relevant to the amendment we are discussing. You say you are going to help the agriculturists; you say you are giving them every kind of help to encourage agriculture; you say you are giving them subsidies for sinking wells and all that. In addition why should these arrears be written off which are others' property? Again Sir, I ask, why is it that you are so merciful towards these

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ryots in the estates and why are you showing these further concessions to them even under this Bill? You have already enacted a legislation, namely the Rent Reduction Act, under which their arrears are going to be reduced. By these repeated legislations and by various encouragements, preferences and concessions which you have been showing to them at every stage, you are, in effect, preventing the landholders from executing the decrees obtained against them years ago and from recovering the arrears due to them and encourage defaulters. You are, in fact, asking the courts not to bring the property to sale, not to allow the zamindars to collect the amounts due to them and now finally you come and say that these arrears must be written off. After obtaining decrees, after the zamindars have incurred considerable expenditure by way of court-fees and others, and after the proportionate share of the peshkash had been to the Government, and after all the cesses had been paid and after everything has been completed, and when we are about to realize our dues, you come and say, 'The arrears must be written off', as if the tenants are not able to bear any burden and as if they had already paid enough to the zamindars for what was due by them by paying two years reduced rental. Sir, the mover of the amendment has very ably dealt with the economic aspect of the question, which probably seemed to have weighed with the Government in bringing forward a provision of this sort. He said that the economic condition of the agriculturists had vastly changed and it is not now the same as it was in the year 1937. The advantages and concessions which have accrued to the tenants and agriculturists are much more than what they themselves have expected, and still the Government are trying to give them benefit after benefit by every legislation that they have been passing and therefore I submit, Sir, that this is not the occasion on which you can put down one class of people and deprive the zamindars from collecting the arrears of rent due from the tenants. I also submit that it is not right on the part of the Government to deprive the zamindars of the amount they had spent by way of court-fees in obtaining these decrees and recovering the same from the tenants. If the Government had not stood in the way of collecting these arrears and if the Government had not tempted the tenants to default by various encouragements and concessions, the arrears would have been collected years ago. How were collections made before 1935? Let me take my own estate for example. Before 1935 I had arrears of rent to the extent of Rs. 80,000. I thought that my office was not working properly and taking action promptly against the tenants. I therefore started executing the decrees myself and collecting moneys by meeting the tenants personally; and by pursuasion and otherwise, I was able to collect to the tune of about Rs. 65,000 within a period of two years. The arrears that accrued then was due to the want of time for me and my staff to go to the villages for collections. This was between the years 1935 and 1937. I had myself written off about Rs. 10,000 of arrears, where it was not

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possible for me to collect from the tenants, except by ejecting them from out of the land. I did not do so, because I know that by ejecting them, the land would lie fallow and that the tenants would suffer thereby. I kept those ryots on the land and asked them to cultivate and see whether they could not try to pay off their arrears. In spite of all these efforts which I made, I have been charged by the Government many a time that I had not attended to the collection of rents properly and that we had been indifferent in our duty and so on. The Government did not know what we had been doing all these years and what efforts we had taken in the direction of collecting the arrears of rent all those years. Every year we started making collections. But at every stage impediments were put in our way by the various Acts of Government which induced the tenants to desist from payment." (Interruption.)

MR. SPEAKER:—"The hon. Member has already taken too much time on this amendment. He must finish his speech now."

* SRI M. G. NATESA CHETTIYAR:—"I have got many things to speak on this amendment and because this is a very important amendment affecting the landholders vitally, I would request your kind indulgence, Sir, to extend me some 15 more minutes."

MR. SPEAKER:—"No, the hon. Member has already taken 10 minutes and there are only five more minutes to 5. I will allow the hon. Member five minutes more and he must finish his speech by 5 p.m."

* SRI M. G. NATESA CHETTIYAR:—"Sir, I have to cut short very many points which I have to state, due to the short indulgence which you have been kind enough to show me; but that is no aspersion on you, Sir, because I realize your difficulties. But since we are the losers by this amendment, we feel that we must be given a full opportunity to place all the facts which we ought to place before this House."

"Sir, in 1937, as I said, I started making collections and the arrears in my estate were about Rs. 2,000 to Rs. 3,000 a year. With all our efforts, we were able to collect only about Rs. 5,000 in all till 1940, but after 1940, when inflation set in, the moral credit of the tenants and, in fact, of the whole of the people of the Province had gone down considerably and arrears started accumulating and we were not able to make any collections at all."

THE HON. SRI KAJA VENKATA RAO:—"Was it inflation?"

* SRI M. G. NATESA CHETTIYAR:—"Yes, Sir. Probably the Hon. Minister is not aware of it. The Hon. Minister has said the other day that he is the owner of 20 acres of land in a zamin"

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area and he has no children at all. I had always thought, Sir, that a man of children, a man with liabilities, a man who has encumbrances, a man who can realize the burden and responsibility of maintaining a number of people must be there in that seat. But, if a man without any children and a man without any encumbrances is sitting there as the Minister for Land Revenue, how could he realize our difficulties?" (Interruption.)

MR. SPEAKER:—"Order, order; let there be no interruptions and let the hon. Member go on with his speech and confine himself to the amendment in question."

* SRI M. G. NATESA CHETTIYAR:—"Sir, I was saying that had it not been for the enactments already made by the Legislature to postpone the collection of arrears from 1946 onwards, there would not have been so much arrears now and we would not have incurred so much loss as we are now doing. Now the arrears of rent in my estate alone are something to the tune of Rs. 20,000 to Rs. 25,000 and mind you, Sir, what about the amount of money that I have spent by way of court-fees and other expenses to get the decrees. The executions filed in 1945 have not been numbered till to-day. The suits that were filed in 1945 have not also been numbered as yet. Various instructions have been issued by the Government to the revenue courts from time to time, not to facilitate the zamindar to collect his rents and now you have got the audacity to come here and say, 'You have not made any efforts to collect your arrears, and you must write off those arrears'. Sir, I submit that by sheer strength of majority to play with others' properties is unjust, improper and most unfair. The Government have been consistently making the mistake in thinking that they are there administering the Province for only one class of people. They must think that they are the Government for all the people and not for a particular section of the people. I have no objection and I will have no quarrel with them, if they really want to help the agriculturists and see that they get some benefit. But I tell you, Sir, that the actual agriculturists and tenants are not getting any benefit at all by the policies which the Government are pursuing. It is only the middlemen that get the benefits. Therefore I am not at all satisfied with the manner in which the Government are pursuing their policies. They are simply shedding crocodile tears for the ryots, but really they do nothing to help the actual agriculturists. Sir, we have got a Tamil proverb which says: 'குருட்டுக் கோமிட்டி கனையில் அள்ளாதவன் பாவி.' It is true now more than ever before when they propose to write off landholders' property. Sir, there is also a popular saying in Tamil, which is something like this: 'நீ அவல் கொண்டுவா நான் உமி கொண்டுவருகிறேன். இரண்டு பேரும் ஊதி ஊதித் தின்னலாம்.' Thus the Government are simply saying that they are doing everything for the agriculturists, but in actual practice, it is not they (the agriculturists) that get the benefits, but it is the middlemen who take away all the benefits.

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What is it that you have done till now to help us to collect the arrears? Nothing. But on the other hand, you have placed all the impediments in our way. Have you not collected the cess from us? Have you not collected our proportionate share of peshkash? Have you shown that amount of courtesy or extended that kind of moral help or support to collect the arrears, or at least that portion of the peshkash which we had paid to you? But now you want a third party to come and take away all the benefits. You want that somebody's property should be utilized for somebody's benefit. You do not give anything from your own pockets. You want some other people to take away our properties and say that it is conferring benefits on the ryots. Is that right? Is that just and proper? If you are straightforward, honest and *bona fide* in your attempts to benefit the actual cultivators and the tenants and at the same time want to do justice to the zamindars also, you must straightway say. 'These are the conditions under which the old arrears are to be written off. You will be paid the costs of your decrees and executions which you have already incurred. You will be refunded the proportionate share of the peshkash and the cesses which you have already paid to the Government'. Without doing all these things and without even extending your moral support to the collection of arrears, you come forward and say that these arrears are to be written off. I submit, Sir, that it is most unjust for the Government to do so and it is quite improper to introduce a clause like this in this Bill against the interests of one particular section of the people. With these words I second the amendment moved by my hon. Friend, the Raja of Venkata-giri."

MR. SPEAKER:—"The House will now adjourn and meet again at 11 o'clock, to-morrow."

THE MADRAS LEGISLATIVE ASSEMBLY.

Thursday, the 21st October 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.

Number of cases detected by the 'X' Branch, during 1947-48.

* 440 Q.—SRI K. T. KOSALRAM: Will the Hon. the Premier be pleased to state—

(a) the number of cases detected by the 'X' Branch during the year 1947-48;

(b) the number of cases put up for trial before the Courts and the Special Officers in the Revenue Department, Police, Highways Departments and other departments;

(c) whether any officer of the 'X' Branch Department was reported to be investigating cases against a District Superintendent of Police, Additional District Magistrate, a Revenue Divisional Officer and some Tahsildars in the Tirunelveli district; and

(d) whether it is a fact that that officer was suddenly transferred from that department during the pendency of the investigations?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—

“(a) 1947 61
1948 (up to 31st August 1948) 85

“(b) Number of cases put up for trial before the Courts in—

	1947.	1948.
Revenue	2	1
Police	2	1
Highways and P.W.D. . .	..	1
Other departments ..	4	4
	—	—
	8	7
	—	—

Number of cases put up for trial before the Special Officer for Departmental Enquiries in—

	1947.	1948.
Revenue	15	12
Police	10	10
Highways and P.W.D. . .	7	4
Other departments ..	21	11
	—	—
	53	37
	—	—

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“(c) & (d) The Government do not consider that it is in the public interest to disclose the information.”

MR. P. A. THANGASWAMY:—“ Arising out of the answer of the Hon. Minister that he is not prepared to disclose the name of the officer in question may I know that but for those in the Anti-Corruption department who have been as a matter of fact selected very carefully corruption would not come to light? ”

THE HON. SRI B. GOPALA REDDI:—“ Of course it must be presumed, Sir.”

MR. P. A. THANGASWAMY:—“ May I know at least on the report of which officer he was transferred? ”

THE HON. SRI B. GOPALA REDDI:—“ I am not expected to say when the matter was under investigation, which particular officer was appointed for the purpose and transferred on the recommendation of which particular officer etc., to the House.”

SRI S. NAGAPPA:—“ May I know if it is a fact that most of the people that have been booked happen to be people belonging to the lower ranks and people belonging to the higher ranks were not booked to book? ”

THE HON. SRI B. GOPALA REDDI:—“ Sir, I do not know whether it is true that it is the lower grade people that are charged by the department and that higher grade people were not investigated or booked. Perhaps it may be due to the fact that corruption was less in the higher ranks.”

SRI V. RAGHAVAYYA:—“ May I know which section of the police department has inherited the records and the opinion of the previous C.I.D. department and whether the ‘ X ’ Branch has anything to cover the activities of that department? ”

THE HON. SRI B. GOPALA REDDI:—“ The Criminal Investigation Department up to date has inherited the previous records of the C.I.D. Department and the ‘ X ’ Branch happens to undertake individual enquiry and reports.”

SRI K. T. KOSALRAM:—“ May I know whether all the investigation referred to in clause (c) was conducted at the same time by the said Gopalan, Inspector of ‘ X ’ Branch? ”

THE HON. SRI B. GOPALA REDDI:—“ I have already stated that I cannot give further information other than what I have said because the matter is under consideration and investigation also.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ May I know, Sir, whether the Government have fixed any percentage that the ‘ X ’ Branch officers must put up willy nilly against the various departments and officers so many cases or whether they have instructed him to book genuine cases alone where they are found? ”

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THE HON. SRI B. GOPALA REDDI:—“ The procedure must be explained to the House. The ‘ X ’ Branch does not *ipso facto* take up investigation. The preliminary enquiry is made by the department and it is referred to the ‘ X ’ department and then only they take up the investigation. Otherwise they do not.”

SRI V. M. RAMASWAMI MUDALIYAR:—“ May I know whether it is not a fact that one of the main problems confronting the Government when they took office was the prevalence of widespread corruption in the departments and whether the Government are satisfied that the action taken by investigation by the C.I.D. or ‘ X ’ Branch has had the salutary effect in bringing down corruption? ”

THE HON. SRI B. GOPALA REDDI:—“ Whether we are satisfied or not, but for the ‘ X ’ Branch these cases could have been much more.”

SRI KALLURI SUBBA RAO:—“ May I know, Sir, whether some of these officers are being suspended after the ‘ X ’ Branch investigation or even before the investigation, merely on the application of some gentlemen that they are corrupt? ”

THE HON. SRI B. GOPALA REDDI:—“ A *prima facie* enquiry is made by the department concerned and if they are satisfied they sometimes keep him under suspension or keep him out of the taluk and investigation follows.”

SRI L. N. GOPALASWAMI:—“ May I know, Sir, out of the cases now given by the Hon. Minister how many are gazetted officers and how many are subordinates? ”

THE HON. SRI B. GOPALA REDDI:—“ The special officer investigates cases of people drawing a salary above Rs. 150. Cases below Rs. 150 are referred to the heads of departments. So all these cases must be above Rs. 150. But I do not know how many are gazetted and how many are non-gazetted.”

N. MUHAMMAD ANWAR SAHIB BAHADUR:—“ May I ask, Sir, whether the terms of reference include the activities of non-officials also? ”

THE HON. SRI B. GOPALA REDDI:—“ Yes, Sir.”

MUHAMMAD RAZA KHAN SAHIB:—“ Is it a fact that in certain cases concerning officials the Government have dismissed and afterwards prosecuted them in courts of law? Will this not prejudice their cases in the courts of law? ”

THE HON. SRI B. GOPALA REDDI:—“ Sir, the courts of law will certainly go into the question. Merely because the Government passes an order executively it need not prejudice their cases.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“ Is the Hon. Leader of the House aware that in the address by His Excellency the Governor at the Joint Sitting he said that only the Premier is anxious to rule out corruption. Does it not imply that the other Ministers are not anxious? ”

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THE HON. SRI B. GOPALA REDDI:—"When His Excellency referred to the Premier he meant Ministers."

SRI T. VISWANATHAM:—"May I know whether the attention of the Leader of the House has been drawn to the fact that a certain officer, a Deputy Tahsildar in Guntur district, has been put under suspension although the Collector and the Board had said that he was not guilty of the charges framed against him?"

THE HON. SRI B. GOPALA REDDI:—"I do not know any particular individual cases. A detailed question may be put separately."

SRI D. DURAIRAJA PANDIAN:—"Is it a fact that one Mr. Gopalan who was working in the Anti-Corruption department in Tirunelveli was suspected of being himself corrupt and dangerously communal?"

THE HON. SRI B. GOPALA REDDI:—"I cannot offer any opinion on the matter."

SRI K. T. KOSALRAM:—"When investigations are being conducted against high officials of the department and cases against the subordinate officers are pending may I know whether the Government expect justice to be meted to the subordinate officers?"

THE HON. SRI B. GOPALA REDDI:—"When investigations are completed and the report is sent to the Government, the Government will certainly look into the reports."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know whether in all cases the person affected is allowed to have his advocate to represent him in these matters and if not why has not the Government been giving to the unfortunate person the chance to defend himself by an advocate?"

THE HON. SRI B. GOPALA REDDI:—"The advocate is not ordinarily allowed to appear before the Special Officer for enquiries, but where it is a serious case involving a number of documents and when the Government employ a senior advocate then the accused will also be given the benefit of an advocate."

11-15 a.m. SRI D. V. RAMASWAMI:—"May I know, Sir, in how many cases, besides departmental punishment, sentences of imprisonment have been awarded to persons found guilty?"

THE HON. SRI B. GOPALA REDDI:—"By whom found guilty—by the Special Officer or by the Court?"

SRI D. V. RAMASWAMI:—"By the Court, Sir."

THE HON. SRI B. GOPALA REDDI:—"A separate question might be put."

SRI S. NAGAPPA:—"Arising out of the answer given to Mr. Anwar the 'X' Branch covers the activities of non-officials also, may I know whether any non-officials have been booked, and if so, who they are?"

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THE HON. SRI B. GOPALA REDDI:—"A separate question might be put."

SRI V. S. SANKARASUBRAMANYA MUDALIYAR:—"May I know whether the Government have taken sufficient precautions to prevent corruption among 'X' Branch people themselves?"

THE HON. SRI B. GOPALA REDDI:—"We have taken enough precautions."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know, Sir, what checks the Government have provided to prevent the vagaries of the Special Officer in regard to various cases?"

THE HON. SRI B. GOPALA REDDI:—"The Special Officer's recommendation is not automatically accepted by the Government. The department concerned will again examine those recommendations of the Special Officer, and come to its own conclusions."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know, Sir, whether it is not a fact that the way in which this matter is gone into puts naturally the officers concerned always on their nerves and that they are not able to pay normal and proper attention to their duties?"

THE HON. SRI B. GOPALA REDDI:—"When they misbehave, their conduct must be enquired into. Otherwise corruption will be rampant anywhere and everywhere."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know, Sir, whether the Government, without examining the question when it comes before them from the Special Officer, are able to find out whether the Special Officer has gone through the case in the manner prescribed by Government, and if he does not do so, what remedy the Government have provided to see that justice is done in those cases?"

THE HON. SRI B. GOPALA REDDI:—"The department concerned will certainly examine whether the Special Officer has followed the correct procedure, and then his recommendations will be examined by the Government."

SRI V. RAGHAVAYYA:—"In view of the want of success attending most of the investigations by the 'X' Branch, have the Government considered it necessary to import some lawyers who may be the best persons to investigate cases and help in the detection of crime?"

THE HON. SRI B. GOPALA REDDI:—"I do not know if 'X' Branch people cannot investigate cases of corruption and that lawyers and advocates alone can do that successfully."

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" May I know whether the Government have had any occasion so far to warn the ' X ' Branch, Sir, that any of their actions have not been up to the mark or that they have not been proper? "

THE HON. SRI B. GOPALA REDDI:—" No necessity has ever arisen to give such a warning."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—" In view of the fact that some of the non-officials have been dragooning the Administration into submission to do as they like, will the Government see that their operations also come under the purview of the ' X ' Branch? "

THE HON. SRI B. GOPALA REDDI:—" Mere dragooning the Administration into devious methods will not constitute an offence, and it need not be referred to the ' X ' Branch. But if specific cases are pointed out by the hon. Member, they will certainly be referred to the ' X ' Branch if necessity arises."

Re-introduction of food control.

* 441 Q.—SRI M. A. EASWARAN: Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that the Government are going to reduce the rice ration from 8 ounces; and

(b) whether it is a fact that the Government are going to introduce food control again in this Province?

THE HON. DR. T. S. S. RAJAN:—" (a) The Government have since issued orders directing the reduction of overall ration in the statutorily and informally rationed area from 10 ounces to 8 ounces with effect from 10th October 1948. There is, however, no reduction in the rice content of ration. Rice-eaters are permitted to draw all the 8 ounces in the shape of rice or other grains. In the de-rationed areas of the Province served through relief shops, the overall ration has been reduced from 8 ounces to 6 ounces from 10th October 1948. Of the 6 ounces rice-eaters will get 4 ounces in the shape of rice and the balance in the shape of other grains.

" (b) Yes."

SRI R. V. SWAMINATHAN:—" May I know, Sir, from the Hon. Minister how in Ramnad district rice ration has been reduced at the rate of two ounces in the month of September? Is it done under instructions from this Government? "

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

MR. SPEAKER:—" Next week the Government are going to place before the House a statement on the food situation, and we are going to have a full-dress debate on that statement. That is what I was told by the Hon. Minister for Food. So, I pass on to the next question."

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Stipends for students for teacher's training course.

* 442 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Education be pleased to state—

(a) whether students for Higher Grade and Secondary Grade teachers' training course are given stipends; and

(b) if so, how much?

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

" (a) Yes.

" (b) Secondary Grade trainees Rs. 18 per mensem and Higher Elementary Grade trainees Rs. 12 per mensem."

SRI A. VEDARATNAM PILLAI:—" May I know, Sir, whether the students who are undergoing basic training from here in Wardha are given stipend, and if so, how much? "

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

" There are no training school pupils sent to Wardha. Only those who had training and who will be utilized on the staff of the training schools will be sent to Wardha. For basic training, as a special concession, a stipend of Rs. 18 is given."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" The stipend that is given for Secondary Grade teachers is not sufficient. What proposals do the Government have to enhance the stipend which is absolutely necessary? "

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

" There is no proposal now before the Government to enhance the stipend. It has only recently been enhanced."

SRI V. RAGHAVAYYA:—" In view of the present abnormal cost of foodstuffs, may I know, how the Government expect the stipendiaries to live on Rs. 12 and Rs. 18 per month? "

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

" Sir, it is only a stipend. We do not think that the whole cost is to be met from this stipend."

SRI B. S. MURTHI:—" Sir, after all, the living conditions are equal both to the secondary and the higher grade students. Therefore, I want to know whether the Government will consider the desirability of giving stipends at the same rates for both higher and Secondary Grade students? "

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

" That will cost Government a great deal, Sir, and it is not possible for me to give the hon. Member an off-hand reply."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—" While it is true that only recently the Government have enhanced the rate of stipends, yet, may I ask the Government to see that, in view of the present cost of living and in view of the terrible paucity in the teaching profession, the rate of stipends is so enhanced as to be commensurate with the present high cost of living and attractive for the teaching profession? "

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THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“ Personally, Sir, I would like to have it increased so that better type of men are attracted to the profession. But as it is a matter of finance, we must work out the financial consequences and see whether it can be done.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“ Sir, the Government themselves are anxious that they should have more and more trained people so that they can expand education in this Province. How do the Government reconcile their desire to expand education with their policy of cutting down stipends and preventing a larger number of students getting trained as teachers? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“ I am afraid, Sir, the hon. Member has not really appreciated the position. There is no question of cutting down at all. In fact, it has been increased by 50 per cent in the last one or two months. It is true that in every department we want more money and more amenities. But consistent with our finances, we shall try to do our best.”

SRI A. VEDARATNAM PILLAI:—“ May I know, Sir, whether the students who are undergoing Hindustani teachers' training are given stipend? If not, will the Government consider the desirability of giving them stipend? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“ This does not arise out of the present question. A separate question might be put.”

SRI S. NAGAPPA:—“ May I know, Sir, what is the total number of such training centres, and how many teachers every year these centres are training? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“ A separate question might be put, Sir.”

SRI P. KAKKAN:—“ Sir, as most of the students who undergo teachers' training are poor, is it not necessary to raise the scale of stipend? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“ Sir, there is necessity to do many other things also. What we can do in the present circumstances is all that I am saying. I would personally very much wish to improve these matters.”

SRI K. BOKKAI GOWDER:—“ Sir, may I know whether any representations were made to the Government by the Training School Advisory Committees to increase the rate of stipend? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“ Nothing, as far as I am aware.”

BEGUM SULTAN MIR AMIRUDDIN:—“ In view of the backwardness of women's education and the need to give greater encouragement to those that are backward, will the Government increase the stipend at least in the case of women pupil teachers? ”

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THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“ I believe the hon. Member has been pleading for equality between men and women.”

SRI A. VEDARATNAM PILLAI:—“ May I know, Sir, whether it is a fact that for the last three or four months stipends were not given to those who are undergoing training? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“ I have no reason to think that that statement is correct.”

BEGUM SULTAN MIR AMIRUDDIN:—“ Sir, when we demand equality for women, it is for those women who have reached such a stage in education and the knowledge as would enable them to compete with men. But when women are backward, is it not desirable that they should be given encouragement to come up to the level of men, after which alone they can be treated on equal terms with men? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“ Certainly they are given all the necessary encouragement.”

Execution of the Timmaraju tank work.

* 443 Q.—SRI PYDAH VENKATANARAYANA: Will the Hon. the Minister for Public Works be pleased to state—

- (a) when the Timmaraju tank work will be taken up; and
- (b) what the present stage of the work is?

THE HON. SRI M. BHAKTAVATSALAM:—“ (a) & (b) The proposals are under examination in the office of the Chief Engineer (Irrigation) and it is not possible to say at present whether and when the work will be taken up.”

SRI PYDAH VENKATANARAYANA:—“ For the last how many years the scheme has been pending execution, Sir? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ This must have been pending for some time. The scheme consists of constructing an anicut over the Eleru canal and the estimated cost is Rs. 3.25 lakhs. We had to examine the question of the availability of water. It was found that out of a cycle of eighteen days, the Government were entitled only to two days' flow over the canal. We had to examine thoroughly whether we would have sufficient water which would justify the construction of this anicut and the expenditure that has to be incurred thereon. That is the delay.”

SRI PYDAH VENKATANARAYANA:—“ Am I right that there was an expert report in the matter to show that the water available would be sufficient for the scheme? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ No, Sir. We have not yet got that opinion.”

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Absorption of teachers trained under the Basic Education Scheme.

* 444 Q.—SRI V. PONNUSWAMI GOUNDER: Will the Hon. the Minister for Education be pleased to state whether all those teachers who have got trained under the Wardha Scheme of Basic Education have been absorbed in Government service and if not, why not?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“Presumably the hon. Member refers to the trainees sent by this Government for training in Basic Education to Sewagram. If that is so, the answer is ‘Yes’.”

SRI L. N. GOPALASWAMI:—“Are the Government aware that other private teachers also have been trained in the basic training schools?”

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

SRI L. N. GOPALASWAMI:—“Will they also be taken in Government service, Sir?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“No, Sir, because they have been sent for training for being utilized in their respective institutions.”

N. MUHAMMAD ANWAR SAHIB BAHADUR:—“May I know, Sir, the number of teachers deputed by the Government—if the Hon. Minister is having that information in his possession now?”

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

Encouragement of utility services undertaken by local bodies.

* 445 Q.—M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government intend encouraging the municipalities and local bodies running utility services in our Province; and

(b) if so, what steps the Government propose to take in that direction?

THE HON. SRI K. CHANDRAMOULI:—“(a) & (b) It is not known what particular utility services the hon. Member has in mind. The utility services generally undertaken by local bodies are these:—

- (1) Markets;
- (2) Electrical Undertakings; and
- (3) Motor Transport Services.

(1) *Markets.*—Local bodies at present run public markets in their areas. The Government have under consideration a proposal to amend the Madras Local Boards

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and the Madras District Municipalities Acts, 1920, so as to empower local bodies to close down private markets within a specified period and open public markets instead.

(2) *Electrical Undertakings.*—The Government have been encouraging local bodies to run Electrical Undertakings. But they have a proposal under consideration to bring in legislation for the acquisition by the State of all Electrical Undertakings in the Province. No final decision has however been taken yet.

(3) *Motor Transport Services.*—In view of the Government's decision to nationalize the passenger bus services in the Province and to associate local bodies in their scheme of Nationalization, the question of encouraging the local bodies to run bus services does not arise.”

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—“Sir, 11-30 a.m.
in view of the fact that the Government are nationalizing the whole motor service, may I know how far these local bodies will be allowed to operate their service and how their functioning will fit in with the nationalization proposed by the Government?”

THE HON. SRI K. CHANDRAMOULI:—“As far as motor bus services are concerned, 20 per cent of the shares are allotted to the local bodies in the local areas so that under the national organization, the bus services can be carried on by the local bodies.”

M. S. ABDUL MAJID SAHIB BAHADUR:—“May I know, Sir, whether the Government propose to give any financial assistance to the Corporation of Madras to take over the Madras Electric Tramway in order to improve its present condition?”

THE HON. SRI K. CHANDRAMOULI:—“I would like to know the definite implication of the question and in what form the financial assistance is required.”

M. S. ABDUL MAJID SAHIB BAHADUR:—“In any form which the Government may propose to give. I want to know only whether there is any proposal to assist the Corporation of Madras if they want any financial assistance so that they may take over the Madras Electric Tramway in the City of Madras.”

THE HON. SRI K. CHANDRAMOULI:—“If the Corporation makes a specific proposal, Government will consider the matter.”

SRI V. M. RAMASWAMI MUDALIYAR:—“In view of the Government's policy of nationalizing the bus transport in the entire Province which may take some more years to reach fruition, may I ask whether the Government will consider favourably applications from local bodies for running motor transport instead of the private bodies who are now running those services?”

THE HON. SRI K. CHANDRAMOULI:—“Sir, as a matter of fact a target of five years has been fixed for the nationalization of the bus transport in the entire Province and if the

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Government are not able to take over in particular places, in those cases the local bodies concerned may be allowed to run the bus services."

SRI G. RAJAMANNAR CHETTY:—" May I remind the Hon. Minister, Sir, that the Corporation of Madras has already requested the Government to proceed in the direction of taking over the Madras Tramway, and if so, will the Government expedite the proposal of taking over the tramways?"

THE HON. SRI K. CHANDRAMOULI:—" The Government have already permitted the Corporation of Madras to take over the Electric Tramways and other concerns."

SRI S. NAGAPPA:—" May I know, Sir, whether any municipalities in the Province are running hotels? If not, will the Government allow them to run hotels? In order to check the epidemic, in order to supply wholesale food it would be the best course."

THE HON. SRI K. CHANDRAMOULI:—" I cannot say anything definitely at present regarding the hon. Member's proposal."

SRI V. M. RAMASWAMI MUDALIYAR:—" Sir, in view of the length of time that may elapse between now and the taking over of these transport services, may I know whether the municipalities will at least be permitted to run their bus services in case where they are willing?"

THE HON. SRI K. CHANDRAMOULI:—" As I have already told the House, a target has been fixed for the Government taking over the bus transport in this Province and if the Government cannot hasten the matter, then the question of allowing local bodies will be considered."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—" In view of the fact that the Government have decided upon the nationalization of the bus transport in the Province, will the Government at least permit the local bodies to run other means of transport so that they may augment their finances?"

THE HON. SRI K. CHANDRAMOULI:—" About allowing the other means of transport, the matter will be considered."

BEGUM SULTAN MIR AMIRUDDIN:—" Is it not a fact that this is not an opportune moment for nationalizing electricity in the mufassal in view of the fact that the Government have other financial commitments, for instance, the payment of compensation to the zamindars, prohibition and nationalizing the bus and other public utility services?"

THE HON. SRI K. CHANDRAMOULI:—" As a matter of fact the Government felt otherwise. But, due to the great demand from the public, the Government wanted to nationalize electrical undertakings also as quickly as possible."

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SRI L. N. GOPALASWAMI:—"Is it not a fact that the management of most of these weekly markets run by these local bodies are very unsatisfactory and inefficient?"

THE HON. SRI K. CHANDRAMOULI:—" I do not agree with the hon. Member. But, if there is any specific case, the hon. Member may bring it to the notice of the Government."

Representations from the Andhra Provincial Mahila Sangham.

* 446 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Premier be pleased to state—

(a) whether the Government have received an appeal (memorandum) on behalf of the Andhra Provincial Mahila Sangham, Vijayawada, regarding the recent police and military atrocities in the Krishna district;

(b) if so, what the contents of the appeal are; and

(c) whether any action has been taken in this matter?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—" (a) Yes.

" (b) The appeal contains certain details of excesses alleged to have been committed by the military and the police in general and the Circle Inspector of Police, Pamarru, in particular in certain villages in Divi taluk in the Krishna district, in connexion with their search for communists. The petitioners' requests are that an enquiry should be made into the excesses alleged to have been committed in Divi taluk and that all specific cases of injustices should be enquired into and justice rendered to the injured.

" (c) The Government have directed an enquiry to be conducted into these allegations."

SRI B. S. MURTHI:—" May I know whether any special officer has been deputed to undertake the enquiry?"

THE HON. SRI B. GOPALA REDDI:—" A suitable officer has been deputed to undertake the enquiry."

SRI V. RAGHAVAYYA:—" Are the police officers against whom allegation is made also to take part in the investigation of this case?"

THE HON. SRI B. GOPALA REDDI:—" No, Sir."

Rate of rosewood sold from the Silent Valley.

* 447 Q.—SRI C. K. GOVINDAN NAYAR: Will the Hon. the Minister for Agriculture be pleased to state—

(a) at what rate rosewood was sold by the Government from the Silent Valley; and

(b) what is the rate at which rosewood was sold from the adjoining forest areas?

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THE HON. SRI K. MADHAVA MENON:—“(a) The question apparently refers to the rate fixed in the agreement with the Hope Timber Syndicate. The existing rate in this case is Re. 1 per cubic foot, but this rate is liable to be revised at the end of every two years.

“(b) In Attapadi Block V which is also in the Silent Valley but outside the area leased to Hope Timber Syndicate, the price fetched at the recent sale held on 25th August 1948 was Rs. 7-14-0 per cubic foot.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“May I know whether rosewood is available now in the Silent Valley and whether any rosewood is extracted since the last two years?”

THE HON. SRI K. MADHAVA MENON:—“Rosewood is available in the Silent Valley, but the question of extraction is according to the convenience and according to the marking of the trees by the Forest department.”

SRI V. I. MUNISWAMY PILLAY:—“Arising out of the answer to clause (b), will the Government consider the necessity of revising the rate when they next take up this matter?”

THE HON. SRI K. MADHAVA MENON:—“Certainly.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I have an idea of the quantity of rosewood extracted from the lessees' portion of the Silent Valley Forest and also from the Government's portion of the Silent Valley?”

THE HON. SRI K. MADHAVA MENON:—“From the lessees' portion, no rosewood has yet been extracted.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“My question was whether any rosewood has been extracted from the Silent Valley since the last two years.”

THE HON. SRI K. MADHAVA MENON:—“Yes, Sir. Rosewood has been extracted and has been sold recently on 25th August 1948 at Rs. 7-14-0 per cubic foot and the quantity sold was about 40,000 cubic feet.”

SRI V. RAGHAVAYYA:—“May I know what are the reasons for this great divergence in the price, that is, Rs. 7-14-0 per cubic foot in one case and Re. 1 in another?”

THE HON. SRI K. MADHAVA MENON:—“In the first case, it is negotiated lease and in the second case, it is auction.”

P. P. HASSAN KOYA SAHIB BAHADUR:—“May I know whether the rate of Rs. 7-14-0 is for standing timber or timber cut from the forest and moved to the market?”

THE HON. SRI K. MADHAVA MENON:—“It is for standing timber.”

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Teaching of the National language in High Schools and Colleges.

* 448 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the Central Advisory Board of Education has recommended that provision should be made for the teaching of the National language in all the classes of the high schools and colleges; and

(b) if so, what steps the Government propose to take to implement that recommendation?

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

“(a) The committee on medium of instruction constituted by the Government of India has recommended that the teaching of the national language should be started at the end of the junior basic stage and should be compulsory throughout the pre-secondary or middle school stage, but may be optional thereafter and that facilities for instruction in the language for students who wish to take it should be made by all Indian Universities.

“(b) In respect of colleges, the matter has been referred to the Universities for consideration. In regard to middle schools, the Government are of opinion that in view of the opportunities that have to be given for those who want to study Sanskrit or any other Indian language, it is not advisable to make Hindustani compulsory.”

SRI A. VEDARATNAM PILLAI:—“Will the Hon. the Minister be pleased to state why the Government have not taken any steps to introduce Hindustani in the several high schools and colleges compulsorily in spite of the recommendations of the Central Advisory Board of Education?”

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

“The hon. Member's presumption is not correct. Even they do not say that it should be made compulsory in high schools and colleges.”

RAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—“If, as the Hon. Minister says, the Government of India do not say that it is compulsory to have the medium of instruction in high schools and colleges in the national language, would the Hon. Minister consider the desirability of not insisting on universities and colleges in this Province to resort to the medium of instruction in one of the Indian languages, in view of the fact that these colleges and universities have been built up during the last six or seven decades through the medium of English language which has been of great advantage to the nation all these years?”

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

“This question does not arise from the original question. While the original question relates to the provision to be

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made for the teaching of national language in all the classes of the high schools and colleges, this question refers to the medium of instruction. These are two different things."

RAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, Sir, I beg leave to point out that though it is slightly different, the two questions are very much alike. Sir, since the question of compulsion has come, might we not take this opportunity through your kindness to elicit information from the Government on this vital question concerning the education in this country?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Certainly the hon. Member has the right to elicit information. If he puts a separate question, I am prepared to place the information before the House."

SRI V. I. MUNISWAMI PILLAY:—"Sir, when the Central Advisory Board has made provision for a national language, may I know whether that body has given any financial or other facilities for such of the communities that are very low and who could not take part in this nationalization of language?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"The Central Advisory Board has never made any commitments to anybody."

RAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"Will the Hon. Minister for Education take an early opportunity of taking this House into confidence by having a full debate on the question of the medium of instruction in colleges and universities in this Province?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"When the Reorganization Scheme of the Madras Government is considered by this House, hon. Members will have an opportunity of discussing this point."

RAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"I want to know when it will be considered."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"That depends upon the time allotted by the Leader of the House for this purpose."

RAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"The Hon. Minister has put the onus on the Leader of the House regarding the allotment of time. May I appeal to the Leader of the House to announce a date as early as possible for such a debate on this matter because it has been engaging the attention of the public and great concern has been felt by the parent public in this country and they feel, Sir, that a great harm will be done to these young men in this country by insisting on the medium of instruction to be in any one of the Indian languages in the universities and colleges of this Province?"

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THE HON. SRI B. GOPALA REDDI:—"I think, Sir, a pamphlet was distributed on this subject to all hon. Members and we shall certainly give an opportunity of discussing that report, if not in this session, at least in the next session."

RAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"We have not received that pamphlet."

THE HON. SRI B. GOPALA REDDI:—"Sir, a full pamphlet^{11-45 a.m.} was printed and circulated to all the hon. Members, and we shall certainly give an early opportunity to discuss the entire report, if not in this session, at least in the next session."

RAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, we are not aware of any pamphlet."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Sir, a pamphlet has been printed and has been ordered by the Government Press to be distributed to all the hon. Members of this House. If it has not yet been received, probably it will be received to-day or to-morrow. Let us not make any point about it, as to why it has not yet been received. I have already sent notice that the matter may be taken into consideration by this House. I am sure the Hon. the Leader of the House will allot a day for it, and the House will have full time to consider the matter."

"I would also like to clear one misunderstanding, which has arisen out of the question of my hon. Friend opposite. Nobody has been compelled to adopt the medium of the regional languages in the Universities as yet. A conference of the Vice-Chancellors of the Universities and the Ministers of the Provinces met, and afterwards there was a meeting of the Vice-Chancellors, and that body recommended that in the course of five years, the medium of instruction may be changed in the Universities to be the regional languages, and so there has been no compulsion upon any University as yet. Hence the question of my hon. Friend is not quite correct."

Alleged misuse of petrol by B. Muniappa Gounder Bus Service, Coimbatore.

* 449 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Will the Hon. the Minister for Finance be pleased to state—

(a) whether it is a fact that a bus company called B. Muniappa Gounder Service, at Coimbatore, was receiving petrol rations for two buses for over a year though these vehicles had gas plants fitted to them;

(b) whether it is a fact that there was an enquiry in respect of these two buses, MDC 3319 and 3181, by the Police;

(c) if so, what the results were;

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(d) whether it is a fact that there are records of inspection of these two buses, from time to time, during the period by district officers certifying that they were run on gas plant;

(e) what action the Government propose to take for this offence committed by the owner and for the misuse of the petrol; and

(f) the exact quantity of petrol thus received by the owner under false representation?

THE HON. SRI B. GOPALA REDDI:—“(a) & (b) The answer is in the affirmative.

“(c) to (f) The matter is under investigation by the Police.”

Grant of military concessions in Tanjore and Madura districts.

* 450 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Education be pleased to state whether it is a fact that there has been delay in the grant and payment of military concessions under G.O. No. 610, Education, dated 20th April 1945 by the District Educational Officers of Tanjore and Madura for the years 1944-45 and 1946-47?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—“There has been no delay in the grant and payment of military concessions under G.O. No. 610, Education, dated 20th April 1945, in the Tanjore and Madura districts during the years 1944-45 and 1946-47 in cases where the applications for the concessions were received with full and complete particulars. In the case of a few applications which did not contain full particulars required under the rules grants and payments had necessarily to be delayed as the respective military officers, etc., had to be addressed for further information. There have been no avoidable delays.”

SRI A. VEDARATNAM PILLAI:—“Will the Government take immediate steps to pay immediately the grant of military concessions without any further delay?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—“Sir, my plea was that there was no delay at all. For instance, I shall give some statistics:

Period.	Number of applications received.	Number sanctioned.	Number to be sanctioned.
1944-45	793	788	..
1946-47	1,020	971	*49

In Madura District.—

1944-45	1,309	1,309	Nil.
1946-47	875	845	†31

* The delay is due to the fact that the applicants did not give proper particulars.

† The full particulars in respect of these have been called for.

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Shifting of certain headquarters from Pollachi to Tiruppur.

* 451 Q.—SRI P. R. KANDASWAMI GOUNDER: Will the Hon. the Minister for Land Revenue be pleased to state whether it is a fact that the Government have under consideration a proposal to shift the headquarters of the Revenue Divisional Officer and the Subdivisional Magistrate from Pollachi to Tiruppur?

THE HON. SRI KALA VENKATA RAO:—“No.”

SRI P. R. KANDASWAMI GOUNDER:—“May I know, Sir, who recommended this proposal, and what the reasons are for such a proposal?”

THE HON. SRI KALA VENKATA RAO:—“There was never any proposal, Sir.”

SRI P. KANDASWAMI PILLAI:—“Is it a fact that the Retrenchment Committee appointed by the Government, under the Chairmanship of Sri T. A. Ramalinga Chettiyar recommended or mentioned anything about this, to the effect that Tiruppur should be the headquarters of the Revenue Divisional Officer instead of Pollachi?”

THE HON. SRI KALA VENKATA RAO:—“It is not one of their recommendations, at any rate.”

MR. SPEAKER:—“Questions are over.”

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

II.—ADJOURNMENT MOTION *RE* FAMINE CONDITIONS IN VIZAGAPATAM DISTRICT.

MR. SPEAKER:—“The hon. Sri T. Viswanatham has given notice of an adjournment motion under rule 36 of the Assembly Rules, which reads as follows:—

‘I move that the House do adjourn to discuss a matter of urgent public importance, viz., the failure of the Government to take immediate steps (a) to avert conditions of food-famine in Vizagapatam district by rushing supplies and by selling rice in relief shops to B card-holders and (b) to check the prices of rice soaring up to Re. 1-2-0 per seer.’

“I must inform the House as well as my hon. Friend, Mr. Viswanatham, that as already stated, the House is going to have a full dress debate on the matter probably next Tuesday or Wednesday. In view of that, I wish to know whether the hon. Member is pressing it. I expect he will not press this motion.”

SRI T. VISWANATHAM:—“I shall certainly abide by your suggestion. Meanwhile, I request the Hon. Minister for Food to make arrangements to rush some supplies of rice to Vizagapatam district, and issue instructions that B card-holders may be given rice in the relief shops.”

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THE HON. DR. T. S. S. RAJAN:—"Sufficient foodstuffs have been sent to the places concerned."

SRI T. VISWANATHAM:—"I am not pressing my adjournment motion, Sir."

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

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

'that rule 17 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the 21st October 1948.'"

The motion was put and carried.

SRI B. S. MURTHI:—"On a point of order, Sir. Yesterday evening the Hon. Minister for Land Revenue wanted to move an amendment, and because the amendment was not ready, the time of the House was wasted by nearly ten minutes. May I know whether it is proper on the part of the Government not to be ready with the necessary amendments, and waste the time of the House."

MR. SPEAKER:—"We have not wasted any time about it. There was some doubt. And the Hon. Minister was clearing it, in consultation with some of his colleagues. Hence, it is no point of order at all. In fact, the House has not wasted any time at all."

THE HON. SRI KALA VENKATA RAO:—"That is exactly what I also wanted to say. I may also say that Mr. B. S. Murthi was not present here at that time yesterday."

SRI P. KANDASWAMI PILLAI:—"Sir, on a point of information . . ."

MR. SPEAKER:—"The hon. Member can put it in writing and give it to me. Next item in the agenda."

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

Clause 53.

THE HON. SRI KALA VENKATA RAO:—"The hon. Gentleman who moved the amendment is not present."

MR. SPEAKER:—"But suppose some other hon. Member wants it to be put to vote."

* THE HON. SRI KALA VENKATA RAO:—"I would like to submit only three points, Sir. The first point is about the peish-kush which forms only a small percentage of the total income of the estate. The second is that Government are entitled to bring a Bill to wipe out the arrears as it was done in 1937. The main reason for wiping out arrears at that time was the low prices of commodities. But now the reason is this. In the last two or three years there have been famine conditions in various parts of the Presidency, but in the zamin areas, remission of rent was not given, whereas in Government areas, especially last year, we

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gave Rs. 90 lakhs as land revenue remission. Because these things are all there, we thought that this will be the best arrangement. It gives something to the zamindars, and also lightens the burden on the tenant. In North India the Bills provide for the collection of the arrears and payment of 50 per cent of such collection to the zamindar, after the deduction of the collection charges, etc. Here we are not only reducing the rents, but also confining arrears to two years only. This is the best provision we can think of. In these circumstances, I am unable to accept the amendment."

The amendment was not pressed by anybody and was deemed to have been withdrawn.

SRI P. KANDASWAMI PILLAI:—"When I asked the Hon. Speaker something on a point of information, the Hon. Speaker stated that everything should be given in writing, and he will give the answer. I wish to know from the Hon. Speaker as to whether it is his ruling in this House that every hon. Member should give in writing any request for information."

MR. SPEAKER:—"It is not a ruling. I only stated that the hon. Member can give it in writing, so that if it is any important question, I could pass it on to the Hon. Minister, for the necessary answer."

SRI B. VENKATANARAYANA REDDI:—"అన్యాయం, నా పేరున ఉన్నటువంటి ధనం సవరించును:

'After the notified date the landholder shall not be entitled to collect any rent which accrued due to him from any ryot before, and is outstanding on that date, but all such arrears together with all costs which may have been decreed or in execution or at whatever stage and whatever shape it may be, shall be deemed to have been discharged.'

నేను ఉపసాదిస్తున్నాను.

"ప్రభుత్వమువారి ఉద్దేశ ప్రకారము 1856, 1857 వ సంవత్సరములకు చెందిన ధనమును బకాయీలపై నిలిపి రైతులవద్దనుంచి వసూలు చేయవలెనని, మిగతా బకాయీలపై రద్దుఅగునని ఉన్నది. 1802 వ సంవత్సరమునుంచి హెచ్చు శిస్తులు ఇచ్చుకొంటూ రైతులు అనేక కష్టపట్టాలకు గురి అయినార నేటటువంటి విషయము అందరకు తెలిసినటువంటిదే. హెచ్చు శిస్తులు ఇచ్చుకొని లేకనే రైతులు బకాయీలు పడవలసివచ్చినదనే సంగతికూడా మంత్రిగారికి తెలియనటువంటిదికాదు. రైతులకు ఉపకారముచేయవలెననేటటువంటి సద్దుద్దేశముతో ఈ చట్టమును తయారుచేయుచున్న ఈ సమయంలో రైతులు ఈ రెండు సంవత్సరముల బకాయీలుకూడా ఇచ్చుకొని అవసరము లేదని అనుకు ప్రభుత్వమువారి కనీస ధర్మమనివారు గుర్తించలేక పోయినందులకు చాలా విచారముగాఉన్నది. ప్రభుత్వమువారు ఈ విషయంలో జమీందారులకు చూపినటువంటి అభిమానము, ఆదరము, దయ, బాధీజ్యము అటు రైతుపైకూడా చూపలేకపోయినందులకు నేనూ చాలా చింతిస్తున్నాను.

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19 noon. “ 1802 వ సంవత్సరమునుంచి Rent Reduction Act ప్రకారము తగ్గింపు శిస్తులు అమలులోనికి వచ్చేవరకు ఈ జమీందారులు సంవత్సరానికి దాదాపు 40, 50 లక్షల రూపాయలవరకు అదనపు శిస్తులు వసూలు చేసినారని అనేకమంది గౌరవ సభ్యులు చెప్పిఉన్నారు. ఈ విధంగా అన్యాయంగాను అక్రమంగాను వసూలుచేసి నటువంటి అదనపు మొత్తములను జమీందారులవద్దనుంచి వసూలుచేసి ప్రభుత్వమువారు రైతులకు ఇప్పించుట ధర్మము కాదా అని గేను రెవిన్యూ మంత్రిగారిని అడుగుమ న్నాను. ఈ విషయాన్ని గురించివారు ఏ కారణాలచేత ఆలోచించ లేకపోయినారో తెలియజేయవలసినదిగా కోరుచున్నాను. అయితే 1802 వ సంవత్సరమునుంచి ఏ ఏ రైతులవద్దనుంచి యంతేంత అదనపు శిస్తులను వసూలుచేసినారో పరిశీలించుటకు అవకాశములు లేవని భావించిననూకూడా గత 12 సంవత్సరముల లెక్కల నయినను తీసుకోని రైతులవద్ద నుంచి అదనముగా తీసుకొనిన డబ్బును వారికి ఇప్పించ గోర్తాను. కనీసము గత 12 సంవత్సరములలో నైనను ఎంత హెచ్చు వసూలుచేసినారో లెక్క కట్టించి రైతులకు చుజరా ఇప్పించుట ప్రభుత్వమువారి యద్యక్త ధర్మమని మనవి చేస్తు న్నాను. వైగా ఈ జమీందారులు తమ ఎస్టేట్లలో ఉన్నటువంటి చెరువులు, కాలు వలు, వాగులు మొదలైనటువంటి జలాధారాలను మరమ్మత్తులు చేయించక అనేక లక్షల రూపాయలను అన్యాయంగాను అక్రమంగాను వాడుకొనినారు. ఇటువంటి మొత్తము లనుకూడా జమీందారుల వద్దనుంచి వసూలుచేసి రైతులకు ఇప్పించుటకు బదులుగా ప్రభుత్వముగాను జమీందారులమీద ఆధిసూతముచూపి వారికి పాతబకాయిలు, నష్టపరి హరముకూడా (Compensation) ఇవ్వదలచినారు. కాని ఇటువంటిదయ, అభిమానము రైతులవైసకూడా ప్రభుత్వమునారు జూపవ లెనని నేను వారికి మనవిచేస్తున్నాను. ఇంత కాలమునుంచి అనేక కష్ట సమస్యలకోర్చి నటువంటి ఈ రైతులపై దయదలచి పాత బకాయిలన్నంటిని పూర్తిగా రద్దుచేయుట ప్రభుత్వమువారి కనీస ధర్మమని మనవిచేస్తునా సకరము ఆమోదించవలసినదిగా రెవిన్యూ మంత్రిగారిని ప్రార్థిస్తున్నాను. ”

* SRI PYDAH VENKATANARAYANA :—“ Mr. Speaker, Sir, I beg to second the amendment moved by hon. Mr. Venkatanarayana Reddi. This is a measure intended to give relief to the zamindari tenants and provides relief to the tenants in respect of the current and future rent. While it has been so, I do not understand why the tenants should be overburdened with these accumulated arrears. They should be completely wiped out. The Bill provides for the wiping out of these arrears by payment of rent for the fasli years 1356 and 1357 within one year after the notified date. That is not a substantial relief. So I request the Government to accept this amendment.”

SRI A. KALESWARA RAO :—“ Mr. Speaker, in supporting this amendment I wish to submit that the zamindars have abused their opportunities and their powers and have rack-rented the ryots for the last 106 years and it was only in 1908 that some relief was given to the ryots. Even then the rates were not reduced to the 1802 level or even to the ryotwari level. The Madras Estates Land Act of 1908 only said that the rates which prevailed when the Act was passed were the correct and proper rates and should be presumed to be fair rates unless a ryot could show extraordinary

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circumstances for proving that they were unfair. Therefore in 1908 what happened was that the rates that were increased between 1802 and 1908—during the period of 106 years—were confirmed and said to be the proper rates.

“ Then, Sir, the only other measure that was attempted to be introduced was by Mr. Karanth under the historic report of the Prakasam's Committee. They said, the zamindar had no business to enhance the rent. Even the Permanent Settlement Regulations as well as the Interpretation Regulation, 1802, said that the existing rates were not intended to be disturbed. And therefore the Prakasam Committee Report which Mr. Kala Venkata Rao, as a legislative Member, supported with the greatest enthusiasm and also the Bill that was framed by the then Hon. Revenue Minister, Mr. Karanth, in 1947, said, ‘Go back to 1801.’ This amendment does not say anything about all that. Now, the zamindars want to elicit the sympathy of the people by saying that they are losing their estates and therefore they must be paid for some more faslis and so on. Really no sympathy need be shown for the very acts of gross suppression of the rights of the tenants during the last 148 years. It is on that account that the zamindari system is attempted to be abolished now. As Mr. Venkatanarayana Reddi has pointed out, tanks have not been repaired; ryots are not able to get water; they cannot raise wet crops; and they could raise only dry crops depending entirely upon rain. Thus, there has been actual maladministration and suppression and oppression. And therefore when you introduce a new law, begin with a clean slate. Let the whole thing be wiped out. Whatever remains to be paid as arrears should be wiped out. Let all the villages be taken under the Government as a new thing. That is equitable and just. The zamindars never gave any remission even when the crops failed, when rains failed and the tanks were dried up. The whole thing was a cruel system. Therefore it is equitable and just to wipe out the arrears. As has already been pointed out by the Hon. Revenue Minister, the Government have a right to give relief to the ryots. The Government are not taking anything from the zamindars for themselves. Therefore, I submit that this amendment is perfectly legal.”

* THE HON. SRI KALA VENKATA RAO :—“ I wish to know Sir, whether there is anything in this world which will satisfy the tenants. Even with the best things which the Government do, the tenants do not seem to be satisfied. Let them compare the Bihar Bill and other Bills. Everywhere provision has been made for the collection of all the arrears of rent after deducting something paying the balance to the zamindar. We had to argue very much with the High Command even for this.

“ Then Sir, if the Government want to wipe out all the arrears they must pay compensation to the zamindars. That is the legal

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advice. (Sri A. Kaleswara Rao: 'Whose advice?'). Until Mr. Kaleswara Rao becomes the Advocate-General of the Madras Government, I will have to take that advice. I may also refer to the judgments of courts with regard to the Agriculturists' Debt Relief Act of 1937. According to that Act we can only reduce the arrears but not wipe them off. Here we have reduced the rents to the ryotwari level and then asked the ryots to pay the arrears for two years so that the balance may be wiped off. We have to look to the law, the legal advice and other things. At some point we have to satisfy ourselves. The hon. Member said that the zamindars had been oppressive, that they collected the whole rent, that they gave no remission and so on. All these arguments need not be repeated indefinitely. I claim, Sir, that the Government proposal is absolutely just and equitable and the tenants cannot expect more than this. They are not getting more than this in any other province. I would request the hon. Member to withdraw the amendment in view of what I have said."

SRI B. VENKATANARAYANA REDDI:—అధ్యక్ష, వీహారు మొదలై నటువంటి ఇతర రాష్ట్రాలలో మొత్తము ఒకాయీలలో సగ భాగము వసూలుచేయ నిశ్చయించినారని చెప్పిరి. కాని మన రాష్ట్రంలో 1356, 1357 ఫసలీలకు సంబంధించిన బకాయీలవసూలు చేయదలచినామని ఇది న్యాయమైనటువంటిదని రెవిన్యూ మంత్రిగారు శలవిచ్చినారు. వీహారు రాష్ట్రంలోని పరిస్థితులకు, మన రాష్ట్రంలోని పరిస్థితులకు అనేక సంగతులలో తేడాలు భిన్నములు. ఆ ప్రాంతాలలోని జమీందారీ గ్రామాలకు మన జమీందారీ గ్రామాలకు చాలా తేడాలు ఉండవచ్చును. ఇటువంటి వ్యత్యాసాలను జాగ్రత్తగా ఆలోచించి ఈ బకాయీలను రద్దుచేయుట ప్రభుత్వమువారికి కనీసపర్మిమై ఉన్నప్పటికిని ఈ చిన్న సవరణనుకూడా రెవిన్యూ మంత్రిగారు అంగీకరించ జాలనందులకు నాకు చాలా విచారముగా ఉన్నది. ఇటువంటి సందర్భములలో నా సవరణను నేను ఉపసంహరించుకో జాలనని మనవి చేస్తున్నాను."

The amendment was put and lost.

SRI K. SHANMUGHAM:—“అధ్యక్ష, నేను ఈ దిగువ సవరణను ఉపసంహరిస్తున్నాను.

(a) For the words "one year" wherever it occurs substitute the words "two years."

4, 5 సంవత్సరములనుంచి సకాలమున వర్షములులేక పెట్టిన పైరులు ఎండిపోయి జీవనముచేయుట చాలా కష్టమైఉన్న సగ, సబ్బ అమ్మకొని మాటికి, గుడ్డకు కరువై రైతులు మాలిపోతున్నారు. కాబట్టి శిస్తు బకాయీలు రెండు సంవత్సరములకు బదులు ఒక సంవత్సరమునకు మాత్రమే వసూలుచేసి, ఆ బకాయీని ఒక సంవత్సరములో కాక 2 సంవత్సరములలో వసూలుచేయించవలసిందని కోరుచూ, రెవిన్యూ మంత్రిగారు నా సవరణను అంగీకరించవలసినదిగా ప్రార్థిస్తున్నాను."

SRI G. LATCHANNA:—“అధ్యక్ష, గౌరవ సభ్యులారా, నేను ఈ సవరణను విలపిస్తున్నాను."

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THE HON. SRI KALA VENKATA RAO:—“ఈ సవరణలోని మొదటి భాగాన్ని అంగీకరిస్తాను. కాని రెండవభాగాని అంగీకరించలేను. కాబట్టి ఆ భాగాన్ని ఉపసంహరించుకో వలెనని కోరు చున్నాను."

SRI K. SHANMUGAM:—“నేను నా సవరణలోని రెండవభాగాన్ని ఉపసంహరించుకొంటున్నాను."

THE HON. SRI KALA VENKATA RAO:—“I am going to accept the first part of the amendment which seeks to substitute the words 'two years' for the words 'one year' wherever they occur."

The first part of the amendment referred to above was put and carried.

The other amendment "omit 'and 1356'" was by leave withdrawn.

Sub-clause (1).

* **THE HON. SRI KALA VENKATA RAO:**—“Sir, I beg to move the following amendment:—

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

"After the notified date, the landholder shall not be entitled to collect any rent which accrued due to him from any ryot before and is outstanding on that date; but the manager appointed under section 6 shall be entitled to collect all such rent and any interest payable thereon together with any costs which may have been decreed, as if they were arrears of land revenue; and all amounts so collected, after deducting (a) 10 per cent thereof on account of collection charges and (b) the arrears of peishkush, quit rent, jodi or other amount, if any, of a like nature, due from the landholder to the Government shall be paid to him;"

(b) For the last paragraph, substitute the following:—

"the rent due for the fasli years 1356 and 1357 and any interest payable thereon together with any costs which may have been decreed, then, all arrears of rent due from such ryot in respect of all prior fasli years, including interest and costs, if any, shall be deemed to have been completely discharged."

SRI R. V. SWAMINATHAN:—“I request, Sir, that my amendment No. 427 may be taken up as an amendment to the Government amendment."

MR. SPEAKER:—“Let us have a debate on the Government amendment. I will put it to the vote of the House and then the hon. Member may move his amendment."

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SRI R. V. SWAMINATHAN:—"With regard to the Government amendment, Sir, I have to point out that the original clause did not provide for any interest on the rent due, but the Government amendment has provided for interest on the rent. I cannot understand why the Hon. Minister has asked his department to draft a clause providing for interest on rents. I am very sorry, Sir, that the zamindars are having the upper hand and they seem to have brought pressure on the Government to bring forward this kind of amendment."

THE HON. SRI KALA VENKATA RAO:—"Sir, let the hon. Member be careful in his allegations. There is no meaning in saying that the zamindars have influenced the Government. I have already answered the thing, Sir. If the hon. Member has any arguments he may advance them, Sir. In fact he is more associated with the zamindars than myself. He sits more closely to them than myself."

SRI R. V. SWAMINATHAN:—"I am sorry if I have offended the Hon. the Revenue Minister. I am unable to understand why the Government have provided for interest on rent here. I oppose that portion of the clause, Sir."

SRI A. KALESWARA RAO:—"Sir, I have given notice of an amendment (No. 424). It says that not only rents should go but also decrees and pending suits should go. The Government amendment refers only to rents. I think my amendment should be moved as an amendment to the Government amendment."

MR. SPEAKER:—"It is a separate amendment. It will be taken up after the Government amendment is disposed of."

* SRI N. S. VARADACHARI:—"Mr. Speaker, before the Government clause is put, may I ask the Hon. Minister, if I am correct in the following assumptions:—

"The object of the Government is that, if before the notified date, the ryot actually tenders rent of the two previous faslis, then this clause would not at all apply. There will be a settlement as between the ryot and the landholder and all the previous arrears of rent will be completely wiped out.

If, after the notified date which may be earlier than the two years' time-limit set under the previous clause, the ryot pays, for instance, within a few months of the notification, rent for the first fasli 1356 or 1357—whatever it is—within those two years and then the rent for the other fasli within two years and if there is regular payment, Government would not take any action or proceeding against him. But if a recalcitrant ryot does not pay any rent at all and has no intention of paying any rent, then this clause will come into operation and the Government step into the shoes

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of the landholder and recovers all the arrears for him. I think these are the assumptions behind the proposition. I want to know from the Hon. Minister whether I am correct."

MR. SPEAKER:—"I think Mr. Natesa Chettiyar can move his amendment as an amendment to the Government amendment."

* SRI M. G. NATESA CHETTIYAR:—"Before I move my amendment, I would just like to know from the Hon. Minister under what circumstances a decree can be passed for fasli 1356. For fasli 1357, the landholder is not entitled to file a suit at all, because under the Rent Reduction Act, the Government themselves have taken the responsibility of collecting and paying the landholder. I would like to be enlightened on the point before I move my amendment."

THE HON. SRI KALA VENKATA RAO:—"It only says, 'may have been decreed'. If there is anything, it will be covered."

* SRI M. G. NATESA CHETTIYAR:—"When there is no such circumstance necessitating the clause, how can such a clause be put there? When I cannot get a decree for fasli 1356 and 1357, you make a provision here in the Act as if I can get a decree."

THE HON. SRI KALA VENKATA RAO:—"I know in some cases decrees have been passed."

SRI M. G. NATESA CHETTIYAR:—"Then, Sir, there must be something wrong between the legislation, the executive enforcement and the administration of justice. However, subject to these observations, I shall move my amendment. My amendment runs as follows:—

'In sub-clause (1)—(i) In line 5, after the figure "6", insert the words "or other specially authorized persons of the Government for such collection".

(ii) In line 7, for the figure "10", substitute the figure "5".

(iii) After the word "landholder," add the words "of the fasli in which the arrears fell due".

"Sir, this amendment is intended to facilitate the collection of rents more expeditiously than otherwise. It is in the interests of the ryots that the arrears are collected for faslis 1356 and 1357 in time for getting the benefit of writing off the arrears of the previous faslis. If the usual agency for collecting the arrears of rent does not do its duty properly and if there is any delay or any negligence, there will be difficulty. I want that the work of the usual agency should be supplemented by the appointment of special officers for the collection of such arrears. The arrears may be so

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large in certain estates that they cannot be collected by the managers completely. To facilitate collection and to make quick progress in the matter, I have moved this amendment.

"Sir, the collection charges have been put at 10 per cent. My amendment wants to make it only 5 per cent. These establishment charges have been already included in the peishkush which has been collected from the zamindars. If it is necessary to incur additional expenditure for the collection of arrears in certain estates and if special officers are appointed for the purpose as I have proposed in my amendment, I think it is necessary to provide something. In fact, the landholder has already paid all the establishment charges in respect of the arrears outstanding against the tenant. Under the very Act of this Government, the provincial village establishment charges are being collected and there is no necessity to add to those charges on account of the collection of arrears. Then it would amount to a double collection. My amendment proposes that in sub-clause (f) the figure 10 per cent should be reduced to 5 per cent if special arrangements are made for the collection of the arrears.

"I now come to the third part of my amendment. In respect of fasli 1356 all the peishkush cess, etc., due from the landholder have been collected and there is nothing pending. In respect of 1357 alone the arrears, if any, have to be collected. Under the circumstances, it is necessary to state that the peishkush or other arrears due to the Government must be adjusted from the collections only in respect of 1357 so that the landholder may be free in respect of fasli 1356.

"I have another doubt in respect of this proposal. All other arrears of the landholder, whatever be their nature whether they are in respect of repairs of tanks or similar things, do not form the subject-matter for consideration under this Bill. Such arrears must not be covered by the clauses of this Bill. 'Any arrears' is an indefinite thing. Definite arrears must be fixed and the clause must pertain to them only. With these words, I move my amendment."

SRI V. RAGHAVAYYA:—"Sir, I second the amendment. For a sinking ship the last rites must be performed. The zamindars are giving up all that they had. I think the Government will be doing the just thing in giving them some facilities for having their arrears collected not only by the managers appointed for the purpose but also by other special officers so that there may be a quicker collection. I support this amendment."

12.30 p.m. * SRI K. BHASHYAM:—"Sir, I want to speak upon the clause itself and also offer a few remarks in respect of the amendment which has been moved by the Government. I do not now want to go into the question of the morality of the wiping out of all arrears, while the Government themselves have been levying

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from the zamindars full peishkush due in respect of those years. Whether that is morally justifiable or not is a matter which will sit on the conscience of the Government themselves and I do not care to say anything about it now. But what troubles me is this: If by reducing the rents payable for the faslis 1356 and 1357 the amounts payable to the zamindar come below the peishkush amount payable by the zamindar to the Government for those faslis, what is to happen? That is what I am not able to understand. I think Mr. Viswanatham brought to the notice of the House a little earlier in the debate a case where a receiver is in possession of an Impartible estate, and as a result of the reduction of rents under the Rent Reduction Act, the amount realisable came down to a little less—not very much less but a little less—than the peishkush payable, and the receiver had made an application to the court to find out whether in such cases he should retain the estate in his hands or surrender it to the Government at once. What has happened in one case or one estate may well happen in other estates also. I am therefore unable to understand how the Government are going to react to such a position. Is it likely that the Government are going to exact their pound of flesh and say 'whether you receive your rent or not, you should pay the peishkush due, even if that rent is less than the amount of the peishkush which we should receive from you'. That, I submit, will be going rather too far even for this Government. I should therefore like to be enlightened further as to how the Government will act in such cases. I should like also to know how the Government can reasonably or justifiably wipe out all the arrears due prior to the notified date, without making a specific reduction in the peishkush also. If the Government have already collected the peishkush for the years for which arrears are still due, then they must be prepared to return an amount to the landholder equal to the arrears due; or if the peishkush has not been collected from the landholder, then the Government must really reduce the amount of peishkush having regard to the amount of arrears to be wiped out. Without doing that, the Government will be wrong in saying that all the arrears will be wiped out.

"I should also like to point out here that under the Agriculturists' Debt Relief Act, we had a provision similar to this. At that time, i.e., in 1937, arrears had mounted and very often liberty was given to the tenants to pay two years' rent within a specified date. I think many persons took advantage of that. From 1937 up to 1946, what we did in connection with the Agriculturists' Debt Relief Act has really taught the tenants this lesson, viz., 'don't pay', so that at some time or other the Government will come to their help and wipe out all the arrears. And having learnt that lesson, I think they will be pressing upon the Government to-day for the wiping out of these arrears. If that lesson which was learnt then is to be also practised now, especially when the Government themselves are to be the collectors, what will happen?"

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MR. SPEAKER:—"The proper time for the hon. Member's remarks is when I put the clause as amended to the vote of the House."

* SRI K. BHASHYAM:—"I am now speaking on the amendment, Sir."

THE HON. SRI KALA VENKATA RAO:—"I think he may go on, Sir with his speech."

* SRI K. BHASHYAM:—"Even the Hon. Revenue Minister is so gracious as to allow me to go further on this point though it was the Province of the Hon. Speaker to do so and I am anyhow thankful for the graciousness of the Hon. Minister. I think, Sir, I am entitled to talk now on the amendment moved by the Government. I am only referring to the difficulties the Government might be put to in view of the lesson learnt already. Therefore, Sir, I submit in all these matters we must act with some sort of restraint. You must deal justice to all parties concerned. While I generally sympathise with the tenants' view, that they should be asked to pay only fair rent, I think the question of abolishing all arrears does not seem to be justified altogether. In this clause itself you say that the rent is the rent reduced to the ryotwari level; why then should not the tenant pay that? If it was a question of his paying high rent or rackrent, as was going on before, I can understand the Government's interference now because the tenant cannot pay; but if it is a question of paying rent at the ryotwari rate, there is no justification or justice in making him not pay at all—whether it goes to the zamindar or to the Government it does not matter. This will be a present you will be making to the tenant, deservedly or undeservedly; but I do believe that when you are enabling him to get a permanent relief, you ought not to extend the concession very far and make it a sort of luxury concession rather than a concession which is deserved. With these words, Sir, I hope the Government will come forward and clarify the position; I think they must do so and if the Hon. Revenue Minister will enlighten us on these points in the course of the discussion, I shall be extremely glad."

THE RAJA OF VENKATAGIRI:—"Sir, since the previous speaker was allowed to deal both with the clause and the amendment moved by the Government, I shall also, with your permission, deal with them so that the Hon. Revenue Minister may be spared the necessity of replying to each separately. Sir, clause 53 as embodied in the Bill as passed by the Select Committee, imposes an obligation on the Government to collect rent. The wording is this: 'shall be collected by the manager appointed under section 6'. The amendment however says 'that the manager shall be entitled to collect' such arrears as arrears of land revenue. My objection to the Government amendment is this: while according to the original clause, it was a duty imposed on

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the manager to collect the arrears due to the zamindar, the amendment simply says the manager shall be 'entitled' to collect it. In my humble opinion, this is a very big departure from what was decided in the Select Committee. It may be said that since even the non-fulfilment of the obligation placed on the manager by clause 53 had no penalty attached to it, this enabling clause does not make any difference. Sir, I have not taken legal advice in the matter, and so I expect some light to be thrown on this by my friends here who are pandits in law. As a layman, however, it occurs to me that it is a very big difference and I feel this amendment need not have been moved at all by the Government and the original clause as passed by the Select Committee might be allowed to be passed into law. Yesterday I was submitting to the House how we were deprived and divested of certain rights which were described even by the Advocate-General as properties; and we were then told that we would be allowed to collect rent due for only two faslis. If this amendment is accepted, I am afraid it would in effect amount to depriving us of the arrears due even for those two years originally allowed to us in spite of our representations to the Government to the contrary. As I have already dealt with that question at length, I do not propose now to deal with it again. I was submitting yesterday that even this two years' rent allowed to us was not fair and that it was not likely to strengthen the legal position of the Bill; but this amendment may deprive us of the rent for even these two faslis. As was rightly pointed out by the hon. Sri Bhashyam, tenants are used to withhold rents. It is admitted that even the rents to be collected would be rents under the Rent Reduction Act of 1947 which is being applied on most unscientific lines and in several cases in a most inequitable manner resulting in certain cases in reducing the land revenue almost equal to peishkush and in certain other cases, as I was told, even to less than the amount due to the Government. This amendment seems to be only an enabling provision and I would like to be told that the legal liability to collect still exists. If that is to be the case, I am not one who delights in criticising the Government's suggestions; but I feel very strongly on this matter.

"But, Sir, the Government may, of course, say, well, we are a responsible Government and therefore we would not collect all the arrears and we would not shirk discharging the duties cast upon us. I do not deny that for a moment, but at the same time when you pass a legislation, are they not to take into consideration the sense of duty, or the sense of justice of the Government or of an individual or a group of persons. But, what is to be seen is, whether the rights of any individuals allowed under the law would be enforced or whether it would be made to depend upon the grace and the magnanimity of the manager who would be entrusted with collection work. For these reasons, I would request the Hon. Revenue Minister to allow the clause as it stands and

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as it is embodied in the Bill. If after hearing the Hon. Revenue Minister, I find I am mistaken, I shall be happy. However, I still feel that my fears are well-founded."

MR. SPEAKER:—"Before I call on the Hon. Minister to reply I would suggest that, since there are a number of Members who want to speak on this, those hon. Members who have given notice of amendments may be allowed to move their respective amendments. I will now call upon Mr. Swaminathan to move his amendment first and after it is seconded, the other amendments may be moved. Regarding the amendment of Mr. Kaleswara Rao, I think it does not fit in here as I shall explain now. The original clause is there and now the Government want to change the original clause. The hon. Member Mr. Kaleswara Rao has given notice of an amendment to the original clause and so when the Government want to change the original clause, how can the hon. Member move his amendment to change the original clause? If the Government amendment is not accepted, then the hon. Mr. Kaleswara Rao will be right in moving his amendment."

SRI A. KALESWARA RAO:—"Sir, there are three portions in the original clause. The first portion is, the zamindar has no right to collect but it is the manager that will have to collect. Then, there are two provisos with regard to reduction of rent and arrears of rent are also being reduced under the Rent Reduction Act and it is only with reference to that that I have given notice of my amendment. That is not changed and there are also no amendments on the part of the Government to the two provisos."

MR. SPEAKER:—"I wish to know from the Hon. Revenue Minister whether the provisos stand as in the Bill?"

THE HON. SRI KALA VENKATA RAO:—"Yes, Sir."

MR. SPEAKER:—"Then the hon. Mr. Kaleswara Rao can move his amendment. I will now call upon the hon. Member, Mr. Swaminathan to move his amendment first and after it is put to vote, the hon. Mr. Kaleswara Rao can move his amendment."

SRI R. V. SWAMINATHAN:—"Sir, I move the amendment that stands in my name, namely:—

'In the further proviso to sub-clause (1), for the words and figure "years 1356 and" substitute the word "year".'

"Sir, the object of my amendment is that if it is accepted, the ryots will be asked to pay only one year's rent, whereas according to the proviso in the Bill, they have to pay two years' rent, namely, for the faslis 1356 and 1357. Therefore, Sir, if only the rent for fasli 1357 is paid, all the previous arrears of rent will be wiped out. At present the ryots have already paid heavy rents to the

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landowners and so they are not in a position to pay anything more and moreover they are heavily indebted. Of course, I may be asked, how can they pay even this one year's rent. (Interruption by the Hon. Sri Kala Venkata Rao.) I can understand the anxiety of the Hon. Minister and I am equally anxious to finish the Bill as soon as possible. In fact, I even suggested that the non-official day to-day might be taken up by Government for the purpose. If the Hon. Minister says he will accept my amendment, I shall simply sit down without wasting the time of the House any more." (Hon. Sri Kala Venkata Rao: 'The hon. Member may speak for any length of time as he likes.')

MR. SPEAKER:—"It is not for the Hon. Minister to allow the hon. Member to speak as he likes."

THE HON. SRI KALA VENKATA RAO:—"I am sorry, Sir."

SRI R. V. SWAMINATHAN:—"Now, Sir, I would ask, what is the idea of passing the Rent Reduction Act? It was because the ryots were paying heavy rent and it was not justifiable, the Government introduced the Rent Reduction Act. The ryots have been paying these heavy rents for hundreds of years and therefore it is only justifiable to ask them to pay only one year's rent. The Hon. Minister, I think, can easily accept it. If the Hon. Minister asks me, what is the basis and how can the ryots pay even this one year's rent, I would ask him, Sir, what is the basis for asking them to pay two years' rent. Supposing there is an arrear of rent for say, 10 years. You are now asking him to pay only for faslis 1356 and 1357 and that means you are going to wipe off the rent for the previous eight years. (Sri K. Bhashyam: 'Why not ten years?') In that case, the Hon. Minister will not accept it."

MR. SPEAKER:—"The hon. Member may confine his remarks to the amendment."

SRI R. V. SWAMINATHAN:—"Sir, I am only quoting instances. Before the Rent Reduction Act was passed, the ryots were paying heavy rents and now they are not in a position to pay any excess rent as they are already very much indebted. I am therefore moving my amendment and I hope the Minister will accept it."

MR. P. A. THANGASWAMI:—"I second the amendment, Sir."

SRI A. KALESWARA RAO:—"I am seconding the amendment, Sir."

MR. SPEAKER:—"Mr. Thangaswami has already seconded it."

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SRI A. KALESWARA RAO:—“ Then I am supporting it, Sir.”

MR. P. A. THANGASWAMI:—“ Mr. Speaker, Sir, I would like to say something in support of this amendment I was surprised to hear the hon. Mr. Bhashyam's remarks against the ryots, who according to him have been unwilling all these years to pay up the rents to the landholder. (Sri K. Bhashyam: I agree with that.) I know my hon. Friend has been appearing for tenants as well as landlords, but I very much doubt if he knows the real position under which the tenants are suffering now. The Agriculturists Relief Act of 1937 which my hon. Friend also referred is really a boon which the Government were willing to grant to the poor ryots. The House may take it from me that I have been in close touch with the ryots for the last so many years and I can assure the House that in spite of the generous help extended by the Government the ryots have not been able really to take advantage of the boon. Under the Act, on the payment of rent for two faslis, they were entitled to assume that they need not pay the arrears for the previous faslis. Have the ryots taken advantage of that? They have been unable to take advantage of that provision. I can tell this House that only in a very few cases where a large number of tenants have been able to combine, that they have been able to take advantage of it through courts. In other cases, you may take it in the great majority of cases, the tenants have not been able to take advantage of it because they have not the necessary means to go to a court of law, deposit amounts and apply for relief. Even in cases of relief where they have combined together and gone to courts, I know and my hon. Friend, Mr. Bhashyam also knows their fate. Owing to some technical objection or other, the matter is dragged to the High Court and when the tussle is between the ryot and the landlord, it is usually the ryot that goes to the wall and in fact they have gone. In most cases, the tenants have not been able to pay anything and their lands have been brought to sale. Not only that. Two other considerations I would like to place before the House. So far as the southern districts are concerned, for the last several years there has been no proper rain and the effect of it has been that they have not been able to pay the rents. Of course, it was not due to any unwillingness on their part (The Hon. Sri Kala Venkata Rao: ‘ That is why two years is put in ’.) Then again, for the purchase of other essential commodities, the ryots have not been able to get the necessary means and they have become poorer and poorer and they are now at a very low ebb.

Now, Sir, the issue so far as this clause is concerned, is not between the Government and the landlord, but it is between the ryot and the landlord and the Hon. Revenue Minister will not agree for the wiping out of all arrears—it may be a gracious act on the part of the Government, but they are not prepared to do it.

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So I join my hon. and Learned Friend in pleading for the one year's rent instead of two years, because it will be a relief to that extent.”

SRI K. BHASHYAM:—“ May I speak on the amendment just now, Sir.”

MR. SPEAKER:—“ I think when the clause as amended is put, the hon. Member can have his say.”

SRI K. BHASHYAM:—“ I am agreeable to anything, Sir.”

MR. SPEAKER:—“ We have now the Government amendment, the amendment of Mr. Natesa Chettiyar and the one moved by Mr. Swaminathan and there is also another amendment to the Government amendment.”

SRI A. KALESWARA RAO:—“ Sir, my amendment is to the original clause and I will move it after all these amendments are disposed of.”

* THE HON. SRI KALA VENKATA RAO:—“ Well, Sir, I have cleared my position more than once. This pertains to the case of people who for good or bad reasons, have not paid their rents and they ought to be satisfied that the Government have come to their rescue on account of many reasons. But, what about the good tenants who have paid? Have they not suffered? Nobody has said a single word about such people, but speak only about the person who thought it fit not to pay. There may be a few cases of inability to pay. I agree with that. If my hon. Friend, Mr. Swaminathan, did not pay the rent, it cannot be said that it is due to his inability to pay and if I have not paid the rent, it is not due to my inability to pay. Whatever it is, it will not affect people who are honest. As I told you the other day, the gentleman who cut away their forests gained, whereas the gentleman who keeps the forest intact will have to leave it to the Government. In the same manner the man who paid the rent already suffers and the man who has not paid gets relief.

“ As I have already explained, Sir, the tenant could never have dreamt about the present concession and it is only for saying something against the Government that my hon. Friend, Mr. Swaminathan has brought in this amendment. I do not therefore, see that there is any justification for his amendment. I oppose the amendment.”

* SRI M. G. NATESA CHETTIYAR:—“ Mr. Speaker, the 1 p.m. Government had decided that they must collect only 5 per cent by way of collection charges and I fail to understand why they make this particular collection charge 10 per cent. I do not know if they have any specific reason for it and if they are very good reasons for such a levy I will consider about withdrawing my amendment with the leave of the House.”

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THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, the reason is that we are taking one-third as the basic annual sum as wanted to relate it to 1802. The zamindars themselves in their memorandum said that the collection charges amount to 10 to 12 per cent and we have adopted the lowest figure so as to relate it to 1802."

* SRI R. V. SWAMINATHAN:—"Mr. Speaker, I am very sorry that the Hon. Minister is not able to convince me. He said that those tenants who had paid were good; he may be a good ryot to the zamindar but I do not see how he can be a good ryot to the Hon. Minister, who is supposed to be one of the ryots. The fact is they have paid because they were able to pay, and those who have not paid were due to their inability and they were suffering under so many difficulties and handicaps. It might be as suggested if Mr. Swaminathan has not paid, it is not due to inability; but how many Swaminathans are there; it might be one(?), one in a thousand or ten thousand. Ninety-nine per cent or even cent per cent of them have not paid because they were unable to pay owing to famine and other difficult conditions. Have we forgotten how during the civil disobedience movement of 1930-32 and 1940-42 the landholders tried to collect the rents with the aid of Reserve Police. They did not pay because they had nothing with which to pay. They had nothing to eat and what will they pay? And what little they had they spent for cultivation purposes and it is a well-known fact that most of the zamin areas depend upon rain for water and there are no irrigation sources and even the little water that is stored in a tank will get evaporated or exhausted within two or three months and the entire harvest will go fut. Therefore, I once again earnestly request the Hon. Minister to accept my amendment."

* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, I forgot to clear the doubts expressed by the Raja of Venkatagiri regarding the words 'shall not be entitled'; it is a drafting device and the purpose is to authorize the manager to collect rent. The hon. Member need not fear that what is promised is being taken away."

"Regarding the view point of Mr. Swaminathan, let me say: 'We shall help the ryots in many other ways but in this matter we have gone to the utmost length to which any Provincial Government in India could go'."

Mr. M. G. Natesa Chettiar's amendment was put and lost.

Mr. R. V. Swaminathan's amendment was put and lost.

THE RAJA OF VENKATAGIRI:—"Regarding the scope of the section as it is in the Bill, namely, 'After the notified date, the landholders shall not be entitled to collect any rent . . .'"

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MR. SPEAKER:—"The hon. Member is speaking on the Government amendment, when I am going to put it to the vote of the House. An opportunity will be given to the hon. Member when the clause as amended is put to the House."

THE RAJA OF VENKATAGIRI:—"After the amendment is accepted and if I convince the Government that their reading of the said . . ."

MR. SPEAKER:—"May I know why the hon. Member wants to have a second say in this matter?"

THE RAJA OF VENKATAGIRI:—"This is a substantial matter."

MR. SPEAKER:—"I suggest to the hon. Member to have his say by way of a personal explanation."

THE RAJA OF VENKATAGIRI:—"Thank you, Mr. Speaker, for the device you have suggested."

"I wish to enable the Hon. Minister to understand my remarks more correctly with the lingering hope that he might find something which he can accept. Under section 6 'the manager shall be entitled to collect . . .' Here in this clause the duty of collecting is on the manager; there is a lot of difference between the language as adopted in the clauses in the Bill and the language as suggested in this amendment. By the wording 'shall be entitled,' he is given a right to collect; but there 'shall collect' is a duty cast upon him. It is that difficulty that I have got."

* SRI K. BHASHIAM:—"Mr. Speaker, I do not think that the Rajah Sahib is quite correct in his construction. It is stated that the zamindar shall not be entitled to collect as contradistinguished to 'the manager shall be entitled to collect.' When once you take away collection from one person, it must devolve on another and that is the manager. There need be no misapprehension that there is no statutory liability on the part of the manager to do so. Besides, the amendments included interests and costs also which were not there previously, it is advantageous to the landholders and they need neither ask for clarification nor oppose the amendment for they will stand to lose by it."

The amendment of the Hon. Sri Kala Venkata Rao was put and carried.

SRI A. KALESWARA RAO:—"Mr. Speaker, I move—

'In the first proviso to sub-clause (1) after the words "and earlier faslis" insert the words "including that for which decrees or suits are pending in Courts".'

My amendment is for the purpose of seeing that not only the rents are reduced under the Rent Reduction Act but also decree amounts, as well as sums involved in pending suits. If, they are left out, decree amounts will be calculated without any reduction

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and so also suits pending in courts as they will be decreed on the basis of the present rates without the advantage of the Rent Reduction Act. I do not think it is the intention of the Government to reduce rents outstanding on the books only but that the principle should be applied also to cases where the landholders has already obtained decrees or has instituted suits with regard to arrears for certain faslis. Whatever is to be collected must be collected on the reduced basis according to the Rent Reduction Act, and if the ryot pays two years' rent, all the arrears will be wiped out. I suppose I am helping the Government by moving this amendment and I believe that it is the intention of the Hon. Revenue Minister also. The Government should themselves *suo motu* include it in the first paragraph. With regard to the right to collect rents, the Government themselves should say that not only rents but also decree amounts should not be collected by the zamindar and also the Rent Reduction Act should apply to suits pending in courts and the whole thing should be collected by the manager and if the ryots pay two years' arrears, the other things should be wiped out. I hope the Hon. Revenue Minister will accept my amendment."

SRI R. V. SWAMINATHAN:—"Mr. Speaker, I second the amendment. This is nothing new in so far as the Government have said that on payment of two years previous arrears, all arrears including decree and pending suits are wiped out. The landholders are capable of splitting hairs and they have able lawyers who will give them ideas. The amendment seeks to put the intentions of Government in a clear way and I hope the Hon. Minister will accept it."

THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, I have taken advice and what Mr. Kaleswara Rao wants is covered by the present proviso, which means that all decrees outstanding for rents due for faslis previous to 1356 and 1357 will also be wiped out along with the arrears whether they are in the form of decrees or rents. That is the advice tendered to me and I do not think the amendment is necessary because what the hon. Member wants is already there."

SRI A. KALESWARA RAO:—"I am not satisfied though this bogey of legal advice and other things are there."

THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, every time he is using such terms like 'bogeys'; he might withdraw his amendments or press them and take his chance. But to call it 'bogey' and such things is not fair, Sir."

The amendment was put and lost.

THE ZAMINDAR OF MIRZAPURAM:—"I move, Sir, that the second proviso to sub-clause (1) be omitted."

The amendment was put and lost.

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Sub-clause (2).

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

that for the existing sub-clause, substitute the following:—

"(2) All amounts which the manager is entitled to collect under sub-section (1) shall be a first charge upon the land in respect of which such amounts are payable."

"Sir, this is made in pursuance of the provisions of the Rent Recovery Act. It is clear and needs no explanation."

The amendment was put and carried.

MR. SPEAKER:—"Mr. R. V. Swaminathan will move the second part of his amendment."

SRI R. V. SWAMINATHAN:—"Sir, I beg to move—

after sub-clause (2), add the following new sub-clauses:—

"(3) All proceedings and appeals instituted by the landholder for the recovery of rent in cash or in kind due for fasli 1357 against the ryots and pending in civil and criminal courts and execution of all proceedings in respect of such decrees shall be stayed at once."

"(4) All proceedings and appeals instituted in criminal courts by the landholder against the ryots for the cutting or removal of the crops without permission (*kanganam*) in respect of fasli 1357 shall be stayed at once."

"In moving this amendment, I wish to submit this is a very important amendment."

MR. SPEAKER:—"May I know from the hon. Member which amendment of his is unimportant?" (Laughter.)

SRI R. V. SWAMINATHAN:—"You can know it, Sir, from the number of Members who will speak on this amendment after I finish my speech. Sir, in spite of the Rent Reduction Act, 1947, the landholders have launched proceedings for arrears of rent."

THE HON. SRI KALA VENKATA RAO:—"Even if the landlords file suits they will lose the amount. Perhaps to save limitation landlords file suits; but the tenant is not affected. As regards criminal cases, they do not come under this clause."

SRI R. V. SWAMINATHAN:—"Sir, already several suits for arrears of rent have been filed and in several cases judgments have been pronounced and decrees given. In one case, proceedings under section 424, Indian Penal Code, has been filed in the Magistrate's Court under the plea that the tenant has removed half of the produce contrary to the provisions of the Rent Reduction Act. There are instances where the ryots have been fined by Magistrates, and from the fine recovered a portion has been asked to be paid to the landholder."

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THE HON. SRI KALA VENKATA RAO:—"That may not be for non-payment of rent but for something else."

SRI R. V. SWAMINATHAN:—"Sir, criminal proceedings are launched against the ryots. That is why I move that criminal proceedings should be stayed."

SRI PYDAH VENKATANARAYANA:—"I beg to second the amendment."

* THE HON. SRI KALA VENKATA RAO:—"Sir, it is becoming beyond my capacity to convince Mr. Swaminathan. Even if decrees are given they will not increase the quantum of arrears. That is my answer to the first portion of his amendment. Regarding criminal proceedings, I may say, nobody will be sent to jail for non-payment of rent and nobody will be fined for non-payment. Therefore, this amendment does not come in here. It is unnecessary."

(Raja of Venkatagiri rose in his seat.)

MR. SPEAKER:—"Does the hon. Member want to speak on every amendment? I cannot allow it."

The amendments were put and lost.

* SRI M. G. NATESA CHETTIYAR:—"Mr. Speaker, Sir, I beg to move—

'Add the following as a new sub-clause (3):—'

MR. SPEAKER:—"The hon. Member may move both the amendments."

SRI M. G. NATESA CHETTIYAR:—"I shall move one after the other, Sir."

MR. SPEAKER:—"No; the two may be moved together, as otherwise it will take time."

SRI K. BHASHYAM:—"Sir, suppose one member wants to support one amendment and oppose another amendment, what is he to do?"

MR. SPEAKER:—"Then, let the hon. Member move the first amendment and after it is disposed of, the other amendment may be taken."

* SRI M. G. NATESA CHETTIYAR:—"Sir, I beg to move—

'Add the following as a new sub-clause (3):—'

"(3) Proportionate peishkush, cesses, etc., paid by the landholder for the fasli for which rent had been written off under this clause and the proviso will be refunded to the landholder or other claimants as the case may be."

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"Sir, when the House has decided to write off a certain portion of rent due to the zamindar, Government should be considerate and proportionately remit such amount as has been paid as peishkush cess, etc., by the landholder for the faslis for which the rents have been written off. This point of view has already been stressed by some Members on other clauses, and the *bona fides* of the Government is to be shown by the Government accepting this amendment. (Laughter.) Sir, for these reasons, I move my amendment."

M. S. ATAULLAH SAHIB BAHADUR:—"I second this amendment, and in doing so I wish to submit, that if the Government are earnest in doing justice, it must be justice to one and all; and so they should accept this amendment."

* SRI T. VISWANATHAM:—"Sir, whatever may be the argument with regard to peishkush, there is certainly a very good case for cesses and the other word 'etc.' (Laughter.) I submit that while I feel that it has become impossible for the estate-holders to pay peishkush after the publication of this Bill, there is not considerable force in asking for reduction of peishkush. When the estate-holders took these estates, first they took them on the express condition that the peishkush was unalterable, and when rents were paid in full the peishkush was not considered very high. Of course the proportion has become higher from two-thirds to seven-eighths, to nine-tenths and ten-tenths in some cases (laughter) as rents are being reduced now. I submit it happened so in one or two cases. The Raja of Vizianagram is the holder of a small village; its peishkush is Rs. 180. A Deputy Collector who is very loyal to Government was entrusted to reduce the rent. He reduced it to Rs. 170. It is a thing that has been done under the rules framed for reduction of rent, for which rules the Hon. Revenue Minister and those who drafted the Rules and Instructions are responsible. They must make a note of it. But, however, I will not talk of peishkush; I shall speak about cesses. The cess is levied proportionate to the demand and when the demand is reduced, the cess also should be reduced. But no instructions have been issued by the Government. I remember I told the Hon. Revenue Minister, that the full cess is being levied on the old rental when the rental itself has been reduced. Notices for the full cess are being issued, and distraint orders also are being issued for the full amount of cess. But in the busy atmosphere in which he lives I think it does not enter his mind, as so many things do not enter his mind. I submit it is high time instructions are issued not to levy the full cess on the old demand."

* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, Sir, here there are two things. I will make a sporting offer. If the zamindar is prepared to return back all the collections he made for the years for which arrears are to be written off, I have no objection to refund peishkush. But there is a mistake here. The

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faslis for which arrears have been written off are not for faslis 1356 and 1357, but the faslis previous to 1356. With reference to the other question of cesses, under the Rent Recovery Act, cess is always collected in full. There will be no difficulty in this; if there is any, we shall think about it. With reference to the refund of cess, I may submit that in ryotwari areas, we are only remitting the land revenue and not the cess; and the same is also done here."

THE RAJA OF VENKATAGIRI:—"Sir, with reference to your observation that I am indenting too much on the time of this House, I would request you to allow me to say a word with reference to the sporting offer made by the Hon. Sri Kala Venkata Rao."

MR. SPEAKER:—"It is now lunch time."

THE RAJA OF VENKATAGIRI:—"I would then only treat it as one made in a light-hearted manner."

MR. SPEAKER:—"Sri M. G. Natesa Chettiyar will reply after lunch."

The House adjourned for lunch.

(After lunch—2-30 p.m.)

* SRI M. G. NATESA CHETTIYAR:—"Mr. Speaker, Sir, a very good word fell from the mouth of the Hon. Minister. The word 'sport' is not only the spice of life, but it is also the spice of legislation. He said that he was making a sporting offer. But his sporting offer is nothing more than no offer."

"Suppose there is a rent roll of Rs. 30,000 for a particular year, Rs. 28,000 had been collected and Rs. 3,000 had been paid to the Government towards peishkush, cesses, etc., and there is a balance of Rs. 2,000. I want that there should be a reduction in the sum paid to the Government proportionate to the rent written off for that year. If I had been allowed to collect the arrears of rent, I would have collected it by this time but by Acts of the Legislature, the Government have prevented me from making the collection. In these circumstances and when the Government want to deprive me of Rs. 2,000 by passing this legislation, is it too unbearable a burden for the Government to write off or refund a small sum of Rs. 200 or so proportionate to the amount that I am deprived of? I am not able to understand what the sporting offer is that the Hon. Minister has made. I am prepared to abide by it, but only let him say what it is. There is reasonableness in this amendment. I request the Hon. Minister to consider it favourably and do justice."

* THE HON. SRI KALA VENKATA RAO:—"What Mr. Natesa Chettiyar demands is something extraordinary. He wants a refund of the peishkush paid for the faslis prior to fasli 1356. It is not possible to refund from any point of view, because the income from his estate is sometimes eight to ten times the

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peishkush he pays. According to his own admission, all good tenants have paid the rent. Is he going to refund that rent? There is no justice in asking for refund.

"As regards the rent for faslis 1356 and 1357, we will deal with it separately under the rules. We have postponed the time for paying the peishkush till the end of this month, and we will postpone it till this Bill become law. Then we will consider what portion of the peishkush can be reasonably refunded."

"With these words, I request the hon. Member to withdraw his amendment."

The amendment was put and lost.

* SRI M. G. NATESA CHETTIYAR:—"Mr. Speaker, Sir, I move—

'Add the following as a new sub-clause (4):—

"(4) No claim against a ryot by a landholder accrued to him before the notified date, other than land revenue or rent, will be affected by the foregoing sections of the Act and the landholder will have such rights as are necessary to continue his claims and proceed with them in a court of law or institute new proceedings, as the case may be, under the Madras Estates Land Act I of 1908 or any other Act in force for the time being."

"Only in respect of the rent, the landholder is prevented from instituting any proceedings. But there has been no mention of proceedings other than those relating to rent. There are instances where tenants have cut and removed trees belonging to the landholder or trees standing on porambokes without the permission of the landholder and without paying him anything as compensation stealthily for use as fuel or for making charcoal. This process has been going on for some years past. In such cases, either a suit is pending or Court decrees have been pending execution, proceedings are going on, or legal notices have been served on the parties. What is to happen to such cases? Can the landholder execute the decrees that he had already obtained and can he institute fresh proceedings for the recovery of sums accrued due to him before the passing of this Act? This point has got to be settled. I feel that those who do not respect the law and who actually show disrespect to the law must not be left free. If offences of this nature are not taken cognizance of, they may be committed when the Government themselves are in possession of the estates. There are very many similar instances as a result of the several Acts passed by this Legislature in the past."

THE HON. SRI KALA VENKATA RAO:—"Sir, the point raised by Mr. M. G. Natesa Chettiyar is not at all covered by this Bill."

MR. SPEAKER:—"The amendment has not yet been seconded."

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* THE HON. SRI KALA VENKATA RAO:—"Sir, I am trying to make the hon. Member not to press his amendment.

"This Bill is concerned with rent and rent alone. If there are other dues due to the landholder by the tennat, they will continue to subsist. On this assurance, I request the hon. Member not to press his amendment."

* SRI M. G. NATESA CHETTIYAR:—"I thought that the bar to the institution of proceedings will apply also to matters other than those relating to rent. That is why I wanted that point to be made clear. I am thankful to the Hon. Minister for his elucidation of the matter. I am not pressing my amendment."

Clause 53 as amended was put and carried.

New clause 53-A.

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

After clause 53, insert the following as new clause 53-A:—

"53-A (1) Where after an estate is notified, a dispute arises as to (a) whether any rent due from a ryot for any fasli year is in arrears or (b) what amount of rent is in arrear or (c) who the lawful ryot in respect of any holding is, the dispute shall be decided by the Settlement Officer.

(2) Any person deeming himself aggrieved by any decision of the Settlement Officer under sub-section (1) may, within two months from the date of the decision or such further time as the Tribunal may in its discretion allow, appeal to the Tribunal, and its decision shall be final and not be liable to be questioned in any court of law."

"To clear doubts that may arise, this clause has been put in."

The amendment to insert new clause 53-A was put and carried.

Clause 54.

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

For the existing clause, substitute the following:—

"Peishkush, jodi or quit-rent as the case may be, in respect of an estate shall cease to accrue with effect from the end of the fasli year immediately preceding the notified date."

"If an estate is notified in January next, peishkush, jodi or quit-rent will not accrue from July of this year. That is what the amendment means."

The amendment was put and carried.

MR. SPEAKER:—"I am going to put clause 54 as amended to the vote of the House."

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* SRI T. VISWANATHAM:—"Sir, the Hon. Revenue Minister said that there would come a time when the Government would consider whether any portion of the peishkush could be remitted or not. I have not understood the implication of that statement. I should like to be enlightened as to whether he would include this in the rules."

THE HON. SRI KALA VENKATA RAO:—"From the fasli year 1357, i.e., from 1st July 1947, the Rent Reduction Act will come into force. From that time onwards and up to the date of notification, such rights and concessions as I have already conceded will be considered. In consideration of the reduced rental and because some peishkush is not paid, deduction in the peishkush may be allowed. But after notification, the peishkush itself will cease and therefore no rules are necessary."

Clause 54, as amended, was put and carried.

Clause 54-A.

* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, 2-45 p.m.
Sir, I beg to move, that—

After clause 54, insert the following as new clause 54-A:—

"54-A. With effect on and from the date on which an estate is notified, the landholder of an inam village which is not an inam estate shall be liable to pay annually to the Government, such jodi, kattubadi or other amount of a like nature, as he was liable to pay to the landholder of the notified estate immediately before that date:

Provided that in respect of the fasli year in which the estate is notified, the jodi, kattubadi or other amount aforesaid shall be reduced by any payments made on that account before the notified date to the landholder of the notified estate if such payments are authenticated in the prescribed manner."

"Sir, the object of this amendment is this. After the estates are abolished, there will be some inam villages which have to pay jodi, quit-rent, etc., to the zamindar. In future, he will not be there and these inamdars will have to pay the same to somebody. In this new clause, these are made payable to the Government. That is all the purpose of this new clause, Sir."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, this new clause is something like the paramountcy of the British Government, that is to say, when these estate-holders are going away, the Government are now stepping into their shoes, and still continue to demand the jodi, quit-rent, kattubadi, etc. I submit, Sir, that the Government are not very poor and they need not step into the shoes of the estate-holders for this purpose and become their legatees. They need not take advantage of the position of the estate-holders now. It would be only proper, when the estates

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have ceased to exist that these demands which were previously paid to the zamindars should also cease to exist. This Government should not think that they are the legatees to the estate-holders. I oppose this amendment, Sir."

* THE HON. SRI KALA VENKATA RAO:—"Sir, it is unjust on the part of my hon. Friend, Mr. Viswanatham, to have made this demand and to have opposed this clause. We are keeping the inams and they will continue until such time as we make some settlement with regard to them. Until then such payments should continue. If in the future arrangements we find that such payments are not necessary, the whole difficulty will be resolved and the payments will go. After all it may not take a year or six months to settle the question. Until then, Sir, the present arrangements should continue. Therefore I want this clause to be retained there, Sir."

New clause 54-A was put and carried.

Clause 55.

* SRI M. G. NATESA CHETTIYAR:—"Mr. Speaker, Sir, in respect of decrees that have been passed by the courts, I want that a proviso should be included in this clause. The proviso I have suggested, and which I now move is as follows:—

'Add the following as a new proviso after sub-clause (2) of clause 55:—

"Provided that the claims are a charge on the dispossessed properties and the Law of Limitation or otherwise is not affected adversely to the creditors or decree-holders or claimants or shares or otherwise interested persons."

"Sir, I was not present, when clause 3 of this Bill was passed in this House and I am not quite definitely aware whether the subsisting mortgages would be effective against the Government as security for the loan. In respect of creditors, there are instances where the property is secured and the property is also subject to a mortgage and has been brought to sale also. In respect of those decrees, is the mortgage to go? If it is to go, what are the secured provisions? It is not sufficient for the Government to say, I have taken over the estate; you will get the sum from the compensation amount.' There are certain difficulties in the matter. Supposing between the notified date and the passing of this Bill there are mortgages or decrees barred by limitation. What are they to do? Suppose I hold a mortgage for Rs. 10,000 on an estate, and suppose it is barred by limitation on the first of November. The estate may not be notified by that time. What steps should I take to safeguard my interest? Have I to file a suit under the mortgage and also spend money by way of Court-fees and also lose my security on the property? I submit, Sir, under those circumstances, a provision should be made to cover the cases which

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might become time-barred during the interregnum. There are instances where conditional sales were made to a third party, the condition being, that 'on such and such a date, I will pay this amount of money and you must reconvey the property to me.' What is their position? Are they to file a suit in court, even in regard to these conditional sales and get a declaration in their favour, or are they, under the present Bill, to wait until it becomes law and until a notification is made for the purpose of taking possession of the property? It is to fill up this gap, Sir, that I have suggested this amendment. There is no doubt that the Government had assured that the claims of these people will be considered by the Tribunal at the time of the payment of compensation. But till then what are they to do? Sir, this doubt which I have raised just now is real and not imaginary. In my own case and in the case of a friend of mine, there are two complications. In the case of my friend, on the 1st of December he has to pay Rs. 35,000 to a purchaser, the condition under that purchase being that the other party should reconvey the property to my friend if he pays Rs. 35,000. What would happen to him after the passage of this Bill? That is the first point. The other point relates to my own case. I hold a mortgage which becomes time-barred on the 1st of December. Unless I file a suit in the court on the hypotheca, I will be losing a very heavy amount. What should I do under the circumstances? Am I to go and file a suit in a court unnecessarily and incur expenditure, because there is no provision in this Bill to cover such cases? I therefore feel, Sir, that a proviso like the one I have suggested is very necessary to cover such cases and I hope that the Hon. Minister will consider my amendment and accept it."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Mr. Speaker, Sir, in respect of the amendment of my hon. Friend, Mr. Natesa Chettiyar, I rise to second it. (Laughter.)

* SRI T. VISWANATHAM:—"Mr. Speaker, I wanted to say something on this amendment and thought that I could do so by seconding the same. But since it has already been seconded by my hon. Friend, Mr. Anwar, I shall just say a word or two on what I have felt about this amendment. Sir, I am not able to understand clearly what my hon. Friend Mr. Natesa Chettiyar has in his mind. His difficulty probably seems to be with regard to limitation of decrees and mortgages which are conditional and which might become time-barred, before the estates are taken over and notified. Sir, to-day this Bill is under discussion. There are several claims, which if they are not now taken before a court of law, would become time-barred in the next few months. The process of settlement of these estates on a ryotwari basis will take some six or seven years and my friend asks, what is the mortgagee to do if his claims get time-barred in the meanwhile. The question is, whether he should file a suit for the claim, prosecute it and obtain a decree, which after all may or may not be useful. Sir, after notification, this question may not arise at

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all, because within six months after notification, if there are suits proceeding or pending before a court of law, they will be automatically taken before the Tribunal. But at that time the claim must be a subsisting one; otherwise it may become invalid. In order to make it a subsisting claim during all these six or seven years, as the Bill requires at present, he should file a suit, and incur expenses which are obviously unnecessary. They are avoidable expenses. But the Hon. Minister for Revenue says, 'What does it matter? Let him incur the expenses under the present law and we will look into it at the time of calculating compensation.' And therefore possibly his line of thought seems to be that these things would be taken into consideration at the time of paying compensation by the Tribunal. If that is so, it is an easy way of solving the present difficulties. But my own impression is that unless we make a specific provision here, the expenses which a man is compelled to incur in connexion with court-fees and costs, etc., cannot be taken into consideration and added on to the amount of compensation after four or five years when the question of compensation will be finally settled. I think, for this purpose, there should be a specific amendment to that effect addeed at th end of the clause saving limitation in all these pending cases and cases which might become time-barred, if suits are not filed during these four or five years. You must also bring in an amendment that the amount of expenses incurred in such

3 p.m. cases shall be included as part of the compensation. What I submit, Sir, is that instead of asking these people to fight in a court of law a fictitious battle eand an unnecessary battle incurring real expenditure, it would be much better if the Hon. Minister brings in an amendment to the effect that the limitation in all these cases will be saved, and that these creditors can put all their claims before the Tribunal within the six months' time allowed under a previous clause. I suppose I have made myself clear. (Interruption.) Sir, I am not standing here for the fun of it. It is a real difficulty. I shall summarise my difficulty now. I am asking the Hon. Minister to solve my difficulty either by bringing in an amendment making all this avoidable expenditure as part of the compensation or bring in an amendment saving the limitatio for all these claims. Now, that the Tribunal is coming into existence, I request the Hon. Minister to concede that demand. He need not accept this amendment now straightway. He can bring his own amendment at a later stage."

* THE HON. SRI KALA VENKATA RAO:—"The whole difficulty, Sir, is that the law of limitation cannot be considered in this Bill. If it is a question of giving some concession to these people by changing the law of limitation, it will be done. But if you have got a property right, you will have to file a suit in a court of law. Are not zamindars filing suits in courts of law to save decrees? Unless they do so, they will get time-barred. By passing this Bill, we cannot save limitation."

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* SRI M. G. NATESA CHETTIYAR:—"Sir, it is not a question of saving limitation. I ask, am I to pay court-fees as for a mortgage after this Legislature has decided to say that it is not a mortgage against the property which the Government are going to take possession of? Am I to pay court-fees on the basis of hypotheca? If the court takes objection that by an Act of this Legislature the hypotheca is lost, what am I to do? Are the Government going to be a party to that suit? Will the hypotheca subsist? It must be made clear. I would again request the Hon. Minister to think about these cases."

* THE HON. SRI KALA VENKATA RAO:—"I have already replied to this matter, Sir."

The amendment was put and lost.

New sub-clause (3).

* SRI M. G. NATESA CHETTIYAR:—"Sir, I move—

'Add the following as new sub-clause (3):—

"(3) Claims made by the creditors or other persons under section 45 of this Act will not be affected by any other law (including Law of Limitation) in force for the time being and all the proceedings now pending in any court, except criminal courts, shall be taken over by the Tribunal under this Act and proceeded with at and from that stage and the Tribunal shall continue them under this Act, as if, it is for the time being, the regular Court of Law."

"Sir, this is also on the same law of limitation. In respect of claims made or pending suits, I want the cases in courts to be taken over by the Tribunal under this Bill, considered, and proceeded with from that stage where the courts have left. This is to ease the process. The Hon. Minister had said on very many occasions that the procedure adopted in courts was very much delayed and delayed beyond the expectations of this Government. Therefore, I want the existing debts, litigation, mortgages and other claims to be settled by the executive authorities of the Government themselves, which they propose to set up under the provisions of this Bill. It is with that intention I am moving this amendment."

ABDUL HAMEEED KHAN SAHIB BAHADUR:—"I second the amendment, Sir."

SRI A. KALESWARA RAO:—"Sir, with regard to the saving of limitation, we have now discovered that it is a concurrent legislation. So, I request the Hon. Minister to consult about this matter and, if possible, introduce somewhere either in this Bill or in the Tenants' Protection Act some clause to the effect that

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all this limitation will be saved. It is not necessary, and it is not good to send parties to courts in matters which are of a temporary nature. The final things have to be done under this Bill by the Tribunal and by the officers concerned. I, therefore, suggest to the Hon. Minister to do all that is necessary. We shall also, in the meantime, see and if there is anything reasonable, suggest that to him."

THE HON. SRI KALA VENKATA RAO:—"I am agreeable to the suggestion to examine the question, and if it is found necessary, we shall do something later though not now. Though it is in the concurrent list, we must get the consent of His Excellency the Governor and His Excellency the Governor-General. We shall examine this when any difficulty arises, and we shall then do what is necessary."

* SRI M. G. NATESA CHETTIYAR:—"On the assurance given by the Hon. Revenue Minister—I am really much obliged to him—I withdraw my amendment. If I do not do this, I will be doing an injustice to this social legislation. So, I withdraw my amendment."

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

Clause 55 was put and carried.

Clause 56.

* SRI T. VISWANATHAM:—"Sir, there have been some conferences of the staff serving in various estates and some memoranda have been submitted to Government. I believe the last time when the Revenue Minister had been to Vizianagram, the members of the staff of that estate also presented to him a memorandum. There is no doubt that Government have already included a beneficent provision in the Bill to the effect that they would take in as much of the estate staff as they consider fit and retain them in service. In several estates all the staff may not come up to the Government standards judged by their service rules. I have got some experience of several estates and their staff. I find all of them do not come up to the exact qualifications stated in the Service Manual with regard to Government Revenue Subordinates. But, some of them are really very efficient and they do work even better than their Government contemporaries. For example in the estate of Vizianagram before it went to the Court of Wards, the zamindar used to collect Rs. 21 lakhs of land revenue with an establishment costing Rs. 15,000. The land revenue that is now collected, i.e., after it has adopted the Government service rules and put the whole system on the Government basis, is Rs. 26 lakhs with an establishment costing Rs. 4½ lakhs. I am not here now to criticise but I am pointing this out only to show that the estate staff are not always a bad staff. There are very efficient people there. Not only in big estates like Vizianagram,

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Bobbili and Pithapuram—I have no experience of the Venkata-giri Estate—even in small estates the staff are very efficient. It will be very difficult for Government also to find their own personnel immediately to replace all the estate staff. That is why they have included a provision enabling them to terminate the services of some and retain the services of others. Some of these persons have been serving in the estates for years—not 10 or 15, but 20 and 30 years. In some cases there are persons who have been serving for generations. They have been loyal to the estates. They worked on a small pay. They did work economically and in the interests of the estates. Their case stands on an entirely different footing from the case of the estate-holders themselves. Several of these people have not laid by much. In a very few estates, you will find that these people have houses of their own. Very few have got their houses built by themselves from the savings. Unemployment is already staring in their face. It would not be right and equitable to send out such staff. That will only increase the unemployment. As I have already submitted it may be that they do not come up to the qualifications specified by Government. But they are quite efficient for the job in which they have been engaged, and they have done work to the satisfaction of all those who employed them. I submit they will prove a very good and valuable acquisition to the estates. I do not say that everybody there is good and should be retained. Just as there are inefficient people everywhere else there are also inefficient people here who somehow or other by their capacity stick on. I submit that the Hon. Revenue Minister might evolve an altogether different service code in respect of these men, instead of trying to bring them under the present service rules and giving them time to acquire the necessary qualifications. Rules regarding education, age, etc., must be relaxed in the interests of the immediate efficient management of the estates which are to be taken over by Government. This is the plea that I am putting on their behalf, and I know the Hon. Minister himself has understood their position and also given interviews to them on several occasions. I hope, Sir, that the largest number of men from the estate personnel, consistent with efficiency and economic administration, will be taken over and retained in service."

* THE HON. SRI KALA VENKATA RAO:—"Sir, the point is only this. We have enabled ourselves to terminate the services of estate servants by giving them one month's notice or paying them one month's pay in lieu of such notice, by means of this clause. We will not dispense with their services immediately except in the case of people who have gone into the service of these zamindars for the purpose of only eating and sleeping. But, Sir, other people who are actually in service will be retained. After their capacities have been tested, they will be put into a separate cadre if we find them satisfactory, according to the needs of the situation, they will be retained in service. If they do not satisfy, then we will

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consider dispensing with their services according to this provision. I would tell Mr. Viswanatham that this is the policy that will be pursued by the Government."

MUHAMMAD RAZA KHAN SAHIB:—"Sir, I have got a doubt in respect of sub-clause (2) of clause 56. For, it says:—

'Persons whose services are retained shall be governed by such rules as the Government may make in regard to them.'

I want to know, Sir, whether these servants are going to be governed by the present Government rules or whether they will be employed on contract basis rules. I want to know under what rules they will be governed during the transitory period."

* THE HON. SRI KALA VENKATA RAO:—"I just now answered, Sir, that they would be put under a separate cadre because separate qualifications cannot be fixed for them."

Clause 56 was put and carried.

Clause 57.

SRI A. KALESWARA RAO:—"Sir, clause 57 as introduced in this Bill by the Government is not satisfactory in my opinion. Therefore, Sir, I have given an amendment which is as follows:—

'For the existing clause, the following shall be substituted:—

"57. Every religious educational or charitable institution to which payments of money are made by Government under section 37 of this Act shall be maintained under the control of the Government."

Sir, when Government make payments, they must maintain those institutions. Instead of paying large amounts of money to people who may squander away, or who may be eating and sleeping or who may be lazy, it is proper that every pie that is paid by the Government should be properly spent. Therefore, Sir, when Government make payments to these religious, charitable or educational institutions, these must be maintained under the control of the Government. Therefore, Sir, this amendment is absolutely necessary. Sir, we know of many institutions, even 'Matams' and temples being kept under the control of the Government. Therefore, Sir, when Government take the obligation upon themselves to make payments under section 37 of the net basic income and also the difference between the basic income and the actual income, it is absolutely necessary that the Government should maintain these institutions. In fact, Sir, what the Government clause says is really unnecessary. It says: 'Every educational or other charitable institution which was being maintained during the three fasli years 1354, 1355 and 1356, by any landholder of an

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estate may, with effect on and from the notified date, be maintained by the Government if they think fit.' Sir, if an educational or charitable institution was being maintained by the zamindar during the three fasli years, it may or may not be maintained by the Government, when the estate is taken over. The question is this. When Government make payment of money, Government should have control over their expenditure. Therefore, Sir, I submit that this sort of amendment is necessary. Of course, if Government want, they can have the existing clause also, but I do not think it is necessary."

* SRI T. VISWANATHAM:—"I wish to second the amendment, Sir. It is not a formal thing. Sir, this is one of the points which I have always been urging upon the Hon. the Revenue Minister. Even at the time when we were discussing clause 37, I adverted to that point briefly. I submit, Sir, that instead of trying to keep up these institutions and spoon-feed them from the general tax-payers' revenues, these institutions should be forthwith taken up under the control of Government and directly administered. The reason is this. At present, there is the Hindu Religious Endowments Board; there is the Charitable Endowments Act; there is again another Central Government Act; then there is the Trustees Act and there are so many other Acts. All these various institutions also come under section 92 of the Code of Civil Procedure under which there are certain rights which the public can exercise with the sanction of the Advocate-General over the managements of these charitable institutions. Therefore, Sir, I submit that they should come under the control of the Government and I second the amendment."

MAHBOOB ALI BANG SAHIB BAHADUR:—"But they refer to estates."

SRI T. VISWANATHAM:—"It is true. But, when once Government are liquidating these estates and when Government is making good the difference in income which those institutions were getting and their future incomes, Government should have control over them. When you pay them the money, why should you allow them to have their own budgets and to have their own methods of expenditure and continue their own outworn modes of running their institutions? Even though they are governed by the Trusts Act and other Acts, yet you want to spoon-feed them. Therefore, Sir, I say Government must take over these institutions. When the estates are going away, these institutions maintained from the income of the estate should come directly under the management of the Government. When the estate goes, the lands are coming directly under the control of the Government; so also, when the estate goes, these institutions also must come under the management of the Government. Sir, we were told that there is another amending Act to the Religious Endowments Act. That is the greater reason why Government should

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declare that these institutions would come under the control of the Government. I am only submitting that when the estates are taken over, Government should take over those institutions. With these words, I have great pleasure in seconding the amendment with all the earnestness I command."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Sir, I think, there is some confusion in this. Sir, I do not think this clause refers to the institutions contemplated under section 37. Those institutions, whether educational or other charitable institutions, are those which are being run by the landholders for which there may be no endowments at all. For instance, the zamindar of Venkatagiri or the zamindar of Vizianagram may have started a hospital and spent money out of the income that he gets without the help of any endowment. Therefore, Sir, section 37 refers to cases of institutions—social institutions—which have been created by the estate. But, this clause 57 has nothing to do with those institutions. If, in addition to clause 57, the hon. Member Mr. Kaleswara Rao, wants this clause also, that is a different question. But the institutions that come under clause 37 are different altogether and therefore his amendment cannot be an amendment to this clause and he cannot move an amendment to substitute another clause for clause 57. I suppose, Sir, I have made myself clear. So, Sir, he might move this amendment as a separate clause but he cannot say that for the existing clause 57 this clause should be substituted. I again submit, Sir, that this clause 57 does not refer to the institutions coming under section 37. This clause is necessary because when the Government are taking over and acquiring the estates of the landholders, these institutions which were maintained by the estate-holders must be continued. That is the reason why Government have said, 'if they think fit.' Otherwise, if it is an institution coming under section 37, when the estate is taken over, Government are bound to maintain it because it becomes the property of the Government. The Government cannot say, we cannot maintain this temple or other institution for which there is no endowment. But, in the case of those institutions which come under clause 57, for instance, schools, hospitals or dispensaries and so on that are maintained by the zamindars which are having no other endowments, they themselves being estates under the definition, it is only a recommendatory thing and therefore this clause says:

'Every educational or other charitable institution which was being maintained during the three fasli years, 1354, 1355 and 1356, by any landholder of an estate—and not maintained by any endowment—may, with effect from the notified date, be maintained by the Government if they think fit.'

If any hospital or school in a certain place is not useful and is deteriorating, and if Government think that it is not necessary

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to continue it, they may not run it although they are the successors of the estate. Therefore, Sir, I have no objection if my hon. Friend, Sri Kaleswara Rao, moves his amendment as a separate clause altogether and not as an amendment to this clause. Otherwise, there will be confusion with regard to this matter."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I entirely agree with the point which my hon. Friend Mr. Mahboob Ali Baig made out. He has clearly stated how section 37 refers entirely to a different class of institutions, religious, charitable or educational. He has also stated clearly the obligations on the part of the Government as successors of the estate holders. He also said that when the Government are dispossessing all the zamindars of their estates, Government should take up the responsibility of seeing that all those institutions that are run by the zamindars themselves are taken up by the Government and run by them. At the same time, Sir, I do not agree with the wording of this clause 57. It says:

'Every educational or other charitable institution which was being maintained during the three fasli years, 1354, 1355 and 1356, by any landholder of an estate may, with effect on and from the notified date, be maintained by the Government if they think fit.'

After all, Sir, when we are referring to institutions which are intended for the education of the people of that area and also institutions which are charitable in character and which are intended to do good to the people of that area, I do not know why Government have used such illusory words as 'may' and 'if they think fit.' Perhaps, Sir, Government may consider certain institutions as not being useful institutions but they might in the opinion of the zamindars, have been useful for their own purposes. So far as I can see, Sir, the zamindars have brought into existence many good institutions to cater to the needs of the people, and in some cases, there might have been an endowment as has been pointed out by my hon. Friend. All the same, there is an obligation on the zamindar as long as he is there to continue to run them. But when Government take over these institutions, I do not know why it should not be equally obligatory on the part of the Government to run them. Of course, they may modify them according to their needs, or even change their constitution . . ."

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* THE HON. SRI KALA VENKATA RAO:—"My hon. Friend Mr. Hameed Khan need not labour on the point. If the institution is useful and can be worked for the betterment of the people of the locality, we shall certainly maintain it. But suppose there is a dilapidated choultry, with no tiles, and nobody is residing there, certainly you cannot expect the Government to maintain it. The clause is only worded thus to enable Government to acquire some right to run these institutions. I can assure my hon. Friend that every useful institution will be taken over and managed by the Government."

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"I am thankful for the Hon. Minister for the assurance. He realize the responsibility more than anybody else, but he will not be at every place to judge whether a choultry is dilapidated or not. An officer of the Government in that locality may declare even a good choultry to be a dilapidated one. These are all things which may be easily said here. But we know what happens ultimately, and what other considerations come into play, and how people start with a prejudice. For otherwise, we would not have condemned the zamindar in the manner in which we have done and called him the worst villain, as a man who has always been doing wrong, and this attempt to remove him from possessing his estates would not at all have been made. The Government may claim that they have a sense of responsibility, and that they are the people to know what is good and what is bad for the people. They know what is best for them, and can distinguish between whether an institution is good or useless. But I submit, Sir, that we have got to take into consideration even now what will happen when the provisions of this Bill are given effect to. To think that every officer of the Government will be like my Hon. Friend the Revenue Minister and will have the same responsibility and will act in the same manner and with the same sense of proportion is certainly too much to expect. We know how an institution which is useful to the people of the locality may easily be condemned as useless. We know how in our own educational department, we have a Bill before us in which attempts are being made to take away the buildings of educational institutions, for good or bad reasons—very often bad reasons—and when Government are prone to do such things, I will not be surprised if a subordinate officer of the Government also follows the policy of the Government and takes away not only the buildings of institutions that are useless, but even those of good institutions, and may close down high schools and even colleges. For instance, we know in very many estates, schools and colleges have been run by zamindars, and they have been carrying them on very satisfactorily. Such being the case, I would suggest that this sort of provision might be dropped, as it would result in the closing down of even good institutions. I would only submit that let no one start with a prejudice against the zamindar, or with the assumption that whatever he has done is wrong. Therefore I would rather have the clause worded more effectively so that the Government will be obliged to run these institutions which are charitable, educational or religious, than allow the clause as it is which will only destroy them."

* THE HON. SRI KALA VENKATA RAO:—"I am very sorry, Sir, that my hon. Friend Mr. Hameed Khan has gone very wide off the mark. We have no prejudice against the zamindar. We have not called him a villain, as my hon. Friend has said in his speech. I have said no such thing. None of my hon. Friends have said that. At least, none from these benches said any such thing. I am sorry, Sir, that the hon. Member should have attributed to us things which we have never said."

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" I do not know, Sir, whether it is the intention of my hon. Friend Mr. Hameed Khan to have a tight clause, saying that everything shall be taken over by Government, without making any difference at all between good and bad institutions. I am very sorry, Sir, ~~that~~ I am unable to agree with him on this point, in spite of his long argument.

" I would also like to tell my hon. Friend Sri Kaleswara Rao that the interpretation of my hon. Friend Mr. Mahboob Ali Baig is correct. This clause refers to institutions for which there are no endowments. With reference to institutions for which there are endowments, they will be governed by another Bill which will be coming before this House, i.e., the Hindu Religious Endowments Act (Amendment) Bill. As regards those institutions for which there is no endowment, Government feel it their duty to take all good institutions into their control and run them. That is the purpose of the section, and therefore, Sir, the question of managing these institutions will only rest with the Government. They will be under the educational department once we decide to take them over. The endowed institutions will be governed by the Hindu Religious Endowments Act, and the suggestions now made by my hon. Friends will all be borne in mind.

ABDUL HAMEED KHAN SAHIB BAHADUR :—“ On a point of personal explanation. It was not my intention to protect or shield the zamindar, however bad he was. My object was to show that all zamindars were not bad people, and some of our friends, who have been here speaking on the various provisions of this Bill have done really good things. And if they are going to be dispossessed of their estates, for God's sake, please do not destroy everything that they have done. That is all that I wanted to say. My hon. Friend the Revenue Minister is wrong and uncharitable in thinking that my intention was to say something good about the zamindar. After all I am one of those who feel that this is a very useful Bill and if the clauses are properly worded, it will be useful to the country.”

SRI A. KALESWARA RAO :—“ Mr. Speaker, Sir, with regard to the zamindars, nobody has criticized them more than myself. Personally they are all my friends. I have respect for them. But the system is so bad that it is oppressive to the ryots, and the good institutions, such as the village community, etc.—recently revived by the United Provinces Government—have all been destroyed. As an institution, I condemn the zamindars, though as men I like them very much. Several of them have been really very charitable and maintained good institutions. I agree with my hon. Friend Mr. Hameed Khan, that the clause as worded is perfectly useless. The Government have to take over these institutions and run them. Public opinion is there. Can they close high schools simply because there is no endowment? They cannot, because after all it is democracy, and primary schools and high schools

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and good temples which are going on there, should be taken over by Government. The clause as it is now worded is perfectly useless. The one that I seek to substitute is the one that should be there. If my hon. Friend, the Revenue Minister, agrees to have it in addition to the existing clause, I shall be very glad. And it is now left to him to accept it or reject it."

* THE HON. SRI KALA VENKATA RAO:—"I will carry out the intentions of Mr. Kaleswara Rao and Mr. Hameed Khan with reference to the management of these useful institutions. More than that I cannot say anything just now. I would request my hon. Friend to withdraw the amendment."

The amendment was put and lost.

Clauses 57, 58 and 59 were separately put and carried.

Clause 60.

* THE HON. SRI KALA VENKATA RAO:—"Sir, I move that—

- (i) In sub-clause (a), for the words "to the occupation of any land or building", the words "to the possession or occupation of any land or building" shall be substituted.
- (ii) In the paragraph after sub-clause (b), for the words "or to be in occupation, of such land or building", the words "or to be in possession or occupation, of such land or building" shall be substituted.

"Sir, this is only a matter of further clarification."

The amendment was put and carried.

Clause 60, as amended, was put and carried.

Clause 61.

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, where we began we are ending. In the very first stage of this Bill, an attack was made by the Government against the courts. In the middle they continued the attack. And in the end also they attack the courts. They say: 'No suit or other proceeding shall be against the Government for any act done or purporting to be done under this Act or any rule made thereunder.' Here it is only the courts that they want to attack. And in another place, they want to attack the rights of the citizens also. They want to claim the right to do whatever they like, and say that the ordinary citizen's right to proceed against the State shall be taken away for the purposes of this Act. Are we entering into any foreign State, with an army of occupation, to claim an indemnity in this manner? Are we going and occupying Berlin or any other enemy country wherein so far as the process of occupation and resettlement of the area is concerned, an officer might be obliged to exceed the limits of law although in a bona fide way? We are not going to do any such

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thing. At every place, and in every clause, except in one solitary instance, the right of the aggrieved party to go to a court of law has been denied.

"At this stage to claim a protection for the State officers who have exceeded their duties is a thing which is understandable. Sir, the rules may be made to-day or to-morrow. What are the occasions when officers proceeding to discharge their duties in a bona fide way under the terms of this legislation would be put to such trouble or inconvenience and would exceed the law so that protection must be given to them by this legislation? For example there is the case of buildings. An officer or an employee may enter a building and he may exceed the law totally. The building may have been used partly for office and partly for residential purposes. We know the nature of some Government officers—I do not want to make a general attack on them. But the Hon. the Revenue Minister knows them well although for the sake of convenience he may not take judicial notice of those things now. But as a citizen of this country and as a public man who has taken an active part in the public life of this country from 1920 onwards, he knows the over-zealousness of Government officers. Even in the case of procurement during the last two or three years, we have had examples of their over-zealousness. Complaints, however earnestly made, have not received the proper attention of the Government. Under the circumstances prevailing in the country, it is most undesirable to put a clause like this on the Statute Book denying the right of the citizen to sue the State, when there is a right cause of action.

"The second clause says:

(2) (a) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder without the previous sanction of the Government."

The same draftsman has drafted the two clauses at different times. If every suit or proceeding is barred in the first clause, how does the question of previous sanction arise in the subsequent clause? (Interruption.) I suppose the Government includes Government officers and it does not exist apart from its officers. And does not the Government take civil responsibility for the acts of their officers. (The Hon. Sri Kala Venkata Rao: One is personal.) I take the explanation of the Hon. the Revenue Minister: I find that the aggrieved person has no remedy not only against the Government but also against the over-zealous officers who exceed the law. That shows that we are at the very limit of ordinary legislative decency. This is not a legislation where the security of the Province is involved, where time is the essence of the matter, and where there may not be enough time for the officer of the Government to judge whether or not he is exceeding the limits of the

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Both Mr. Kaleswara Rao and myself are agreed on this amendment, Sir.

The amendment was put and carried.

Clause 62, as amended, was put and carried.

Clause 63, sub-clause 2(c).

* THE HON. SRI KALA VENKATA RAO:—“Sir, I beg to move the following amendment:—

“After the words ‘the provisions of’, insert ‘the Code of Civil Procedure, 1908, and’.

This is only to clarify the position.”

The amendment was put and carried.

Clause 63, as amended, was put and carried.

Clause 64 was put and carried.

4 p.m. * THE HON. SRI KALA VENKATA RAO:—“Sir, I have given notice that with your permission and that of the House to go back a little to clauses 17 and 48 to 50 which we have passed. We have protected mortgages regarding office buildings but forgot to include the debts against charitable institutions, buildings and the rest. This we have found out later on. The second point is that yesterday on the advice of Mr. T. Viswanatham, we wanted to substitute ‘a High Court Bench’ for ‘to a single judge *persona designata*’. In a hurry we drafted it then. But now in consultation with the Legal Department it is put in a proper form.”

SRI M. G. NATESA CHETTIYAR:—“On a point of order, Sir. This amendment was distributed among the members just now. We have not got the amended clauses to compare the previous amendment.”

MR. SPEAKER:—“What the hon. Member wants is time.”

SRI M. G. NATESA CHETTIYAR:—“Yes, Sir, we want time to study it so that we may give notice of amendments to the present amendment.”

* SRI T. VISWANATHAM:—“Sir, while I appreciate the anxiety of the Hon. Revenue Minister to accommodate us, I am only considering how far whether after accepting

MR. SPEAKER:—“I will read the relevant rule. Rule 60 (3) of the Assembly Rules says:

‘After a decision has been given on an amendment to any part of a Bill, clause or motion, no amendment, which arises at an earlier point of the Bill, clause or motion shall, except with the leave of the House, be moved.’”

* SRI T. VISWANATHAM:—“I agree, Sir. What I am submitting is that yesterday at the time when we were finding some difficulty to get at the suitable language if you had been pleased to

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pass it over and gave time to the Hon. Revenue Minister, it would have served the purpose. If he is satisfied he need not now come with this amendment in regard to the High Court Bench.”

MR. SPEAKER:—“I gave time to him.”

* SRI T. VISWANATHAM:—“But I submit, Sir, it would be a very difficult and very dangerous precedent if, after having a good amount of discussion, we arrive at a particular solution and then after 24 hours the Hon. Revenue Minister comes with another amendment. You were good enough to apply rule 60 because he is lucky to be a Minister and therefore things are done in this manner. Sir, it is difficult for an ordinary member to get the same indulgence. I submit this will be a very dangerous precedent and you ought not to exercise it in his favour. If you want to exercise it now, let us not take up the discussion now. In fact when he was handing over the amendment, he was good enough to tell me, ‘Here is an amendment which I am giving.’ This amendment was half-page long and contained provision for a *persona designata*. I was not able immediately to understand it. Therefore I simply passed it on. If it is to be taken up, let it be taken up to-morrow anyway.”

MR. SPEAKER:—“Let the motion be put first. Let me answer my hon. Friend, Mr. T. Viswanatham. It is not the privilege of the Hon. Minister alone. Any member can move it. It is the House which should decide it. As far as the Chair is concerned, it is neutral in this matter.”

SRI T. VISWANATHAM:—“I am glad we have also got the privilege and we shall exercise it.”

MR. SPEAKER:—“But the House must accept it. The motion is for leave of the House to re-open for discussing clauses 17 and 48 to 50. As far as I am concerned, I want to take it up to-morrow.”

THE HON. SRI KALA VENKATA RAO:—“Sir, I am not a man to press my point of view when once you also recommended that the House might be given time to go through it. As a matter of fact, both points are very small. In the first amendment nothing is sought to be brought in anew and so there is no difficulty. The second amendment is only a matter of redrafting. I accepted that instead of *persona designata* being the sole Judge, a High Court Bench may go into the question. That was accepted. If the word ‘*persona designata*’ appears again, it is only with reference to the third Judge. It was found that, if the two Judges disagree, there would be difficulty and that a third Judge nominated by the Chief Justice will go into it.”

SRI A. KALESWARA RAO:—“I would prefer this being taken up to-morrow. We have finished the Bill but for these

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things. I am sure we can finish all of them before 1 o'clock to-morrow. Therefore, in fairness I appeal to the House through you that we should have time till to-morrow. There are certain portions in it which we can readily understand such as clause 17. But I have certain difficulties in clause 49. Therefore, it is necessary that we should discuss them to-morrow. After this, we can go on with the Preamble and then I think we can finish it by 1 o'clock."

The motion for leave of the House to re-open for discussion clauses 17 and 48 to 50 was put and carried.

MR. SPEAKER:—"The Hon. Minister is agreeable to the wishes of the House. Let me take up this matter to-morrow.

"I now adjourn the House to meet again at 11 a.m. to-morrow."

The House then adjourned.

THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, the 22nd October 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

Preparation of electoral rolls.

* 451-A Q.—SRI K. BRAHMANANDAM REDDI: Will the Hon. the Minister for Finance be pleased to state—

(a) the authority under which the Madras Government are preparing the electoral rolls now, when the Draft Constitution has not been passed by the Constituent Assembly;

(b) how and why a residential qualification is being enforced;

(c) why declarations from voters are being insisted upon;

and

(d) what percentage of the population has been enumerated according to the figures received so far by the Government in various places in the Province?

THE HON. SRI B. GOPALA REDDI:—" (a) & (b) The preparation of the draft preliminary electoral rolls has been taken up by this Government under instructions received from the Constituent Assembly of India, and the work is being done on the lines prescribed by them, as in the other Provinces and Acceding States. As the enumeration of qualified persons under a scheme of adult suffrage, the preparation of manuscript electoral rolls based on such enumeration, and the printing of the rolls are formidable tasks, which will inevitably take several months, the Constituent Assembly have desired that the draft preliminary electoral rolls should be prepared now, with reference to Articles 67 (6) and 149 (2) of the Draft Constitution, so that there may be no undue delay in conducting the first General Elections after the New Constitution has been enacted by the Constituent Assembly.

2. The franchise rules which, as proposed in the Draft Constitution, will be identical for the House of the People of the Union, and the Provincial Legislative Assembly will have to be determined finally by the Union Parliament and the Provincial Legislature, respectively. Meanwhile, the Constituent Assembly have instructed us that, for the purpose of the preparation of the draft preliminary electoral rolls, we should proceed on the only practicable basis, that is, on the assumption that the disqualifications on the ground of non-residence and unsoundness of mind, will be the same as under the existing Constitution. The Government have accordingly laid

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down that a person must possess the following qualifications if he is to be registered as a voter in the present enumeration:—

He or she—

- (a) should have completed not less than 21 years of age by the 1st January 1949 (which, according to the instructions of the Constituent Assembly, is likely to be the prescribed date with reference to which the electoral rolls under the New Constitution will be statutorily ordered, in due course, to be prepared);
- (b) should be a citizen of India as defined in Article 5 of the Draft Constitution;
- (c) should not be of unsound mind and stand so declared by a competent Court; and
- (d) should have resided in a house, in this Province, in any single village, panchayat, municipality or the Corporation of Madras, for not less than 180 days during the financial year ended on 31st March 1948.

Item (a) above.—This restriction regarding age which is laid down in the two Articles of the Draft Constitution already referred to, is the same as in the existing Constitution.

Item (b) above.—This calls for no remarks.

Item (c) above.—This specifies the disqualification on the ground of unsoundness of mind and is the same as under the existing Constitution.

Item (d) above.—This residential qualification is the same as under the existing Constitution—vide paragraph 1 of Part II of the Sixth Schedule to the Government of India Act, 1935—except that the requisite period of residence has been increased from 120 days to 180 days. (This increase is expected to be provided for in the new electoral law.) Apart from this being a desirable franchise qualification, it will be extremely difficult to identify homeless people like wandering beggars and pavement dwellers.

As under the existing Constitution, residence in a house is therefore essential, but the house may be any inexpensive type of hut, and it is immaterial whether the voter owns the house or is only a tenant or is occupying it free of rent. Further, as under the existing Constitution, actual residence is not necessary; constructive residence is sufficient; a person will be deemed to reside in a house if he sometimes uses it as a sleeping place, and he will not be deemed to cease to reside in it merely because he is absent from it, or has another dwelling in which he resides, if he is at liberty to return to the former house at any time, and has not abandoned his intention of returning. The residential qualification will thus be applied in a very liberal manner.

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A person can be registered as a voter only at one place in the Province. If he has the residential qualification in more than one place, he will be registered at the place of his choice.

The residential qualification has been relaxed, as a special case, only in the case of refugees from Pakistan who, if otherwise qualified, can be enumerated, on their giving a declaration in writing to the effect that they intend to reside permanently in the village or town in this Province where they are staying at the time of the enumeration.

3. The draft preliminary electoral rolls prepared on the basis of the enumeration now in progress will be corrected to the extent necessary with reference to any changes in the franchise rules that may be introduced under the new Electoral Law, which will be enacted after the New Constitution has come into force, and then published as the preliminary rolls under that law. Opportunities for claims and objections to the preliminary rolls as thus published will no doubt be given under the new Electoral Law, and the rolls, as amended with reference to the orders passed by the competent authority on the claims and objections, will then be published as the final rolls under the New Constitution. It will thus be seen that there will be ample opportunities for rectifying any omissions in the electoral rolls now under preparation and that, when it is finally published, it will strictly conform to the franchise rules as laid down under the new Electoral Law.

“(c) The only substantial change introduced in respect of the franchise qualifications is, as already indicated, the complete relaxation of the literacy qualification, not to speak of the property qualification. But this will make an enormous difference to the number of qualified persons. It is, therefore, necessary to do all that is practicable to ensure the accuracy of all the particulars entered in the new electoral rolls, so that the voters can be identified easily and risks of personation of voters reduced to the minimum.

The fundamental qualifications as to age and residence are not easy to verify exactly in all cases. It has, therefore, been considered desirable to ask the voters themselves to sign a declaration certifying to the accuracy of the particulars furnished by themselves. Exactly similar declarations are insisted on even under the existing Constitution, in respect of claims and applications for enrolment in the voters' list—vide Forms III and V prescribed under the Madras Legislative Assembly (Preparation, Revision and Publication of Electoral Rolls) Rules, 1936.

“(d) As the scheme of adult franchise is a new one in this country, we have no data for estimating, with any accuracy, the proportion of the population which may qualify for

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registration as voters under the New Constitution. The actual results of the present enumeration are given below, in respect of certain districts or portions of them from which figures have been received so far by the Government. The final figures for all the districts will become available only after the applications for supplemental enumeration have all been disposed of and the manuscript electoral rolls have been written up.

Name of the district or municipality.	Population according to the 1941 census.	Estimated present population figures in column (2) plus 8 per cent allowing as usual for an increase for 1 per cent per year.	Number of persons enumerated	Percentage of column (4) to column (3).
(1)	(2)	(3)	(4)	(5)
				PER CENT.
Madras (complete) ..	777,481	*1,200,000	408,245	34.0
Nilgiris (complete) ..	209,709	226,485	106,014	48.8
Salem (complete) ..	2,869,223	3,098,764	1,367,405	44.1
Cuddapah (complete) ..	1,056,507	1,141,020	553,912	48.5
Bellary (incomplete) ..	1,051,235	1,135,334	437,702	38.5
Guntur (incomplete) ..	190,152	205,364	84,094	40.9
Chittoor (incomplete) ..	519,203	560,759	256,143	45.7
Ramnad (incomplete) ..	153,119	168,608	74,388	44.1
Nellore (incomplete) ..	16,600	93,528	47,724	51.0
Kurnool (incomplete) ..	96,791	104,534	44,404	42.4
South Arcot (incomplete) ..	1,722,209	1,859,985	766,287	41.3
Vizagapatam (incomplete) ..	1,945,640	2,101,291	900,473	42.3
Coimbatore (incomplete) ..	842,432	909,819	347,145	38.1
Madura (incomplete) ..	425,619	469,127	195,326	42.5
Anantapur (incomplete) ..	1,171,419	1,265,132	580,156	46.6

* Provision has been made in column (3) for the abnormal increase in the population of the City since 1942. This figure excludes homeless people like wandering beggars and payment dwellers.

NOTE.—The incomplete figures relate to the portions of the districts for which the figures have been received so far.

SRI K. BRAHMANANDAM REDDI:—“The statement is a very long statement covering about four pages and more.”

MR. SPEAKER:—“We can take it up for to-morrow for supplementary questions.”

Places where fire was opened by the Police for maintenance of order.

* 452 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Premier be pleased to state—

(a) the number of places in this Province where the police (Special or Ordinary) have resorted to firing in order to maintain or restore Law and Order since last year;

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(b) what the names of those places are; and

(c) the number of persons that have been killed or injured in each incident?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—“(a), (b) & (c) A statement^a is annexed.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“May I know, Sir, what according to the Government are the special reasons for the large number of incidents in the Kurnool district as many as 12 firing by police?”

THE HON. SRI B. GOPALA REDDI:—“Obviously there are turbulent sections there that should be dealt with strongly.”

MUHAMMAD RAZA KHAN SAHIB:—“Are the Government satisfied, Sir, that force was used as a sort of necessity by the police or the police thought that it should be used in an indiscriminate manner?”

THE HON. SRI B. GOPALA REDDI:—“I think when a firing takes place the head of the department and the Government look into it and where it is satisfied that force was used more than necessary the matter is enquired into.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Inasmuch as 50 incidents have taken place, may I know whether magistrates were present in all the cases to give permission to open fire and in how many incidents police themselves took the responsibility for fire?”

THE HON. SRI B. GOPALA REDDI:—“A separate question may be put.”

SRI V. RAGHAVAYYA:—“What has happened to the efficiency of the police that within the past two years or one and half years there are more cases of lawlessness than ever before?”

THE HON. SRI B. GOPALA REDDI:—“It shows that the police are very efficient otherwise they would not have resorted to firing and would not have put down turbulent enemy.”

SRI B. S. MURTHI:—“May I know, whether any compensation for injury has been paid and if so, in how many cases?”

THE HON. SRI B. GOPALA REDDI:—“Ordinarily compensation will not be paid simply because one was fired by the policeman. If necessary representation is made, the Government will look into it.”

SRI G. RAJAMANNAR CHETTI:—“Arising from the answer that the efficiency varies directly with the number of firings, is it that the police must resort to firing more in order to prove their efficiency?”

THE HON. SRI B. GOPALA REDDI:—“It is not a question of efficiency, whenever they feel the necessity for opening fire, they resort to it.”

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SRI K. BRAHMANANDAM REDDI:—"Have the Government reason to believe that Communists are at the bottom of the trouble in practically all the cases?"

THE HON. SRI B. GOPALA REDDI:—"It is quite probable."

SRI B. S. MURTHI:—"In how many cases, the Government were pleased to grant compensation to the families of those that were killed or those that were injured when the police resorted to firing?"

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

M. S. ABDUL MAJID SAHIB BAHADUR:—"Will the Government arrange to hold a public enquiry whenever firing takes place?"

THE HON. SRI B. GOPALA REDDI:—"No, Sir. It is not at all desirable."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Will the Government give up this killing business because as many as six and more have been killed in Onjiam in South Malabar and instead they may resort to tear gas?"

THE HON. SRI B. GOPALA REDDI:—"Tear gas is also used to disperse crowd. Wherever firing is necessary, it is also used."

MUHAMMAD RAZA KHAN SAHIB:—"Arising out of the reply that no public enquiry will be held, when they were in Opposition they were protesting loud that enquiry should be held: and what is the reason for the present Government to change their opinion?"

THE HON. SRI B. GOPALA REDDI:—"The Government looks into each matter and whenever they feel that there might have been a case when they have transgressed reasonable limits, they will cause an enquiry to be made."

SRI V. M. RAMASWAMI MUDALIYAR:—"With reference to incident No. 31 in Vikramasingapuram in the Tirunelveli district and incident No. 49 in the South Kanara district, there are a large number of injured and in one case as many as 22 and 18. May I know what steps the Government have taken to satisfy themselves that these large number of injuries and the number of deaths have not been improper or were essential for the purpose of keeping order? Apart from the police report, what steps have been taken by Government to satisfy themselves?"

THE HON. SRI B. GOPALA REDDI:—"I cannot answer the question off hand. A separate question may be put."

SRI R. V. SWAMINATHAN:—"Under what circumstances the police were forced to open fire in North and South Madura?"

THE HON. SRI B. GOPALA REDDI:—"Specific cases might be asked in a separate question."

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SRI V. RAGHAVAYYA:—"May I know whether the Government have found out the root cause for the general lawlessness prevailing in the country necessitating these frequent police firing?"

THE HON. SRI B. GOPALA REDDI:—"Each case is carefully looked into and necessary action is taken."

SRI B. S. MURTHI:—"In Buchempeta, West Godavari district, there was a lot of agitation and Government were pleased to appoint a committee. May I know whether the committee submitted its report and, if so, whether it will be placed before the House for information—in Buchampeta where 5 Koyas were killed?"

THE HON. SRI B. GOPALA REDDI:—"I am not quite sure; the report has yet to come."

SRI K. BRAHMANANDAM REDDI:—"If general lawlessness is the order of the day, what have the Government done to inculcate a spirit of respect for law among people?"

THE HON. SRI B. GOPALA REDDI:—"They will have to deal with them with a stern hand." (Laughter.)

SRI S. NAGARAJA MANIGAR:—"In some cases, the number shot dead is more than the number injured. Am I to understand that shooting was resorted to only not with a view to threaten but to kill?"

THE HON. SRI B. GOPALA REDDI:—"No, Sir, the intention is never to kill them."

SRI S. NAGAPPA:—"In view of the fact that as many as 51 times the police has resorted to firing, is there no other method than this barbarous method of putting down the people?"

THE HON. SRI B. GOPALA REDDI:—"The Police also resort to the tear gas method. Whenever it was found firing had to be resorted, they had to do so."

SRI N. VENKATASUBBAYYA:—"Is there any rule requiring the Government to issue a statement whenever there is a police firing as it is very desirable?"

THE HON. SRI B. GOPALA REDDI:—"It is not desirable to issue statements on all occasions."

SRI V. M. RAMASWAMI MUDALIYAR:—"With regard to the incident in Tirunelveli and South Kanara, what steps the Government have taken to satisfy themselves that those shootings were necessary apart from the report of the police? I wish to know whether they took any other precaution such as taking non-official opinion or the public opinion?"

THE HON. SRI B. GOPALA REDDI:—"Non-officials are always alert and they do make representation whenever the police transgress reasonable limits."

SRI B. S. MURTHI:—"May I know what steps have been taken to find out whether in some of these places the officers

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concerned were acting under an error of judgment or wantonly, and were killing people and what suitable action had been taken to prevent the recurrence of such incidents."

THE HON. SRI B. GOPALA REDDI:—"Certainly whenever Government are satisfied that there is an error of judgment on the part of the police officer, necessary action will be taken."

SRI B. S. MURTHI:—"May I know whether in any case steps have been taken by the Government and, if so, what action was taken in such cases?"

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

M. S. ABDUL MAJID SAHIB BAHADUR:—"Is it not a fact, Sir, that constant firing is undermining the popularity of the Government?"

THE HON. SRI B. GOPALA REDDI:—"Much to our regret we have to resort to this."

SRI T. VISWANATHAM:—"May I know whether the Government have gone into all these cases and exercised their minds to find out whether they have fulfilled the necessary caution, whether there was shooting necessary, and whether the concerned people did not exceed the limits of their duty?"

THE HON. SRI B. GOPALA REDDI:—"In every case when it is reported the Government look into the matter and in every matter where they think that the police have exceeded reasonable limit, action is taken against them."

SRI A. KALESWARA RAO:—"Sir, may I know whether a non-official legislators' committee was appointed in Krishnalanka in the trouble between the Raja of Chellapalli and the ryots and the committee found in favour of the ryots and yet the police pursued the ryots?"

THE HON. SRI B. GOPALA REDDI:—"There are so many aspects of a report that has to be considered and it is not possible to remember what could be done or was done in a report."

MR. P. A. THANGASWAMI:—"In how many cases of firing were the magistrates present?"

THE HON. SRI B. GOPALA REDDI:—"That question was answered and a separate question might be put."

SRI M. S. PATTABHIRAMIAH:—"May I know whether the Government have cared to know the reason for the prevalence of the lawlessness in the presidency and, if so, have they cared to root out the spirit of lawlessness now prevailing and thus remove the cause of these disturbances?"

THE HON. SRI B. GOPALA REDDI:—"Sir, the general communal tension that was prevailing in the country was partly responsible for the lawlessness and also the Communist trouble added to it."

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AN HON. MEMBER:—"In view of the fact that shooting took place in several parts of the Presidency and the statement does not give why, when and what is the root cause will the Government care to publish a statement stating all the details in it?"

THE HON. SRI B. GOPALA REDDI:—"Because all those details were not asked they were not given. They may await the administration report of the police department."

SRI K. BRAHMANANDAM REDDI:—"In reply to a previous question the Hon. Minister stated that officers are to be punished for mere error of judgment. Would not the Government think it dangerous to punish for error of judgment unless the error is due to either malice or negligence?"

THE HON. SRI B. GOPALA REDDI:—"There are various degrees of malice and error of judgment if there are a number of lives involved then the Government have to take serious action."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"In the highly developed democracies of the United States and England, with reference to these communists they resort in cases of emergency, to hosepipe and tear gas. Why is it in our country we resort to this firing and killing business?" 11-15 a.m.

THE HON. SRI B. GOPALA REDDI:—"We are also strengthening the tear gas squads here to control crowds."

H. S. HUSSAIN SAHIB BAHADUR:—"Are there specific instructions given regarding the special circumstances under which the police should resort to firing or is it left to the discretion of the police and the District Magistrates?"

THE HON. SRI B. GOPALA REDDI:—"No, Sir; there are special instructions in regard to this matter."

Corruption charges against some Collectors.

* 453 Q.—SRI S. NAGAPPA: Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that there are enquiries pending against some Collectors in the Province for corruption charges;

(b) if so, who those Collectors are; and

(c) whether, during the period of enquiry, these Collectors were under suspension or not, and if not, why not?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—" (a) Yes.

" (b) & (c) The information cannot be furnished at this stage in public interest."

SRI S. NAGAPPA:—"May I ask the Government whether it will not be desirable for the Government to suspend the officers when there is an enquiry against them?"

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THE HON. SRI B. GOPALA REDDI:—"Very many times they go on leave anticipating suspension and so they cannot be suspended."

SRI B. S. MURTHI:—"May I know how many Collectors are involved, at least the number may be given, not the names?"

THE HON. SRI B. GOPALA REDDI:—"Even that I cannot give."

SRI S. NAGAPPA:—"May I know how many Deputy Collectors are involved?"

THE HON. SRI B. GOPALA REDDI:—"The question is about District Collectors and not Deputy Collectors."

SRI V. RAGHAVAYYA:—"How long is it since the enquiry has been pending against the Collectors; and if the delay is great, what are the reasons for the delay?"

THE HON. SRI B. GOPALA REDDI:—"Sometimes when we retire them prematurely, the Federal Public Service Commission has got to be consulted because they are district post holders; and because the Provincial Government cannot pass orders in their case, we have to take it to a higher level."

MR. L. C. PAIS:—"May I know whether in the case of enquiries made long ago, the Government have not yet decided whether to give effect to the decisions of the tribunal or not?"

THE HON. SRI B. GOPALA REDDI:—"The Government have taken their decision; the Government know what they ought to do in the matter, but they have to consult the Federal Public Service Commission in this respect."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"At least after the enquiry is over, will the Government publish the result of the enquiry, so that it may have a deterrent effect upon others?"

THE HON. SRI B. GOPALA REDDI:—"Certainly, when final orders are passed, they will be sent to the Press?"

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"May I have an assurance that courageous Collectors who do not allow themselves to be influenced by inroads by non-officials do not come in for any victimization under this charge?"

THE HON. SRI B. GOPALA REDDI:—"I do not know why the hon. Member is thinking always of those courageous Collectors who are refusing to comply with the non-officials' recommendations. The courageous Collectors will never be booked, but when they are corrupt, they will be booked."

MUHAMMAD RAZA KHAN SAHIB:—"May I ask what is the basis for starting enquiries against the Collectors on charges of corruption? Is it the Government themselves found there were charges of corruption or is it that representations were made by non-officials complaining against them? On what basis was the enquiry started?"

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THE HON. SRI B. GOPALA REDDI:—"The complaint may be from non-officials, it may be from officials; but when proper representations are made and there is a *prima facie* case it is referred to the Departmental Enquiries Special Officer, and his recommendation is examined."

SRI S. NAGAPPA:—"May I know whether so far the Government have sent out of the department any Collectors; if so, who are they?"

THE HON. SRI B. GOPALA REDDI:—"The matter is in correspondence with the Federal Public Service Commission."

Stock position of salt in the Province.

* 454 Q.—SRI M. G. NATESA CHETTIYAR (on behalf of Sri A. Vedaratnam Pillai): Will the Hon. the Minister for Food be pleased to state—

(a) whether the Government have taken the stock position of salt in this Province before banning its export outside this Province;

(b) what the total consumption and the consumption per head of salt annually in this Province are;

(c) what the present stock of salt in the Province is; and

(d) whether the Government have any proposal to remove the ban at least till the salt manufacturing season is over?

THE HON. DR. T. S. S. RAJAN:—" (a) Yes; the stock on 1st January 1948 was very much less than what it was on 1st January 1947.

" (b) The normal consumption of salt in the Province is estimated at 12,254,400 imperial maunds per annum excluding the requirements of industrial concerns and fish-curing yards and the consumption per head at about 19 lb. per annum.

" (c) The total stock of salt held by wholesalers and factories in the Province on 15th September 1948 was reported to be 12,386,509 imperial maunds.

" (d) Representations have been made that in view of the heavy production of salt in the Province this year, the ban on export of salt to places outside the Province may be removed. The matter is under the consideration of the Government."

SRI M. G. NATESA CHETTIYAR:—"May I know the peak period of production of salt, whether the month of January is the period when peak production is obtained?"

THE HON. DR. T. S. S. RAJAN:—"I want the hon. Member to put a separate question."

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SRI S. NAGAPPA:—" May I know whether the Government have given any State-aid or any other facility to salt manufacturers? If so, what is it? If no facilities have been provided, will the Government consider the desirability of providing transport and marketing facilities to these salt manufacturers? "

THE HON. DR. T. S. S. RAJAN:—" The question will be considered if proper representation is made to the Government and a request is made."

MR. P. A. THANGASAMI NADAR:—" In view of the heavy surplus stock on hand,—it is said to be 100 lakhs of maunds, sufficient for one year—will the Government remove the ban on the export of salt to places outside the Province? "

THE HON. DR. T. S. S. RAJAN:—" I am giving out for the information of the hon. Member that this embargo on the removal of salt was made on the representation of salt merchants all over the Province last year. So far, only a few of them have again represented to the Government for the removal of the ban and the Government are considering the question."

SRI S. NAGARAJA MANIGAR:—" Whatever the quantity of stock on hand may be, may I ask that the ban will be continued, so that the price may fall down because we have been fighting for salt every day? "

THE HON. DR. T. S. S. RAJAN:—" The whole question of control was meant to keep down the prices; if exports are permitted, prices will naturally shoot up with the result that the stock on hand may be drawn and profits made by export to other provinces. That is why the Government are keeping a watch on the price and also on the stock on hand."

SRI M. G. NATESA CHETTIYAR:—" May I know whether it is not a fact that 25 per cent of the production in the M.E. factories is insisted on to be reserved always to meet the requirements of any emergency period of shortage of salt? "

THE HON. DR. T. S. S. RAJAN:—" I know a certain stock is always required to be kept by the producers, but what the particular percentage or the need for it is, must be enquired into."

MUHAMMAD RAZA KHAN SAHIB:—" Is it a fact that after the repeal of the salt tax by the Central Government, the price of salt in this Province has increased very much? "

THE HON. DR. T. S. S. RAJAN:—" It did go up last year, and it was on that increase that this Government were obliged to prevent the movement of salt from this Province to other provinces; and as a result of that ban, the prices have come down. Now again the demand is made by the producers for removing the ban and allowing it to be exported; that matter is under the consideration of the Government."

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MUHAMMAD RAZA KHAN SAHIB:—" Is the Hon. Minister aware that there are great possibilities for the production of raw salt in our Province on the coastal side, and if so, will this Government make a representation to the Central Government to give facilities to the parties who are prepared to undertake this work? "

THE HON. DR. T. S. S. RAJAN:—" Movement and production depend on the availability of salt; and with regard to production in this Province, we are informed that it is satisfactory and salt is available. It is also said that there is more salt than is necessary for our requirements; if so, the Government will certainly go into the question and see what should be done with the stock on hand."

M. S. ABDUL MAJID SAHIB BAHADUR:—" May I know whether Government have got any proposal to re-introduce salt duty in this Province? "

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

SRI M. G. NATESA CHETTIYAR:—" In reply to clause (b), it is stated by the Hon. Minister that the quantity required for consumption is 122 lakhs and odd and the stock insisted upon to be kept always by the producing factories, i.e., 25 per cent of the production, is quite sufficient to meet the normal annual consumption of this Province. Why then was this ban for export to other provinces imposed? "

THE HON. DR. T. S. S. RAJAN:—" The ban on export was made at a time when the price of salt went up; the ban was then put, so that the available salt might be retained in the Province; and as a consequence of that, the price came down."

SRI C. M. KOTHARI:—" In view of our being a surplus Province in respect of salt, will the Government be pleased to barter salt for rice from other provinces? "

THE HON. DR. T. S. S. RAJAN:—" If a requisition for salt is made as barter, we shall consider the question."

H. S. HUSSAIN SAHIB BAHADUR:—" Which are the places in this Province where salt is manufactured and what is the quantity manufactured? "

THE HON. DR. T. S. S. RAJAN:—" The hon. Member may put a separate question."

The Kurnool-Cuddapah canal.

* 455 Q.—SRI N. VENKATA SUBBAYYA: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the Kurnool-Cuddapah canal was originally designed and constructed to facilitate navigation also;

(b) for how many years navigation was carried on over the canal after its construction;

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.....(c) when navigation was stopped and why; and

(d) whether there is a proposal to re-open navigation to facilitate easy and cheap transport?

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

“(b) Navigation throughout the canal was carried on for about sixty years after its construction.

“(c) Navigation was stopped for want of traffic in a portion of the canal at the tail-end from Cuddapah to Yalur village from 1st January 1930. A further portion from Yalur village to Kambalapalli was closed for navigation from 1st July 1933. The remaining portion, i.e., the first 73 miles from Sunkesula to Kambalapalli, is still open for navigation.

“(d) No. The question of the restoration of navigation in the canal was considered in 1942 due to war conditions and the consequent shortage of rolling stock and railway engines. But the matter was not pursued as it was felt that it was far more likely that people would increase bullock-cart traffic rather than go back to canal navigation, which would be uneconomical.”

SRI N. VENKATA SUBBAYYA:—“In view of the fact that the canal runs through areas which are not well served by railway or road communications, will the Government revive the question and see that navigation is restored?”

THE HON. SRI M. BHAKTAVATSALAM:—“We shall again examine this point and if sufficient traffic is forthcoming, we can reconsider the proposal.”

SRI V. RAGHAVAYYA:—“May I know what will happen to this canal in case the Pennar-Kistna canal project fructifies?”

THE HON. SRI M. BHAKTAVATSALAM:—“My impression is that nothing will happen to this canal.”

SRI N. VENKATA SUBBAYYA:—“As a matter of fact, considerable difficulty is being experienced by the population of the locality who are getting their fuel and other forest produce to Kurnool town; may I suggest to the Minister to re-open the question and see that navigation is restored as traffic under the present condition is assured?”

THE HON. SRI M. BHAKTAVATSALAM:—“Yes, Sir; we shall examine this question again.”

The Araku Valley Development Scheme.

* 456 Q.—SRI D. V. RAMASWAMI: Will the Hon. the Minister for Industries be pleased to state—

(a) what the area and the number of villages included in the Araku Valley Development Scheme are and whether the entire area has been surveyed;

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(b) whether the Government have received a report from the Collector and Agent, Vizagapatam, about the best methods of fostering the objects of the Araku Valley Development Scheme;

(c) whether the Government have arrived at any decision on the proposed pilot plot scheme approved by the development committee in August 1948;

(d) whether the Government have any scheme for the appointment of a Special Veterinary Surgeon to improve the breeds of cattle and poultry at Araku farm;

(e) whether the Government have approved the plan to lease out the entire land to the Co-operative Society on ryotwari basis for parcelling it out into about 700 holdings for the benefit of both hill men and ex-service men; and

(f) what other facilities and amenities the Government propose to provide for adequate supply of foodgrains, cloth, kerosene oil and salt and radio entertainment to the hill tribes in that area?

THE HON. SRI H. SITARAMA REDDI:—“(a) The Araku Valley Colonization Scheme includes an area of 8,754 acres. It comprises of 20 villages. Four thousand seven hundred and fifty-four acres of land have been surveyed.

“(b) Yes.

“(c) No. The Government have not received any proposals so far in the matter.

“(d) No.

“(e) The Government have decided that the land should be distributed to the existing hill men ryots at 6 acres each through a co-operative society to be organized for the purpose.

“(f) One radio set has been sanctioned. There is also a consumers' stores in Araku at present. The question of providing more facilities is under consideration.”

SRI D. V. RAMASWAMI:—“May I know, Sir, whether the 11-30 Hon. Minister has accepted Resolution No. 5 of the Development a.m. Committee for the immediate sanction of the construction of the first township, in order to prevent recurring expenditure on temporary and faulty construction and to provide amenities for the staff and also labour for the poor hill men who can appreciate the colonization scheme thereby?”

THE HON. SRI H. SITARAMA REDDI:—“No, Sir.”

SRI V. I. MUNISWAMI PILLAY:—“Sir, with reference to the answer to clause (b), may I know whether the Collector has made any reference to the success or otherwise of potato cultivation in that area?”

THE HON. SRI H. SITARAMA REDDI:—“Originally the scheme was taken up for the growing of potatoes and other English vegetables for troops, but subsequently the scheme

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was made into a development scheme and as I have said just now, it is sought to be developed through a co-operative society which is going to be organized."

SRI G. SANYASI RAO:—" May I know, Sir, whether there is any scheme to increase or improve potato plantation through societies in the valley."

THE HON. SRI H. SITARAMA REDDI:—" It will be for the societies to think about the best method of utilizing the land available there."

SRI D. V. RAMASWAMI:—" Sir, in view of the fact that both the Hon. Minister for Industries and the Hon. the Finance Minister toured the area, may I ask what steps the Government proposed to take to remedy the deplorable living condition of the district officers, including their staff and others and whether they would undertake the construction of asbestos type-design houses as in Machkund? "

THE HON. SRI H. SITARAMA REDDI:—" Sir, I have had occasion to go to the place. I appreciate the difficulties that some of the people undergoing there for want of adequate accommodation. That is one of the questions which is being examined by the Government."

SRI V. I. MUNISWAMI PILLAY:—" Sir, as large amounts have been dumped in this area for development, will the Government be pleased to place on the table of the House the report of the Collector whether potato cultivation will be a success or otherwise? "

THE HON. SRI H. SITARAMA REDDI:—" Sir, the question of success or otherwise of a scheme of this sort cannot be judged from the amount of money that has already been spent. It was a scheme for developing a particular agency area which was affected by malaria and so it was a sort of encouragement for people to take up these things. Later on some people have taken up to development and as a matter of fact it has already been developed by the expenditure incurred during the war to improve that area for the supply of vegetables to the army."

SRI V. RAGHAVAYYA:—" Sir, is the Government aware that most of the lands of the hill tribes in the neighbourhood have been taken away by the Government to help this colonization scheme and on account of that a lot of discontent has been created there and if the Government is aware of this, may I know when the Government propose to return those lands to them or whether they propose to take them as members of co-operative societies and thus allay their discontent."

THE HON. SRI H. SITARAMA REDDI:—" Sir, I have had occasion, as I said, to go to that place. There is absolutely

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no discontent. The land that was taken away from these people is being cultivated by hillmen and when I was there, no discontentment was expressed by anybody."

SRI T. VISWANATHAM:—" Sir, is it not a fact that the co-operative scheme is primarily intended only for the hill tribes and not for others? "

THE HON. SRI H. SITARAMA REDDI:—" That is the reply I gave in answer to clause (e)."

SRI D. V. RAMASWAMI:—" In this connexion, may I put a question to the Hon. Leader of the House, as Minister for Agencies and Excluded areas, whether it is not desirable to consider the multi-purpose Araku Valley Co-operative scheme as part of the development of the entire Agency area? "

THE HON. SRI B. GOPALA REDDI:—" Development is under planning and the Hon. Minister for Industries is in charge of planning."

SRI V. I. MUNISWAMI PILLAY:—" Sir, the Hon. Minister for Industries has not answered my question, whether it will be possible for the Government to place a copy of the report of the Collector on the table of the House, so that hon. Members may read it and make suggestions for the benefit of the experiments to be undertaken? "

THE HON. SRI H. SITARAMA REDDI:—" Sir, we have been receiving so many reports from the Collector. For instance, there is the weekly report, there are certain reports which are received once in three months and there are also some annual reports. If my hon. Friend will let me know what report he particularly wants, I shall certainly supply him."

SRI L. N. GOPALASWAMI:—" May I ask, Sir, what has happened to the preliminary scheme of colonization in the Wynaad area? "

THE HON. SRI H. SITARAMA REDDI:—" It is there."

Number of Deputy Tahsildars in South Kanara.

* 457 Q.—MAHIN SCHAMNAD SAHIB BAHADUR: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) how many Deputy Tahsildars there are in South Kanara district;

(b) of these, how many were recommended by the Collector for promotion as Tahsildars; and

(c) whether there is any Muslim Tahsildar in the South Kanara district?

THE HON. SRI KALA VENKATA RAO:—" (a) The total number of Deputy Tahsildars working in the South Kanara district as reported on 13th May 1948 is 41.

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"(b) The Collector recommended four Deputy Tahsildars for inclusion in the approval list of Tahsildars."

"(c) The answer is in the negative."

MAHIN SCHAMNAD SAHIB BAHADUR:—"May I know, Sir, how many Deputy Tahsildars in South Kanara district are senior to those who were recommended by the Collector for promotion?"

THE HON. SRI KALA VENKATA RAO:—"A separate question may be put, Sir. But, nonetheless, I may tell the hon. Member that promotion is not based upon seniority, but upon merit."

MAHIN SCHAMNAD SAHIB BAHADUR:—"May I know, Sir, whether the claims of many senior Deputy Tahsildars in South Kanara have been overlooked in the matter of promotion?"

THE HON. SRI KALA VENKATA RAO:—"I have already stated that seniority alone does not count in regard to promotion but it is merit."

SRI G. SANYASI RAO:—"Sir, may I know whether the Government propose to appoint some more Tahsildars to help district committees in distributing lands to political sufferers?"

THE HON. SRI KALA VENKATA RAO:—"The question of distribution of land to political sufferers is not confined to South Kanara only but throughout the Presidency. But, this question refers only to South Kanara and the promotion of Deputy Tahsildars."

MAHIN SCHAMNAD SAHIB BAHADUR:—"May I know, Sir, whether the Board of Revenue approved the recommendation of the Collector or they promoted men of their own choice and if so, what are the reasons?"

THE HON. SRI KALA VENKATA RAO:—"The Board of Revenue is the proper authority to approve the list of Deputy Tahsildars recommended for promotion in each district each year. The Collector's recommendation will only be considered by the Board whenever they think it necessary and it is not binding on the Board to approve whatever the Collector recommends."

MR. L. C. PAIS:—"May I ask, Sir, whether adverse remarks of a serious nature appearing in the personal files of the officer concerned which are not communicated to that officer can be taken into consideration at the time of promotion?"

THE HON. SRI KALA VENKATA RAO:—"The confidential report is generally trusted and the report of another officer also is taken into consideration and if that officer confirms what is stated by the first officer, then alone a person will be disqualified for promotion."

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MR. L. C. PAIS:—"Sir, is there a Government Order to the effect that adverse remarks appearing in personal files ought to be communicated to the officer concerned?"

THE HON. SRI KALA VENKATA RAO:—"Not all remarks need be communicated, except those which are considered necessary by the officers in the higher ranks."

MR. L. C. PAIS:—"May I enquire, Sir, whether in the matter of promotion in South Kanara anybody who belonged to the higher cadre, or who possessed better educational qualifications or who had a higher rank in the District Establishment list was superseded?"

THE HON. SRI KALA VENKATA RAO:—"There is no wonder if one is superseded. Though one is a qualified M.A., another man who is a B.A., can also be promoted. Whether one is an M.A. or B.A., in the matter of promotion preference is based upon the confidential report of the work of the officer concerned."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Is it not a fact, Sir, that any remarks made against an officer should be communicated to the officer concerned for explanation before any action is taken upon those remarks?"

THE HON. SRI KALA VENKATA RAO:—"The procedure followed is this. If the remark is that an officer is lazy in his work, or slipshod—of course, there are many types of remarks—they are not serious, but if they are of a serious nature they are communicated and explanation is taken from the officer concerned. If the remark is of a routine nature, the report of the higher officer will be trusted. The remarks of another officer is also taken into consideration for ascertaining the truth about the remark of the first officer."

SRI N. SANJEEVA REDDI:—"Sir, when these promotions are made is the Communal Government Order taken into consideration?"

THE HON. SRI KALA VENKATA RAO:—"Yes, Sir, at two stages: one is, when a person is made a Deputy Tahsildar and again when he is made a Deputy Collector."

SRI K. BRAHMANANDAM REDDI:—"Sir, in answer to a previous question the Hon. Minister stated that if something bad is reported in the confidential sheet, it is tested with the remark of another officer. If so, what happens if the other officer differs from the remarks of the previous officer. Then, Sir, if it is found that something unwarranted is written about an officer for some reason, is the officer who has written it punished?"

THE HON. SRI KALA VENKATA RAO:—"Not necessary. It is open to a superior officer to say what he feels about a subordinate officer. But, with reference to the other point raised by the hon. Member, if two officers differ, it is sent before a third officer."

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N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Sir, is it not a fact that adverse remarks which are prejudicial to the prospects of an individual should *ipso facto* be communicated to the party concerned, as otherwise he will have no opportunity to justify his stand and explain his position to vindicate his *bona fides*?"

THE HON. SRI KALA VENKATA RAO:—"As I have already stated, if the remark refers to the conduct of a person it is communicated, but in regard to other remarks, the test is made in a different manner as I have already indicated."

MAHIN SCHAMNAD SAHIB BAHADUR:—"May I know, Sir, whether there are any Muslim senior Deputy Tahsildars in South Kanara district?"

THE HON. SRI KALA VENKATA RAO:—"The word 'seniority' is a relative term, Sir."

SRI T. VISWANATHAM:—"May I ask, Sir, whether it is not more desirable that even remarks like 'laziness' noted in the confidential report should be communicated to the officers concerned so that they may immediately amend their conduct, instead of not communicating them and deciding against them at the time of promotion?"

THE HON. SRI KALA VENKATA RAO:—"If it is found that a particular officer continues to be lazy, he will be warned orally by the concerned superior officer."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know, Sir, from the Hon. Minister what importance Government attach to remarks like 'laziness', 'slipshod', etc., on the confidential file of an officer?"

THE HON. SRI KALA VENKATA RAO:—"It is expected, Sir, that a superior officer will study the conduct, behaviour and work of a particular person. In the case of a Deputy Tahsildar, his superior officer will know whether his judgment is good, bad or indifferent and so on in the case of Deputy Collectors and others and there are checks and counter-checks for all these things."

SRI V. RAGHAVAYYA:—"Are the Government aware, Sir, that some departmental heads if they want to punish their subordinates unjustly, they generally will have remarks as 'tactless', 'want of tact' and such other remarks which cannot easily be answered and which mean stabbing them in the back?"

THE HON. SRI KALA VENKATA RAO:—"It cannot be avoided. If a man is tactless, it will no doubt be noted as tactless."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"May I know, Sir, whether the revised Communal Government Order which has been passed by the Government takes effect from any particular date and whether it is going to be given retrospective effect

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so that the communities which are over-represented according to the previous Government Order may not be appointed till the ratio is equalized?"

THE HON. SRI KALA VENKATA RAO:—"There is no retrospective effect."

SRI L. N. GOPALASWAMI:—"Sir, am I to understand from the reply of the Hon. Minister that if the two immediate superior officers conspire together, the fate of the subordinate is sealed?"

THE HON. SRI KALA VENKATA RAO:—"My hon. Friend perhaps did not hear what I said. It is two different officers, not the two immediate officers."

SRI M. G. NATESA CHETTIYAR:—"I understood from the Hon. Minister that when there is any difference, the officer is placed under a third man; will at least the third officer's decision prevail and action is taken accordingly?" 11-45 a.m.

THE HON. SRI KALA VENKATA RAO:—"If the thing is about the conduct of the officer, so much is not necessary and he can be dealt with direct and the case settled but only in the case of remarks concerning the officer's laziness and the rest, further tests are applied."

SRI R. V. SWAMINATHAN:—"In view of the anxiety shown by the various members of the House, may I ask if the Hon. Minister would consider the desirability of referring any adverse remarks again to the concerned person to hear what he has to say about it?"

THE HON. SRI KALA VENKATA RAO:—"If all remarks in the confidential records of the officer are intended to be communicated to them, there is no need for maintaining the confidential register at all."

MR. L. C. PAIS:—"May I enquire whether the persons who have been actually superseded in South Kanara are not all members of the minority community?"

THE HON. SRI KALA VENKATA RAO:—"I am not quite sure about it, Sir."

SRI S. NAGARAJA MANIGAR:—"May I know if there are many cases where merit has superseded even high educational qualifications, vast experience, past good record and the backward community qualification, etc?"

THE HON. SRI KALA VENKATA RAO:—"All these go to make up merit and Backward community is the best merit nowadays and Mr. Manigar need not be apprehensive about it. If any person with the nice record as he says, gets superseded, it is open to him to appeal to the Government."

SRI S. NAGAPPA:—"Arising out of the answer of the Hon. Minister that four people have been recommended by the Collector, may I know if there is any Harijan in the number recommended?"

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THE HON. SRI KALA VENKATA RAO:—"I suggest to the hon. Member to put a separate question."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"In view of the serious allegations that have been made by Mr. Pais, will the Hon. Minister make an enquiry about the matter?"

THE HON. SRI KALA VENKATA RAO:—"If anything particular is brought to my notice, I am prepared to enquire but not on general allegations of that type."

M. S. ABDUL MAJID SAHIB BAHADUR:—"May I know, Sir, whether merit is decided on the remarks found in the personal files of the officer or whether it is decided on other evidence also?"

THE HON. SRI KALA VENKATA RAO:—"There is no question of evidence and nobody is going to hold an enquiry for a place in the list of Deputy Tahsildars. The District Collector makes the recommendation to the Board of Revenue and the Board weighs the relative merits of the persons recommended with reference to the personal files and other things submitted to them and they will come to a conclusion regarding the names that should go into the list."

Cancellation of palmyra tree-tax in the Tirunelveli district.

* 458 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have implemented their promise of cancelling the palmyra tree-tax in Tirunelveli district made by the Hon. the Revenue Minister during the last Budget speech; and

(b) if not, at what stage it is?

THE HON. SRI KALA VENKATA RAO:—" (a) & (b) The proposal is still under examination by Government and certain reports called for from the Board of Revenue are awaited."

SRI K. T. KOSALRAM:—"May I ask whether the Government would give an assurance that provision will be made not to collect the tree-tax from next financial year in view of the Government's announcement made to the House in Hon. Finance Minister's statement?"

THE HON. SRI KALA VENKATA RAO:—"When I tell the House that the matter is under examination, how can I tell him about the order that will be passed on the file ahead of the order itself?"

MR. P. A. THANGASWAMI:—"Are the Government aware that in zamin areas the problem is acute and palmyra trees are more heavily taxed and the tax is levied even on trees that have ceased to exist but are still included in the pattas and if so, will the Government instruct their Rent Reduction Officers to take particular note of these facts?"

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THE HON. SRI KALA VENKATA RAO:—"The Rent Reduction Officers work in the estates and this tax is imposed in the ryotwari area."

MR. P. A. THANGASWAMI:—"I am sorry, Sir, the Hon. Minister has not perfectly understood me. I started by saying that in the zamin areas the problem is in a very acute form; trees are heavily taxed and trees which have long ceased to exist are still included in the patta and suggested that the Rent Reduction Officers who are working in the estate can take note of this?"

THE HON. SRI KALA VENKATA RAO:—"This question refers to ryotwari areas and if hon. Member wants to have an answer with regard to zamin areas, the hon. Member may put a separate question."

SRI R. V. SWAMINATHAN:—"This matter has been engaging the attention of the Government for the last two years, Sir. Might I ask what is the real difficulty, whether it is a financial or revenue difficulty or any other difficulty?"

THE HON. SRI KALA VENKATA RAO:—"The difficulty has been there for nearly a hundred years and two years is not too long a period."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"In view of the fact that income from toddy is the main income derived from the trees and that prohibition has been introduced and so that income has been put a stop to and if so, why the Government do not cancel the tree-tax simultaneously with the introduction of prohibition as part and parcel of the scheme of prohibition?"

THE HON. SRI KALA VENKATA RAO:—"I think, Sir, that trees which are not tapped are taxed. This is a curious tax prevailing in Tirunelveli and parts of Ramnad district which formerly formed part of Tirunelveli. It is probably due to the fact that the soil is sandy and no other crop would grow and, therefore, the trees were taxed some time in history and we are now examining the question of the elimination of that tax. That is what I said at the time of the Budget but still my hon. Friend wants to press and ask for information when the matter is still under consideration."

Tree-tax in Tanjore district.

* 459 Q.—SRI P. VENKATARAMA AYYAR: Will the Hon. the Minister for Land Revenue be pleased to state whether it is a fact that the Collector of Tanjore has circularized to the village officers that a tree-tax of Re. 1 for each coconut tree planted before and after fasli 1337 should be collected from fasli 1358?

THE HON. SRI KALA VENKATA RAO:—"The Government have temporarily raised the tax on coconut trees to Re. 1 per tree from fasli 1358. The enhancement applies only to trees planted after fasli 1337. It has been ascertained that the Collector of Tanjore communicated these orders only to

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his subordinates and that no circular was issued by him to the village officers saying that the enhanced rate of tax should be applied also to the trees planted in or before fasli 1337."

SRI V. M. RAMASWAMI MUDALIYAR:—" Might I ask why the coconut trees are taxed? "

THE HON. SRI KALA VENKATA RAO:—" Because they were planted on Government property on the bunds of rivers or canals."

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—" May I know what is the basis upon which the tree-tax has been increased in this case? "

THE HON. SRI KALA VENKATA RAO:—" This applies only to those trees with reference to which a contract or permission to plant has been given on river bunds or canal bunds and they have to pay a tax."

Supply of fodder to impounded cattle.

* 460 Q.—SRI M. MARIMUTHU: Will the Hon. the Minister for Land Revenue be pleased to state whether receipts are issued for the amounts received for providing stray cattle with fodder, etc., during the term of their impounding?

THE HON. SRI KALA VENKATA RAO:—" Yes."

SRI M. MARIMUTHU:—" கனம் தலைவர் அவர்களே, பட்டுக்கோட்டை தாலுகா முதலிய இடங்களில் பவுண்டுகளில் கால்நடைகள் அடைபடுவதை மறு நாள் பொது ஜனங்கள் போய் பார்த்தால் பவுண்டுகளில் நண்ணிர், வைக்கோல் முதலியவைகள் வைக்கப்படுவதாக தெரியவில்லை. ஆகையால் இது விஷயமாக சர்க்கார் ஏதாவது ரசீதுகள் கொடுப்பது உண்டா? இது சம்பந்தமாக சர்க்கார் கவனிப்பார்களா? அடுத்தபடி . . . "

MR. SPEAKER:—" ரசீதுகள் கொடுக்கிறார்கள் என்று மந்திரியவர்கள் உத்தரவு கொடுத்திருக்கிறார்கள்."

SRI M. MARIMUTHU:—" அடுத்தபடியாக கிராமம் முதல் டவுன் வரையிலும் ரோடுகளில் சில கோவில் மாடுகள் திரிந்து சாகுபடிகளை மேய்ந்து அழித்துவிடுவதால் கிராம முன்சீப்களும், கிராம அதிகாரிகளும் அந்தந்த கோவில் மாடுகளுக்கு . . . "

MR. SPEAKER:—" கோவில் மாடுகள் ரோடுகளில் இருக்கக்கூடாது என்றுதான் சொல்லுகிறார்கள். அதற்கு நீங்கள் தனியாக கேள்வி போட வேண்டும். இப்பொழுது பவுண்டில் அடைப்பது பற்றி நடைமுறையில் இருக்கிறது. கோவில் மாடுகள் ரோடுகளில் இருக்கக்கூடாது என்பது இங்கு வராது. ஆகையால் தனியாகக் கேள்வி கேட்கவேண்டும்."

SRI R. V. SWAMINATHAN:—" They may issue receipt in respect of the pound fees but they are not actually doing any feeding and so, will the Government enquire into the matter and take steps against the officers who are collecting the fees but not giving fodder to the cattle? "

THE HON. SRI KALA VENKATA RAO:—" On the suggestion of the hon. Member I would like to appoint hon. Members as honorary visitors of the pounds in their constituencies."

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SRI V. I. MUNISWAMI PILLAY:—" In fact receipts are given as soon as cattle are impounded but for the supply of fodder, so far as I know, no receipts are being given. May I ask if the Government will examine this question again? "

THE HON. SRI KALA VENKATA RAO:—" Yes, Sir."

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

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

Clause 17.

THE HON. SRI KALA VENKATA RAO:—" I beg to move—
'Omit the second sentence added to sub-clause (1) of clause 17 (16 renumbered as 17) from that sub-clause and add the following as sub-clause (7):—

"(7) Any person holding a mortgage or charge on any building referred to in sub-section (1) or sub-section (2) shall, for the purpose of section 41, be a secured creditor and be entitled to priority over any person holding a mortgage or charge subsequently created by the landholder over any part of the estate"

"I have explained the need for this amendment. We have protected mortgages regarding office buildings but we have not included debts against educational and charitable institutions. That is the need for the amendment."

SRI R. V. SWAMINATHAN:—" Mr. Speaker, I do not understand why the Hon. Minister has brought forward this amendment; I do not know if it is to help money-lenders who have invested money, or the ryots or the zamindar."

* SRI M. S. PATTABHIRAMIAH:—" Mr. Speaker, in some places zamindars have been maintaining some institutions though they have not endowed for their maintenance. Before and when the Government take over the zamindaris, will they compel the zamindars to give the money they had been giving annually for the maintenance of charitable or educational institutions? I can give a typical instance. The Zamindar of Kannivadi has been paying a sum of Rs. 10,000 annually for a veterinary hospital at Dharumathupatti in his estate area. He threatened to withdraw the amount and I am afraid he has already not paid the amount this year and the hospital will have to be closed down. It has not been legally endowed and it is a matter for the consideration of the estate and Government whether that should be treated as a charge and if so the amendment should cover also such cases."

* THE HON. SRI KALA VENKATA RAO:—" Certain provisions which were overlooked, we are now including and nothing new is being added. Regarding the point raised by Mr. Pattabhiramiah, I must say that we cannot compel any zamindar to continue to contribute in cash annually for certain endowments though

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he might have been doing it till now. Charity is a voluntary thing and you cannot pass an Act saying that such and such charity shall be done and one should continue to pay for charity from out of the compensation amount. We have provided in section 57 that the Government are prepared to take all those institutions themselves and run them provided they are useful to the community."

12 noon. * SRI K. BHASHYAM:—"Sir, in this matter, I wish to know how this section will work. This section proposes to give preference to a mortgagee who is holding a mortgage or a charge on any building referred to in sub-section (2), that is a building used for religious purposes. If it is so, supposing there is already a mortgagee who has a prior mortgage of the whole estate; is his right to be postponed by this mortgagee referred to in this clause? If you do it you will be defeating the rights of several secured creditors who have advanced money on the estate. Therefore I would request the Hon. Minister to drop this amendment."

SRI R. V. SWAMINATHAN:—"Sir, I want to know under what circumstances, the Hon. Revenue Minister moves this amendment. He simply moved the amendment without explaining the need and purpose for it. I want to oppose this amendment. This amendment will give a first charge to a person over other persons, who under the ordinary law, have a priority right over this person. When he is a secured creditor he should take his stand along with the other secured creditors, according to ordinary law. So I think this amendment is superfluous. I oppose the amendment."

SRI A. KALESWARA RAO:—"Sir, I also oppose the amendment for the reason that a prior and a special right is being created in favour of a creditor who has got a charge upon the building. As pointed out by Mr. Bhashyam, there may be others who have a mortgage of the whole estate—or, shall I say, this creditor himself may have other mortgages over other properties of the estate—and so, to give this person a prior right will lead to so many complications by making a distinction between one set of mortgage and another set. Therefore it is best to leave things as they are."

SRI T. VISWANATHAM:—"Mr. Speaker, Sir, our difficulty is this, and I shall explain it by reading the clause: '*Any person holding a mortgage or charge on any building referred to in sub-section (2) (that is a building for religious and charitable purposes) shall be a secured creditor and be entitled to priority over any person holding a mortgage or charge subsequently created by the landholder over any part of the estate.*' The real difficulty is, sometimes the estate includes the building, and sometimes it does not. Each case has to be looked into by the Tribunal. If the mortgage of the estate includes the building

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then there will be the question as to which creditor should have a prior right. Sometimes the document does not mention these buildings at all. Some of these buildings are acquired from separate earnings and they are separately treated from the estate for all purposes. Therefore it would be better, as advised by other friends, to leave parties to work out their rights before the Tribunal rather than create new rights and alter the rights which they have acquired under the Transfer of Property Act."

THE HON. SRI KALA VENKATA RAO:—"Sir, I want to draw the attention of hon. Members to one point. Practically the same amendment was passed with reference to clause 16 (1), which deals with office buildings. This amendment refers to sub-clause (2) which deals with religious and educational institutions."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Sir, I find there is real necessity for this amendment. For in the case of buildings covered by sub-clauses (1) and (2), no compensation is given to the landholder, and no amount is included in the compensation, that is to be distributed under section 41. When Government take over the buildings they take them free of encumbrances; that means, the creditor will not be entitled to proceed against this property in the hands of the Government. So by this provision the creditor is given the right to get money out of the pool of compensation that is granted to the landholders for the whole estate. So this amendment is perfectly legal and necessary, as under the general law the mortgagee cannot proceed against the property, when the Government once take it free of encumbrance."

THE HON. SRI K. MADHAVA MENON:—"Sir, I may submit to the House that we are not, in this amendment, doing anything new other than what under the ordinary law a mortgagee is entitled to. Mr. Mahboob Ali is not quite correct when he says, that the mortgaged property will be liable when Government take away property free of encumbrances, the creditor cannot proceed against the property. Suppose there are three mortgages on a property, Mortgage A, Mortgage B and Mortgage C. Out of the sale-proceeds of the property, Mortgage A will take his money first; out of the balance the second mortgagee will take his money; and out of the balance the third mortgagee will take his money; and when the Government take away the property free of encumbrance there is no property against which the mortgagee can go. So to protect his right this amendment is brought in."

SRI V. RAGHAVAYYA:—"Sir, this amendment seeks to alter the contractual relation of the mortgagor and the mortgagee. It is beyond the scope of the Provincial Legislature to legislate on it. I oppose the amendment."

* SRI M. G. NATESA CHETTIYAR:—"Sir, the whole difficulty arises because the Government take the property free of

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encumbrances and also they are not giving the market value of the property. If the property is sold in the open market, then, there will be some balance left after the first mortgagee has taken his amount for the second and subsequent mortgagees to reimburse themselves. But when Government put a value on it according to their own terms, the amount may not be sufficient to pay the first mortgagee himself in full. And as I said, the whole difficulty arises, because the Government want to take the property free of encumbrances. Under these circumstances I do not think there is any need for this amendment. I would allow the clause to stand as it is."

12-15
p.m.

THE HON. SRI KALA VENKATA RAO:—"The hon. Gentleman would have been in order if he had raised this objection when we passed a similar amendment to sub-clause (1) of clause 16. This is only a consequential amendment extending the same principle to sub-clause (2). Having agreed to the amendment to sub-clause (1), I do not see any reason why there should be any objection to the application of the same principle to sub-clause (2)."

The amendment was put and carried.

Clause 17, as amended, was put and carried.

Clause 48.

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

'For clause 48 as amended, substitute the following:—

"48 (1) Any person deeming himself aggrieved by any decision of the Tribunal under sections 42 to 47-A may, within three months from the date of such decision or such further time as a Judge of the High Court nominated for the purpose by the Chief Justice may in his discretion allow, appeal to a Special Tribunal consisting of two Judges of the High Court nominated from time to time by the Chief Justice in that behalf.

(2) Where the members of the Special Tribunal are agreed in their opinion, their decision shall be final. Where the members are divided in their opinion the case with their opinions thereon shall be laid before another Judge of the High Court nominated for the purpose by the Chief Justice and such Judge shall hear the case as a *persona designata* and his decision shall be final."

"The other day the hon. Sri T. Viswanatham invited the attention of the House to the need for allowing an appeal to the High Court and not merely to a Judge of the High Court as a *persona designata*. I accepted the suggestion on the floor of this House and moved an amendment without complete and proper examination. After going through the amendment once again, I found that a draft in the manner proposed was necessary to

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incorporate the suggestion. The amendment in sub-clause (1) provides that the appeal shall lie only to a Special Tribunal consisting of two High Court Judges nominated by the Chief Justice and not merely to a Judge of the High Court as a *persona designata*.

"Somebody suggested the possibility of difference of opinion between the two Judges and asked what would happen in such an event. We have provided in the amendment in sub-clause (2) for the hearing of such a case by another Judge of the High Court nominated by the Chief Justice as a *persona designata*. Unless we make the Judge a *persona designata* litigation will go up to the Federal Court.

"As I said, the amendment proposed is only an improved draft to incorporate the suggestion made by Mr. Viswanatham. Therefore I request the House to accept it."

* SRI K. BHASHYAM:—"I am glad that the Government have thought it fit to provide for an appeal even though not to the High Court as such but to some Judges of the High Court nominated by the Chief Justice. To that extent I am glad that the Government have yielded to the pressure put upon them by some Members including myself. Whenever the Government do not want to allow an appeal, they say that the Judges who hear the case will be *persona designata*. It is one of the terms used for the purpose of stifling an appeal against another judgment. This formula was adopted some time back in the case of election tribunals, and I think that is being perpetuated in respect of the other cases also. To call a person a *persona designata* is so derogatory that I cannot acquiesce in it. To apply those words to persons of the status of the High Court Judges is a thing which I cannot really understand.

"A Tribunal consisting of two Judges hear the appeal, and when there is a difference of opinion among them, a third Judge shall be nominated to hear and decide the appeal. When two Judges of a High Court differ, the case is important enough to go before the Federal Court. In such important cases, why should the Government stifle an appeal to the highest Court in the land? The Government have provided for an appeal to a Tribunal of two High Court Judges and I only want an extension of that right of appeal to the Federal Court. It is not as if all litigants will prefer appeals, because the expenses involved are heavy. When the compensation is big enough and two people quarrel over its apportionment, I do not know why the quarrel should not be settled by the highest court in the land. The argument of delay need not be brought in, because there is no delaying of survey proceedings or the conferment of any benefit for the welfare of the tenants. The delay affects only the sharers in the compensation. That is all. If the sharers choose to fight as to who is entitled to get more of the compensation,

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I do not see any reason why the Government should say that they will appoint something like an arbitrator and settle the question once for all. An appeal to the Federal Court will be preferred only by big persons. Besides, rules governing the appeal to Federal Court themselves impose restrictions upon the cases that can be taken in appeal. One is that the subject-matter of the appeal should be more than Rs. 10,000 in value. Another restriction is that the Judges should have pronounced differing judgments or that the case must involve an important question of law. With all these restrictions and safeguards, I don't think the Government need be afraid of any money being wasted on litigation and on lawyers who are always at a discount with this Government nowadays. Therefore, I submit that if, instead of a Judge of the High Court finally deciding the case, an appeal to the Federal Court is allowed, it will be acceptable to everybody concerned."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, having had the good fortune of getting the approbation of the Hon. Revenue Minister at least in one particular matter, I want to say a few words at this stage. My hon. friend, Sri K. Bhashyam, has very lucidly explained why the term *persona designata* need not be there and why the usual procedure followed by the Hon'ble High Court in cases of differing judgment should not be restricted by this Bill. All along, our contention has been that at least in matters between private parties and where the Government are not implicated, the parties must be allowed to have their rights decided by the highest judicial court in this Province in the ordinary course of law. After all it has met with the approval of the Hon. Revenue Minister and he was good enough to agree to a Division Bench. But that Division Bench has to-day become a Special Tribunal consisting of two High Court Judges. Simply because some question was asked as to what would happen in the event of differing judgments by the two Judges, a provision is now sought to be made to the effect that a third Judge will be nominated. I submit that there are accepted rules of business which the hon'ble High Court follows in cases where there is difference of opinion between the Judges. Those rules will hold good unless there is any restriction imposed by an Act of this Legislature. There is no special purpose in the Legislature trying to obtrude upon the powers of the High Court in this matter. In the interests of justice, it will be more graceful to leave the matter to the High Court itself. That is our submission. The hon. Mr. Bhashyam is an authority to speak on this subject and he has said that the words *persona designata* applied especially to High Court Judges are not in good taste. I want to place all these considerations before the Hon. Revenue Minister. He was absolutely right day before yesterday when he agreed to a Division Bench of the High Court, and said that its decision shall be final. I also did not say then that its decision should not be made final. But the citizens should not be deprived of exercising

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their normal rights under the Civil Procedure Code before the highest tribunal of justice in the land. In this case it is contended that, if such a right is allowed, it will lead to litigation. I submit that laws are enacted to create rights, to give rights and to restrict rights. There is no law which does not confer some right on somebody. The law does not always consist in taking away rights, however much the Hon. Revenue Minister wishes to confine his laws to this particular aspect. When rights are created, I submit that it is much better to leave the parties to work out their rights in the ordinary course of law."

"Sir, I want to impress again upon the Hon. Minister for Revenue that the Government are not involved in this matter and in the next clause it is said that neither the Tribunal nor the Special Tribunal shall have jurisdiction to go into the question of the correctness of the determination, or the adequacy of the compensation. So the Government are not a party and they get the property free of all encumbrance. When they deposit the money under section 46, they are completely out of the picture. Therefore, Sir, to say that the parties will be drawn into litigation and that the Government are anxious to save the parties from spending money on litigation and thus to protect them from avoidable expenditure, is a proposition which, although it may be acceptable in some other context, is certainly not acceptable in the present context. When I was suggesting only yesterday that an amendment might be made to save people from litigation in the initial stages up to the tribunal stage, so that unnecessary and avoidable suits need not be filed in courts before the compensation amount is settled and before the estates are notified, it was not accepted by the Hon. Minister for Revenue and it was turned down by him. He said, 'Let them go to litigation. Let them spend their money and let them lose as they like. The Government cannot interfere and cannot introduce any provision preventing them from going to a court of law.' That was his attitude yesterday. I may be pardoned, Sir, if I state now that his attitude to-day is not understandable, in the face of what he said yesterday. To-day he says that he is anxious to avoid litigation by the parties. There are about six big estates in this Province whose annual income is more than Rs. 10 lakhs and the compensation to be paid to them would be very considerable. Many claimants might arise and there may be many shareholders and maintenance holders who might have got valuable rights to be decided upon. About the adequacy of the compensation itself, perhaps they cannot raise any question, but as regards their rights *inter se*, it is unjust and absurd to say that they cannot work out their rights in the ordinary course of law. I submit, Sir, that any attempt to stop people from going to the Federal Court wherever it is necessary and wherever it is permissible otherwise, is not a very healthy one. The Hon. Minister is doing no good to the parties concerned and the parties whom he wants to save from litigation will not thank him for that, and he is not also saving the Government, because the Government are not parties to these litigations nor has the estate anything to do

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with these things, because the estate will be free from all encumbrances and will vest in the Government. I therefore submit, Sir, that the Hon. Minister for Revenue might once more consider and leave this section as it has already been passed, without getting into further complication by this substitution."

SRI K. BHASHYAM:—"Sir, May I ask the Hon. Minister this question? Can there not be *writ of certiorari* against the decision of the Special Tribunal?"

THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, my hon. Friend, Mr. Bhashyam, raised the question whether in spite of all our attempts to avoid appeals, there is no provision under the *writ of certiorari* against the decision of the Special Tribunal which we have provided for under this clause. I submit, Sir, that the ingenuity of the community to which I belong—the lawyers—is such that whatever law may be passed and whatever intelligence might have been applied to make it as perfect as possible, it will try to find out some way or other to circumvent its provisions and make it appear as though it is defective and induce the parties to further litigation. (Sri K. Bhashyam: 'It is the ingenuity of the parties and not of the lawyers.') Well, Sir, my hon. Friend, Mr. T. Viswanatham, said that 'the Government have absolutely nothing to lose in this matter. It is the parties that are losing. The Government are not a party to the suit. Then why should not the Government leave the parties to fight out their case as much as they like and to their heart's content?' That was the trend of his argument. Well, Sir, it is exactly for that very reason and with that very object in view, that I rise to support this amendment, because if the Government were a party and if it were a fight between the Government and the Zamindar concerned, I would not mind allowing an appeal against the decision of the Special Tribunal to the Federal Court, so that the Government who have got a long purse could afford to stand the strain and incur whatever expenses are necessary till the other party tires out. But that is not the case here. The parties will have to fight each other as a result of the action of the Government. This is not a case of two parties fighting each other for any private property. Here the compensation is deposited by the Government in a court when the estate is taken over by the Government and it is the responsibility of the Government to see that the rightful parties get the compensation as speedily and as easily as possible and that the entire transaction is settled as peacefully as possible.

"Secondly, if there are several claimants to the compensation, the person who is strong and who has a long purse and who can afford to drag the matter in the court as long as possible, should not be permitted to do so and use it as a method to stifle this legislation which we have passed. The object of the Government is to see that people do not trifle with this law by creating a lot of litigation and at the same time protect the weaker parties from the strong by being dragged into endless and unnecessary litigation.

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"Now, Sir, let me give an illustration. Suppose the compensation amount that is deposited in a court is over Rs. 15,000 and there are about half-a-dozen claimants to that amount. The existing zamindar may be a rich person and he can go on fighting out the case in litigation till the highest court in the land is reached so that the other parties could not get anything at all. Would it be fair or right on the part of the Government to leave the just claimants in such a predicament? That is why the Government accepted the suggestion of my hon. Friend, Mr. Viswanatham, for the constitution of a Special Tribunal consisting of two Judges."

SRI K. BHASHYAM:—"Sir, there are rules regulating the value of an appeal to the Federal Court. It ought to be over Rs. 10,000 in value and therefore no frivolous case could go before that Court."

THE HON. SRI K. MADHAVA MENON:—"I know, Sir, that only appeals of over Rs. 10,000 could go before the Federal Court. That is why, for the sake of illustration I took up the case of an estate where the compensation that has been deposited is Rs. 15,000. If there are about half-a-dozen claimants for the amount, the present estate-holder who is a stronger man than others could fight successfully all the rest until they could get nothing. Can we allow such a thing to happen? That is why we want to see that their claims are satisfied as quickly and as justly as possible. In the original Bill provision was made for the constitution of only one Judge of the High Court and his decision was made final. But as the House insisted that there should be more than one Judge, the Government agreed to a Tribunal consisting of two Judges. The question arose whether in the event of a difference between these two Judges it should not be referred to a third Judge, and the Government also agreed to it. The third Judge will be one nominated for the purpose by the Chief Justice of the High Court. Where, then, is the question of the Government obtruding upon the High Court, Sir? There is no ground for such a charge at all. The Government cannot and will not obtrude upon the jurisdiction of the High Court. To suggest that the term '*persona designata*' is derogatory to the dignity of a High Court Judge or that it conveys a sort of inferiority complex is all quite wrong and meaningless. It is nothing of the sort. The High Court Judges have never considered it as inferiority complex or anything derogatory to their dignity to sit in Special Tribunals and give advice, because they are quite prepared and willing to sit in an Advisory Council and offer advice as *persona designata*. I submit, Sir, there should be no suggestion like that emanating from this House because nothing is meant like that and nothing is involved. Sir, these are only minor matters for argument, but the clause as such is perfectly right and should be there.

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"Then, Sir, the question of the *writ of certiorari* has been raised by my hon. Friend, Mr. Bhashyam. He asked why should not an appeal be taken to the Federal Court under this writ. Sir, in this Act we have laid down that the decision of the Special Tribunal is final, but if there are loopholes or any means by which lawyers with their ingenuity are able to carry suits to the Federal Court or to the Privy Council, we cannot help it. Therefore, Sir, I submit that our idea in introducing this clause is to see that the compensation that is deposited reaches the various shareholders as speedily and as easily as possible. If we allow any appeal on Letters Patent or appeals to the Federal Court or to the Privy Council, it would mean that one rich party could fight out the other parties who are comparatively poor, and effectively prevent them from obtaining their share of compensation to which they are entitled. The Government do not want such a thing to happen and that is why, as I have already said, they have agreed that in the event of a difference of opinion between the two Judges, the case shall be laid before another Judge of the High Court and such Judge shall hear the case as a *persona designata* and that his decision shall be final."

* SRI K. BHASHYAM:—"May I ask the Hon. Minister a small question? Does the Government seriously consider that in the case of a Special Tribunal consisting of two Judges or three Judges, there will not be any possibility of a *writ of certiorari* being issued by the High Court against its own Judges who are members of the Bench, and who constitute the Tribunal?"

* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, Sir, I have already stated the reasons for these amendments which have been redrafted."

"Sir, with reference to the question of the *writ of certiorari* and other things raised by my hon. Friend, Mr. Bhashyam, just now, I may tell him, that it is the duty of a poet to compose a Kavyam and it is for the Vyakyanakathas and Bhashyakars to interpret it. Here we have produced a Bill and for every sentence, every phrase, every fullstop, every comma and in fact for everything it contains, it is for Mr. Bhashyam and friends like him to interpret in whatever way they like and it is for them to look into it, to analyse it, to thrash it out and to tear it into pieces, if they like. But as to our intention in having this clause re-drafted, I have already explained in full. We do not provide for an appeal against the decision of the Special Tribunal and so we thought that it would meet the purpose if, in the case of difference of opinion between the two Judges, the matter is laid before a third Judge whose decision would be final. We could do nothing more, Sir, and this should satisfy my hon. Friends here."

The amendment was put and carried.

Clause 48, as amended, was put and carried.

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Clause 49.

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

'For clause 49 as amended, substitute the following:—

"49. The jurisdiction of the Tribunal and the Special Tribunal shall be limited—

(a) to the division of the compensation among the persons referred to in section 42 and the apportionment of the interim payments among the persons referred to in section 47-A; and

(b) in cases falling under section 46, to the division of the lands in respect of which a ryotwari patta may be granted under section 11 or 13; and neither the Tribunal nor the Special Tribunal shall have jurisdiction to go into the question of the correctness of the determination, or the adequacy of the compensation."

"This amendment is only a consequential amendment to clause 48, which we have just now passed. We have only recast the old clause 49 and nothing more, Sir."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, there is apparently some confusion among the members of this House with regard to the necessity for this amendment and some members have asked, 'why all these amendments?' Apparently they have not been benefited by the debates that have been taking place here on this subject all the while. Sir, I submitted last time that the original clause 49 was not necessary. Now that the matter has been reopened, I must reiterate my objection to it at present also."

"Having invested the High Court with jurisdiction—although it is a Special Tribunal of the High Court—there is no point in saying that the matters into which the High Court can go will be very limited. If you want to limit the High Court to considering only certain matters between two parties with regard to the division of compensation, I submit there is no point in bringing the High Court here for this purpose alone. There may be cases of injustice between the parties not only in the matter of division of compensation but also in regard to legality or regularity or propriety in arriving at the amount of compensation not upon a basis different from what is stated in the Bill but while proceeding upon the basis given in this Bill. There may be errors, illegalities and irregularities. It is only proper that the parties must be given the right of appeal. There is no provision for appeal in this Bill. There is a distinction between both. While they do not question the policy of the Government and while they do not question the provisions of the Bill, the courts must have the right to see whether the provisions of the Bill have been actually followed. I submit that in trying to restrict the jurisdiction of the courts to this or that matter, we

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are not doing the right thing. I have already submitted this matter to Government. I once again wish to remind my Hon. Friend, the Revenue Minister, of that. It will be very good if the whole clause is omitted altogether."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Sir, I entirely agree with the hon. Member, Mr. Viswanatham. In the first place, Sir, this provision is not necessary. Earlier, the Government have stated for what purposes this Tribunal or Special Tribunal is intended. Having said that there is now no necessity for limiting or delimiting the jurisdiction of courts. In the second place, Sir, if the Government think that this clause will take away the jurisdiction of courts to go into the question whether the procedure laid down by Government is complied with or not, they are wrong. In spite of the fact that civil courts have no jurisdiction, they have held that they have jurisdiction to see whether the procedure as laid down in a certain Act has been observed or not. There is no purpose in enacting a provision like this at all. As the hon. Member, Mr. Viswanatham, put it, is it for purposes of sections 42, 47-A and 46 alone that the Government have constituted this Tribunal? All the questions contained in these sections, the courts should have a right to go into. Otherwise, I do not know how they can limit the jurisdiction of the courts to mere division of compensation between a creditor and a debtor and between maintenance-holders and the main landholder. These Tribunals must necessarily go into all connected matters. By saying that it shall confine its activities to the division of compensation, what do they mean? Any matter that arises out of these sections, the Tribunals must go into and come to a decision. In the previous clause it is stated 'Any person deeming himself aggrieved by any decision of the Tribunal under sections 42 to 47-A may . . .'. A party to a proceeding may feel aggrieved because a certain procedure has not been followed. Having stated in clause 48 (1) that any person who is aggrieved by any decision under clauses 42 to 47-A may appeal to the High Court, to restrict its scope now is contradictory. There are two clauses here which are mutually contradictory. (Interruption by the Hon. Sri Kala Venkata Rao.) Clause 49 as it originally stood was itself ill-conceived. This amendment also is ill-conceived and it is not necessary."

SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, of course we have to confine our remarks to the amendment moved by the Hon. Minister. The whole thing is ill-conceived and is inequitable. The most important function of assessing the basic income and determining the amount of compensation has been left to the Director or Board of Revenue under clause 38. The division of the compensation amount and the division of the lands for which the landholder will get a ryotwari patta are all things coming later. The latter things are less important. The first portion is the crux of the whole law. It is in regard to assessing the basic income and the settlement of the amount of compensation. It is necessary that appeal should not be confined and

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restricted to the Board of Revenue which is only a limb of the Government. The whole thing will concentrate round Fort St. George. Instead of that, the Revenue Minister ought to have given powers to the usual authorities or to the High Court. Then again, Sir, he wants to limit it in such a way that parties cannot go beyond certain restrictions which he wants to place upon them. Naturally all the incidental and corollary questions will have to be discussed by the Special Tribunal as well as by the Division Bench. What is the meaning of saying that neither the Tribunal nor the Special Tribunal shall have jurisdiction to go into the question of the correctness of the determination, or the adequacy of the compensation. It is too restrictive and too narrow. Therefore, it is not properly or liberally conceived. This is all what I want to say, Sir."

* THE HON. SRI KALA VENKATA RAO:—"Sir, my friends had a chance to discuss clause 49 when it came up for discussion. Only a very small change is made in the present clause, and, that is, in sub-clause (a), we have added the words 'the apportionment of the interim payments among the persons referred to in section 47-A'. The other change is that we have substituted the words 'Special Tribunal' for the words 'High Court'. We have already passed this clause. The merits of the clause need not be gone into now."

The amendment was put and carried.

Clause 49, as amended, was put and carried.

Clause 50.

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

'For clause 50, as amended, substitute the following:—

"50. All payments made out of the compensation deposited in the office of the Tribunal under section 40 shall be made by it in accordance with its orders and decisions, subject to the modifications, if any, made on appeal under section 48."

Sir, this is only a consequential amendment."

SRI A. KALESWARA RAO:—"Sir, we have provided for appeals here. I want to know what became of the original clause 50, which is a long one. Part of the amount has to be deposited, then it has to be determined, and then distribution has to be made. Is all that condensed into these four lines now proposed by the Revenue Minister or is it altogether a new one? I want to be enlightened."

THE HON. SRI KALA VENKATA RAO:—"Sir, we have already amended that clause by a previous amendment (amendment No. 409). We only amend that amended clause now."

SRI A. KALESWARA RAO:—"Sir, I did not follow; I now see the Hon. Minister is right."

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* SRI T. VISWANATHAM:—"Sir, in clause 50, the words used are 'subject to modifications if any made on appeal'. In view of what has already been passed, these words should be substituted by the words 'as modified by the Special Tribunal on appeal'. There is no High Court in clause 48 as passed. The High Court and the Division Bench were there yesterday, but to-day they are not there. There is only a Special Tribunal consisting of two Judges nominated by the Chief Justice. The words 'High Court' have got to be changed. If the Hon. Minister has no objection, he can accept this; otherwise, he need not."

THE HON. SRI K. MADHAVA MENON:—"Sir, there is no need for any change. (Sri T. Viswanatham: 'There is no need for change when you are here.') My hon. Friend says that there is no need for change when I am here. I feel flattered if he is sincere about it. My hon. Friend says that since the words High Court have been supplanted by 'Special Tribunal', the words 'Special Tribunal' should be there. Sir, I refer to the words 'subject to the modifications, if any, made on appeal under section 48'. Section 48 speaks of the Special Tribunal. When I say 'appeal under section 48' it implies 'Special Tribunal'. It is not because I am saying it; but it is only ordinary English."

THE HON. SRI KALA VENKATA RAO:—"Sir, this is only a consequential amendment."

The amendment was put and carried.

Clause 50, as amended, was put and carried.

1 p.m. SRI K. BHASHYAM:—"I rise on a point of information, Sir."

MR. SPEAKER:—"To-day is Friday and the hon. Member is rising at one o'clock."

SRI K. BHASHYAM:—"That is why, Sir, I want to know this piece of information. I want to know whether we are going to proceed with the third reading of the Bill in the afternoon."

MR. SPEAKER:—"Not to-day, but on the 26th, we will take up the third reading."

SRI K. BHASHYAM:—"If so, does the Chair propose to give us a holiday in the afternoon?"

MR. SPEAKER:—"No, there are other Bills which will be taken up."

SRI K. BHASHYAM:—"Sir, in view of the strenuous work that we have gone through, we are entitled to some consideration."

THE HON. SRI KALA VENKATA RAO:—"We have not yet finished the second reading. The preamble is not yet passed."

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MR. SPEAKER:—"It is now one o'clock. We will take up the preamble in the afternoon. The House will now adjourn for lunch and meet again at 3 o'clock."

The House then adjourned for lunch to meet again at 3 o'clock.

(After lunch—3 p.m.)

MR. SPEAKER:—"Now we will take up amendment No. 1."

THE HON. SRI KALA VENKATA RAO:—"Before that, Sir, there is one small thing. Yesterday, we wanted to move an amendment which is as follows:—

'Renumber the clauses of the Bill in the numerical order and make consequential changes in the body of the Bill.'

This was left over yesterday, Sir. This is only a consequential amendment and it should go into the official record."

MR. SPEAKER:—"We have passed that yesterday."

THE HON. SRI KALA VENKATA RAO:—"No, Sir."

The amendment was then put and carried.

SRI S. NAGAPPA:—"Mr. Speaker, Sir, I rise to move the amendment which stands in my name and which is as follows:—

'For the word 'ryot' wherever it occurs in the Bill, substitute the words 'actual tiller of the soil.'

Sir, I need not make an elaborate argument. Sir, the amendment itself is very simple. The intention of the Government is to do maximum good to the people of this Province. When that is the case, Sir, I would request the Hon. Minister to extend the benefits of this Bill not only to zamindari ryots—most of them happen to be idle—but to the actual tillers of the soil. Sir, this zamindari ryot has got his patta for nothing. He has only been a lease-holder who has been making others cultivate. Sir, for having made some people cultivate the land, these people are going to be given pattas. The Government are going to purchase the estates at the enormous cost of 12½ crores from public funds and to make gifts of these pattas to these ryots who do not really deserve them. That is my point. Sir, the people who are really deserving these pattas, the actual tillers of the soil, must be given these pattas. That is the first point the Government should consider.

"Now, Sir, according to me, the real people who require the protection of the Government are the poor people who have been farm-servants of these ryots and who have been agricultural labourers. These are the people, Sir, who require the protection and the help of the Government and not the ryots. I do not say that no ryot should be given the benefit. But, Sir, there is nothing in the Bill to define who is a ryot."

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MR. SPEAKER:—"It is already there. The hon. Member need not bring in any controversial matter. The definition is already given. It is covered by clause 2 (1). The hon. Member should remember what I have told him just now that he should not bring in any controversial point at this stage."

SRI S. NAGAPPA:—"Sir, my point is whether that definition will cover the actual tillers of the soil, the actual people who have been toiling. I would like to know from the Hon. Minister whether he wants to give pattas to these people or to those idlers who have been sleeping and who have been taking these lands and making others cultivate them for their sake."

"Sir, another point is this. The Government may pay enormous amounts in order to take possession of these lands but then they may come forward and say, how are we to know who are the actual tillers who are the men who actually till the land."

MR. SPEAKER:—"For the information of the hon. Member, I will read the definition of the word 'ryot'. 'Ryot' is defined as a person who holds for the purpose of agriculture ryoti land in an estate on condition of paying to the landholder the rent which is legally due upon it. It has been defined like that in the Estates Land Act and therefore it applies here."

SRI S. NAGAPPA:—"Now, Sir, my point is this. He may be having occupancy right. But, what I say is that he has not been cultivating it. He may be getting it for occupation, but what is the use of such occupation for occupation's sake. Therefore, Sir, I say that the actual people who have been cultivating the land, who have been useful to the country and who have been producing the national wealth of the country, are the people that require the help and the protection of the Government and not the intermediaries. The ryot is only an intermediary. He has not been cultivating the land. He has been employing agricultural labourers and farm-servants and making use of their labour. I ask, Sir, is the popular Government going to help only such intermediaries? You have classified the zamindars as intermediaries and you want to remove them. The same argument holds good here also. The zamin ryot is another intermediary so long as he is not cultivating the land. Therefore, Sir, I say that the real people who actually cultivate the land must be made the real owners of these lands and they only deserve to own those lands. Sir, I made the same remarks when the Bill was placed before the House and when the general discussion took place. The Hon. Minister at that time said that he would first bring the zamindari ryot to the level of the ryotwari ryot. Well, Sir, he may now say that he would bring in a fresh legislation so that the zamin ryot to-day will become the ryotwari ryot to-morrow. But, I would like to ask the Hon. Minister this simple question. Which zamin ryot who is given a patta to-day will hold the patta till the Hon. Minister brings in such a legislation?"

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No zamin ryot would be such a big fool as the Hon. Minister expects him to be. The moment he gets the patta, he will dispose of it the next day. Then, Sir, how is this Bill going to benefit the actual tiller of the soil, and the man who actually sweats and works hard in the field? Sir, unless the Hon. Minister is prepared to come forward and say that his next legislation will be the Ryotwari Bill and that he is going to abolish the ryotwaris also, unless he gives an assurance that he would bring forward such a legislation immediately, this Bill is not going to benefit the actual tiller of the soil. For instance, Sir, I may bring to the notice of the Government that when in 1937, the Agriculturists' Relief Act was brought before the House, I asked even then about the position of agricultural labourers and whether the agricultural labourers also would be entitled to the same relief. The reply then was that the agricultural labourers and the agriculturists were quite different and the Government then said that they would bring in some other legislation for them. But, Sir, even to-day, when we are in the year 1948, even after eleven long years, the House has not seen the light of such a legislation. They were only futile promises made just to get through some Bills. I would, therefore, request the Hon. Minister to first prepare another Bill and to keep it ready, if he is really sincere to help these actual tillers of the soil. That is the most important point, Sir."

MR. SPEAKER:—"Simply because this is a very important point, many hon. Members want to take part in the debate. (Laughter.) Therefore, I must allow other hon. Members also to speak on this."

SRI S. NAGAPPA:—"No doubt, Sir, the Hon. Minister will come forward with the argument that he would bring in a new legislation. But, Sir, we want to know the definite time-limit by which he would bring in such a legislation as would help the actual tillers of the soil. If he gives such an assurance, then, Sir, I shall consider withdrawing my amendment."

SRI K. T. KOSALRAM:—"Mr. Speaker, Sir, கனம் நண்பர் நாகப்பா அவர்கள் கொண்டு வந்துள்ள திருத்தத்தை ஆதரிப்பதற்கு வந்துள்ளேன்."

MR. SPEAKER:—"அநேகம் பேர்கள் பேசுவதற்கு ஆசைப்படுகிறார்கள். ஆகையால் ஐந்து நிமிஷங்களில் பேசி முடித்து விடுங்கள்."

SRI K. T. KOSALRAM:—"தலைவர் அவர்களே, இதே மாதிரி திருத்தம் ஒன்றை நானும் கொடுத்திருக்கிறேன் என்பதை சப் நாயகர் அவர்களுடைய கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். எனது நண்பர் ஸ்ரீ காளா வெங்கட்டராவ் அவர்கள் இப்பொழுது மிகவும் புரட்சிகரமான ஒரு மசோதாவைக் கொண்டு வந்தார்கள் என்பதற்காக ஒருபுறம் பாராட்டுகிறோமானாலும் மற்றொரு புறத்தில் பார்த்தால், பிரிட்டிஷார்களால் உற்பத்தி செய்யப்பட்ட ஜமின்தாரி முறையை நாம் இந்த மசோதா மூலம் ஒழித்து விடுகிறோம். ஆனால், உண்மையில் பாரக்குமியாது இந்த ஜமின்தாரிகளை ஒழித்துவிடும்தோடு அநேகம் குட்டி ஜமின்தாரிகளை இந்த மசோதா மூலம் உற்பத்தி செய்கிறோம் என்பதை மறந்து விடமுடியாது. இன்னும் குறிப்பாக பாரக்குமியோடு, அவர்களுக்குத் தெரியும், இந்த ஜமின்தாரிகளை

[Sri K. T. Kosalar] [22nd October 1948]

ஒழித்துவிடப் போகிறோம் அதற்காக இந்த சட்டத்தைக் கொண்டு வரப்போகிறோம் என்று சொன்னவுடன் இந்த ஜமீன்தாரர்களுக்கு பட்டாக கொடுக்கும் அதிகாரம் இருந்தபடியால் அவர்களாகவே தங்களுக்கு வேண்டிய ஆட்களுக்கும் தங்களுடைய கையாட்களுக்கும் 100, 200, 300, 400 ஏக்கர்கள் என்று பட்டா கொடுத்திருக்கிறார்கள் என்பதை கனம் காளா வெங்கிட்டராவ் அவர்கள் மறுக்க முடியாது. ஒரு வகையில் ஜமீன்தாரர்களை ஒழித்துவிட்டு மற்றொரு வகையில் குட்டி குட்டி ஜமீன்தாரர்களை உற்பத்தி செய்வதாகிறது. அப்படி ஏற்படுத்தப்பட்டிருப்பவர்களை இப்பொழுது நாம் விரல்விட்டு எண்ணிப்பார்த்து விடலாம். இந்த சந்தர்ப்பத்தில் மக்கள்தரம் காந்தியவர்கள் என்ன சொல்லி இருக்கிறார் என்பதை எல்லோருடைய கவனத்திற்கும் கொண்டு வரவேண்டியது வியமமாக இருக்கிறது. ஏனென்றால் அவர்கள் தாங்கள் காந்திஜியின் பக்தர்கள் என்றும் காந்தியத்தையும் பின்பற்றி வருகிறோம் என்றும் சொல்லி வருகிறார்கள். இதையே கனம் காளா வெங்கிட்டராவ் அவர்களும் அடிக்கடி சொல்லி வந்திருக்கிறார். 'Tiller of the soil must be the owner of the land' என்று காந்திஜி அடிக்கடி சொல்லி வந்திருக்கிறார்கள் என்பதையும் அவர் இதையே அடிக்கடி வற்புறுத்தி வந்திருக்கிறார்கள் என்பதையும் நான் இப்பொழுது அவர்களுக்கு ஞாபகப்படுத்த விரும்புகிறேன். உண்மையில் பார்க்கும்போது பிரிட்டிஷ் ஏகாதிபத்தியம் இருந்த காலத்தில் நாட்டில் மக்களை உயர்வு தாழ்வுடன் அமைக்கப்பட்டிருந்தார்கள். அதை இப்பொழுது நாம் மாற்றியமைக்க வேண்டும். அப்பொழுதுதான் நாட்டில் உணவு பஞ்சம் இல்லாமலும் நெருக்கடி ஏற்படாமலும் இருக்கும். நாம் சுதந்திரம் அடைந்த நாட்டில் உயர்வு தாழ்வு இல்லாமல் மக்கள் சுதந்திரமாக வாழ்வதற்கு சந்தர்ப்பம் ஏற்படும். அப்படி இல்லா விட்டால் நாட்டில் அமைதி ஏற்படாமல் புரட்சிதான் ஏற்படும் என்பதை இந்த சமயத்தில் கனம் மந்திரியவர்களுடைய கவனத்திற்குக் கொண்டுவரப் பிரியப்படுகிறேன். ஆகையால் திருத்தத்தை ஒப்புக்கொண்டு cultivator என்று போட வேண்டியது அவசியம் என்பதை அவர்கள் தெரிந்து கொள்ளவேண்டும். இதற்காக வேறு ஒரு தனி மசோதா கொண்டு வருகிறோம், இப்பொழுது இந்த மசோதாவை நிறைவேற்றி விட்டால் பின்னாடி வரும் மசோதாவில் அதைச் சேர்த்து விடலாம் என்று சொல்லப்படுகிறது. இந்த மசோதாவில் இந்த திருத்தத்தை ஒப்புக்கொண்டால் வேறு ஒரு மசோதா கொண்டுவர வேண்டியதவசியமில்லாமல் போய் விடலாம். இன்னும் இந்த மசோதாவில் Estates Land Act-ல் உள்ள அவசியமானவைகளையும் சேர்த்துக் கொள்ளலாம். அதனால் ஒன்றும் கெட்டுப் போய் விடாது என்பதை கனம் காளா வெங்கிட்டராவ் அவர்களுக்குச் சொல்லிக்கொள்ள விரும்புகிறேன். இப்பொழுது, அவர் புதிதாக ஒரு மத்ய தர வகுப்பினரை உற்பத்தி செய்கிறார்கள் என்று மக்கள் நினைக்கக்கூடாது. விவசாயிகளையும் தொழிலாளர்களையும் காங்கிரஸ்காரர்கள் மறந்து விட்டார்கள் என்பதை மக்கள் பேசிக் கொள்ளக்கூடாது என்று சொல்லுகிறார். காந்திஜியின் தலைமையின் கீழ் ஏற்பட்ட மந்திரி சபையால் கொண்டுவரப்பட்ட மசோதா இப்பொழுது வந்திருக்கிறது. காந்திஜியை பின்பற்றிய சட்ட சபை அங்கத்தினர்கள் இங்கே இருக்கிறார்கள், மக்களிடத்தில் Socialism, Communism என்று சொல்லி மக்களை சிலர் ஏமாற்றுகிறார்கள் தன்னை Communist என்று சொல்லி வருவதாலும் பொது உடைமை காந்தியத்திற்கு நேர் விரோதமானதல்ல என்பதைக் காட்டுவதற்கும் கனம் காளா வெங்கிட்டராவ் அவர்களால் இந்த மாதிரி மசோதாவைக் கொண்டுவந்திருக்கிறார். ஆனால், இந்த திருத்தத்தை ஒப்புக்கொண்டு cultivator என்று மாற்றியமைத்துவிட்டால் காந்தியத்தவத்தை நிலை நாட்டி நாட்டில் உயர்வு தாழ்வு என்பதே இல்லாமல் போய்விடும். இந்த Communist-கள் என்று சொல்லிக்கொள்பவர்கள் இருந்த இடம் தெரியாமலேயே போய்விடுவார்கள். அதைப்பற்றி மக்களும் மறந்து விடுவார்கள். இது Communist Bill என்று கூட சொல்லப்படுகிறதாம். காந்தியத்தின் கொள்கையை பின்பற்றுவதாக இருந்தால் இந்த திருத்தத்தை ஏற்றுக் கொள்ள வேண்டும். அதன்மேல் அவரை Communist என்று சொல்லி விட்டால் பாதகமில்லை. ஏனென்றால் அவர் உண்மை காந்தியத்தை பின்

22nd October 1948] [Sri K. T. Kosalar]

பற்றுவதால் அவர்களுடைய எண்ணமெல்லாம் மாறிவிடும். ஆகையால், மனத சமாதாயத்தில் உயர்வு தாழ்வு என்பது இல்லாமலிருக்கும் பொருட்டு இந்த திருத்தத்தை ஏற்றுக்கொள்வது மிக மிக அவசியமானது என்பதை கனம் மந்திரியவர்களுக்குச் சொல்லிக்கொள்வதுடன் அவரும் இதை ஒப்புக் கொள்வார் என்று நான் நினைக்கிறேன்."

* SRI V. I. MUNISWAMI PILLAY:—“ Mr. Speaker, Sir, I 3-15 rise to support the amendment moved by my hon. friend, P.m. Mr. Nagappa. This amendment raises a very important question as regards the legislation that is now on the anvil in this House. My hon. Friend, Sri Vaidyanatha Ayyar, even on the very first reading told this House the necessities for the tiller of the soil getting the benefit of the lands in question. The difficulties of the tiller of the soil in the zamindari areas are only too well-known. It is too harsh a treatment for those people. Logically, there may be some difficulty about accepting this amendment. But I would like to bring to the notice of the House the moral obligations that are involved in not accepting this small amendment. The amendment may be small, but the purpose for which we plead is very great. The father of the nation, Mahatma Gandhi, has stated time and again in unequivocal terms the necessity for making the tiller of the soil the owner of the land. Many important bodies of politicians in this country have said that such a state of affairs could be created in the near future. The Congress has come into power, and if the real desire of Mahatma Gandhi and those of his way of thinking is to be fulfilled, we ought to concede these privileges to the tiller of the soil. Otherwise, there will be a great disappointment in the country. When this Bill was first published in the Press, the Harijans of this Province were greatly jubilant. They thought that the 'Doomsday' has come to an end after all, and a new era will dawn when there will be all these privileges and facilities for a community that has been kept in the background in the society for many centuries. Sir, look at the most depressed condition in which these people have been kept. Their economic condition is still worse. Unless they are made the owners of the soil, there is no other way of improving their lot economically. If you take the total population of this Province, you will find that about one-sixth of the population comes under the term 'tillers of the soil'. It is therefore all the more necessary that the Government should make some amends whereby these people can be given some status in society.

“ Sir, it is within the knowledge of this House that the agrarian trouble which has been going on this Province is due entirely to the great disappointment that the rights of the tillers of the soil have not been conceded. I thought that this Bill will afford some sort of benefit to these landless people, for they have been tillers of the soil for centuries. A Harijan in the village parts or in the zamindari areas has been under the disability of not even being able to claim a habitation for himself. And you know very well the fate of people who have no habitation. I thought that when the zamindars will be disposed of their lands, the lands will

[Sri V. I. Muniswami Pillay] [22nd October 1948]

naturally go to those who have been tillers of the soil, enriching the country. I know there may be some technical difficulties in this matter. But yet, I am sure the Ministry is sympathetic towards the cause of the Harijans and the tillers of the soil. I hope they will see some way whereby the claims of the tillers of the soil can be well respected, and they can be given a chance to remain in free India, as free citizens with some decent economic status. It is in the knowledge of hon. Members of this House that the tillers of the soil in Vizianagram estate have got to go before the Court, and if necessary even to the High Court to establish that the zamindar is not the owner of the land; meanwhile, they are not even allowed to go to the forest and remove the dried fuel for their use. I shall be only too glad if the Hon. Minister will give us an assurance that morally the Government are bound to help the Harijans and the tillers of the soil in the lands of which the zamindars will be dispossessed now, and do something to enable these people to get the benefit that is due to them."

* SRI A. S. SAHAJANANDAM :—"கனம் தலைவர் அவர்களே, நம் முன்னால் இப்பொழுது கொண்டுவந்திருக்கும் திருத்தத்தை ஆதரிக்கிறேன். நானும் இதேமாதிரி ஒரு திருத்தம் கொடுத்திருக்கிறேன். பொதுவாக இங்கே நாட்டில் ஜமீன்தார்களுக்கு சுமார் நூறு லட்சம் ஏக்கர் நிலம் இருக்கிறது. இன்னும் அதிகமாகக் கூட இருக்கிறது என்று சொல்லலாம். இந்த நூறு லட்சம் ஏக்கர் நிலங்களை சுமார் ஐம்பது லட்சம் ஏழை ஜனங்களுக்கு கொடுக்கலாம். ஆனால் இப்பொழுது 300, 400 ஏக்கர் நிலங்களை வைத்துக்கொண்டு இருப்பவர்களுக்குக் கொடுத்து இப்பொழுது இருக்கும் ஜமீன்தார்களுக்கு பதிலாக 4,000, 5,000 குட்டி ஜமீன்தார்களை ஏற்படுத்துவதில் பிரயோஜனம் இல்லை. ஆகையால் இடையிலுள்ளவர்களை ஒழித்துவிட்டு பூமியை உழுகிறவனுக்கு நிலத்தைக் கொடுப்பது முக்கியமாக இருக்கிறது. நாங்கள் எல்லோரும் அப்படித்தான் வரும் என்று நினைத்துக்கொண்டிருந்தோம். இந்த சட்ட சபைக்கு வெளியிலும் ஜனங்கள் அப்படித்தான் வரப் போகிறது என்று நினைத்து இந்த ஜமீன்தார்களை ஒழித்து ஏழைகளுக்கு நன்மை உண்டாகப்போகிறது என்று சந்தோஷமாக இருந்தார்கள். அப்படி இல்லாமல் இப்பொழுது குட்டி ஜமீன்தார்களை உண்டாக்குவதாக இருக்கிறது. பிரிட்டிஷர் இருந்த காலத்தில் இந்த ஜமீன்தார்களை தரக்களாக நியமித்தார்கள். ஆனால் இப்பொழுது குட்டி ஜமீன்தார்களை ஏற்படுத்துவதால் அந்தமாதிரி தரக்களாக உண்டாக்குவதாக ஆகிறது. அது இல்லாமல் யார் நிலத்தை உழுகிறார்களோ அவர்களுக்குத்தான் நிலம் சொந்தம் என்று சொல்லவேண்டும். காந்திஜியின் உபதேசமும் அதுவே. ஆகையால் ஏழைகளுக்கு ஆள் ஒன்றுக்கு இரண்டு ஏக்கர்களாகக் கொடுத்தால் நாட்டில் கேழ்மம் உண்டாகும்."

"இன்னும் ஜமீன்தார்களுக்கு நஷ்டயீடு கொடுப்பதாகச் சொல்லுகிறார்கள். அதற்காக சர்க்கார் பெரிய தொகையை ஒதுக்கிவைத்திருக்கிறார்கள். அவர்களுடைய வரும்படியைப்போல் பன்மடங்கு கொடுப்பதாகச் சொல்லுகிறார்கள். அப்படிக் கொடுப்பதாக இருந்தால் அது சாதாரண ரயத்துக்களுடைய பணத்தைதான் கொடுப்பதாகவே வரும். அப்படி சர்க்கார் கொடுக்காமல் அந்தப் பணத்தை ஏக்கர் ஒன்றுக்கு 25 or 50 வீதம் விலை போட்டு ஏழை ஹரிஜன தொழிலாளர்களுக்குக் கொடுத்து பல ஆண்டுகளில் வசூலித்துக்கொள்ள வேண்டுமென்று கேட்டுக்கொள்கிறேன். ஆகையால் பூமியை உழுகிறவர்களுக்குத்தான் நிலத்தைக் கொடுக்கவேண்டுமென்று கேட்டுக்கொள்கிறேன்."

SRI V. RAGHAVAYYA :—"Though the amendment is very appropriate, yet, Sir, we have to take note of the fact that if this

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definition of the ryot being the tiller of the soil had been passed earlier, the discussion would not have proceeded so long at all. I think we have to wait for a century more, if not longer, for such a state of affairs to come into existence in this country, when the tiller of the soil will become the owner of the land. He can become so only in a special state of affairs. I do not think our Government, as they are constituted now, can bring about such a reform. Without limiting the extent of the land that a man can possess, it is not possible to change the face of the Act by simply changing the definition of 'ryot'. It is clear that the tiller of the soil has been the object of sympathy. Somehow, these thirty Harijan Members of this Assembly who have been in favour of this amendment have been all along keeping quiet thinking that the '*Mohini Avataram*' of the Revenue Minister would give them the *Amrit* and not the poison. I do not think it is easy for us now to turn the table against the existing clauses, by simply changing the definition of the word 'ryot'. Mr. Nagappa seems to impress the Hon. Minister with points, more for a future legislation than for the present one. If so, he has my sympathies. The members of the party in the majority in this House have always been untiringly speaking about doing good to the Harijans. Till now the Harijans have been thinking that doing good is by way of removal of untouchability and removal of civil disabilities—which have not yet seen the light of day. But now they have been told all on a sudden, that they have been given something more than what they have been meaning all the while, and that the whole thing takes a different shape altogether. But if the Government want to confer all such rights on these Harijans, it is now too late for them to do so, because the hon. Members of this House are not in that frame of mind now. The people outside are still not in that frame of mind. And no Government can exist to-day in these circumstances, if they were to implement all those things. But a day will come when people are of that frame of mind. Of course, it is now easy for a man to say, 'Why don't you give all your lands to the Harijan?'—but he must begin his charity at home. And unless the country is put in that frame of mind, such a state of affairs cannot be realized in practice. It cannot be done by legislation. It is only by revolution that that frame of mind can be created in the country, when people with equanimity will be able to think that a man need not have more than 5 acres of land, or more than a definite ceiling limit. We have agreed to give thousands of acres as private property to the zamindars and at this late stage for anybody to come up and say that the ryot should be the actual tiller of the soil is farcical. There are two kinds of tillers of the soil: one is the annually engaged farm-servant and the other is the daily wage earner. In order that we may say that a particular man is the owner of the land, there must be some sort of possession. The farm servant is not in possession of the land. He tills and sows and somebody else reaps the benefit. The same is the case with the daily wage-earner. How is it

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possible to change the state of things which has been going on for centuries by a mere change in the definition? Even if by a magic wand the Hon. Minister Mr. Kala Venkata Rao can do it, he will not agree to do it, having agreed to allow thousands of acres of land to be the private property of the zamindars and the inamdars. It is fruitless for us to attempt to do any such thing. It may be on a future date a different set of circumstances will prevail in the country. Some people may go and preach in the country that the inamdars and the zamindars are blood-suckers and so on and create a revolution. But that is a distant future. I therefore feel that the object of the present amendment is simply to request the Hon. the Revenue Minister to keep the Harijans and the labourers in his mind when he brings the other legislation he has promised."

* SRI K. BHASHYAM:—"Mr. Speaker, this is a very, very important amendment as it affects millions of people in the country. If it is possible to do so, a Government calling itself democratic and professing to work for the welfare of the masses must really agree to it. Appropriately enough this amendment has really given us an opportunity to have what I may call a Harijan day in this House when Harijan Members and Harijan Welfare workers have taken part in the debate on the amendment. I ask, Sir, why Harijans should confine their ambitions only to being tillers of the soil. They should rise above this small ambition and try to think of becoming Deputy Collectors and District Collectors and other high officers in the State. I think, Sir, they ought not to be mere tillers of the soil. My ambition is that they should be the rulers of the country, as it has been claimed by the late revered R. Srinivasan that the Harijans were once the rulers of the country. I should like that to happen. So I do not want this amendment which is intended for the purpose of keeping these Harijans as merely tillers of the soil. But to the extent to which the amendment will help to ameliorate the conditions of persons who have got anything to do with the tilling of the soil, I welcome it.

"But there is a difficulty which suggests itself to me as a lawyer who is somewhat cautious and a little conservative. And that is as to how we can keep persons at tilling the soil there all the time. Take the case of A, a tiller of the soil who is the owner of the land. He makes a little money, sends his boy to school and in course of time the latter ceases to be the tiller of the soil and becomes a mere Government servant, perhaps on a very low salary of Rs. 20 or Rs. 40, or on a high salary as Deputy Collector. Then he ceases to be the tiller of the soil and somebody else tills the soil. Then this property must change hands from the original tiller of the soil to another tiller of the soil. There will be constant change of ownership all through the year or year after year as one tiller of the soil goes and another takes his place. Therefore what I suggest is this. Even if the tiller of the soil is made the owner of

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the land, it entails a heavy responsibility, which the Harijans may not be able to bear. Some capital has to be put on the land to buy manure, to pay kist, and pay the wages of other agricultural labourers and so on. The Harijans may have very little money for these purposes. Therefore I would suggest to those who are really interested in Harijans—I am also interested in them—that they should try to pass a legislation that if any person tills the soil and is responsible for the cultivation, he should get the major portion of the produce of the land. That is the way in which real help can be given to the tiller of the soil and not by making him the owner of the land. Any man who takes up a land and tills it and cultivates it, must get the major portion of the produce of the land, leaving only a small portion for the kist and the interest on the capital invested on the land. This will approximate to more or less what is being done so far as non-agricultural labour is concerned. Industrial labour wants the profit sharing system—the sharing of the profits between the capitalist and the labourers after leaving a small percentage for the interest on the capital. If such a thing is done, I think the difficulties pointed out by Mr. Raghavayya will be overcome. I think he will certainly help the Hon. the Revenue Minister in a legislation of that kind. He will be doing a very good thing for the Harijans. Sir, this amendment, so far as it goes has my entire sympathy and I should like that it should be given effect to if possible, but not in connection with this Bill. In a future Bill some effort should be made to see that the lot of the tiller of the soil is improved and that he does not get merely the small share of the produce of the land he is getting now but a major portion of the produce, leaving only a small portion for the kist and other expenses of the landholder concerned."

* SRI T. VISWANATHAN:—"Sir, this is a very happy occasion for me to speak on this very important amendment moved by the hon. Member Sri Nagappa. He has risen far above the ordinary legislative level, and we consider him as one of our superiors who had held up our flag high on the floor of the Constituent Assembly and therefore I feel it a pleasure to speak upon the amendment moved by him. I had also thought that I would have the pleasure of seeing the amendment seconded by Mr. Raghavayya. But I was not given that privilege because he attacked the amendment. I really feel, Sir, that apart from the technicalities and the legalities or the unworkabilities pointed out with regard to the case presented by Mr. Nagappa, whether he was able to put it exhaustively or not, it is a case which has to be tackled and tackled seriously by all those persons who have been anxious during this one month to pass this Bill quickly because the ryots are suffering all the atrocities in this province. I know, Sir, some ryots have suffered and I know ryots who have never suffered but who have been using the name of ryots day in and day out and forcing the pace of the Legislative Assembly and of the Hon. Revenue Minister, never caring to see what is just and what is

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not just, never caring to see whether a particular provision affects the ryots or not and never caring even to see whose battle is being fought on the floor of the Legislative Assembly by us here.

To-day, Sir, Mr. Nagappa has opened their eyes. I know that some of them feel that what has come upon the so-called zamindars is soon to come upon them, I say it is good that it should come soon. As I submitted, there are only a few big zamindars in this province. There are only 33 persons in this vast province of Madras who get more than a lakh of rupees a year now and all the rest, about 1,500 to 1,600 persons get only Rs. 4,000, Rs. 5,000 and Rs. 10,000 as their gross rental. If the peishkush and other charges are taken away from them they are in just the same and in many cases, in a much worse position than several ryots for whom we have shown great sympathy. But I do submit that in the new changing ideology that is capturing the heart of this country, the ryot and the tiller of the soil are fast becoming one in the idea. There is no use getting away from the fact. We may try to bring a solution by limiting the extent of holding of the big ryots. I have got a list with me of all the ryots who own thousands of acres and yet say they are suffering and therefore some remedies must be sought for their grievances immediately. But there are only all told, about 40 to 50 lakhs of tenants who are the actual tillers of the soil in this Province. The rest are all just as good exploiters as those whom we have called exploiters for the passage of this Bill. Probably in several cases, they are worse exploiters. The actual tiller of the soil is merely looking on. Yesterday, somebody used the name of the cultivators of the soil and got a fulfilment of his own ambitions and to-day some 33 lakhs of ryots have used the name of the cultivators and they are getting the benefits among themselves. But, thanks to Mahatama Gandhi to-day the poor tiller of the soil and the poor labourer who works in the field from morning till evening without knowing what it is to have two square meals a day, without knowing what it is to have a comfortable house in this ancient land where they have been living from the beginning of time have awakened to the situation. It may be that he may use harsh words in his distress. He may talk of revolution and blood in the agony of his heart. But the problem of the tiller of the soil is a very serious problem which within the course of a year, must be tackled by this Government and those who have been supporting this Government for the passage of this Bill. It is an absolute necessity. Well, Sir, I do not forebode all the revolution and blood that is talked of, nor am I in favour of the suggestion made by my hon. Friend Mr. Raghavayya who said, 'What is the use of talking here. Go into the country and preach revolution'. Sir, I submit that I, who have been saying that we must cultivate respect for law and we must pass laws which should command respect, cannot subscribe to this idea. I am not one of those who will think or speak even in joke as the hon. Member Mr. Raghavayya has done. But, Sir, this problem of the tiller of the soil

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—most tillers of the soil are Harijans—is a serious problem and the ryots are now thinking about it. I am myself thinking of coming forward with a Bill in which I would like to reduce the rental which these ryots will be able to collect from their under-tenants. I suppose, very soon that opportunity will come and therefore I have very great pleasure in speaking on the amendment moved by Mr. Nagappa with great vehemence and fervour.”

SRI N. S. VARADACHARI:—“ Sir, while speaking on this motion, I wish to emphasise the practical aspect of it. All the talk of the ‘ tiller of the soil ’ has emanated because of the whole discussion having started on some such ideological basis. Even the Hon. Minister forgot for a time that we were dealing with practical affairs and put his theories on a somewhat much higher basis than the Bill would warrant. The whole scheme of the Bill is to dispossess certain people called zamindars and inamdars who are regarded as unnecessary intermediaries. But the Bill puts them into possession of such lands as they themselves have cultivated. Clauses 8, 10, 11 and 12 may be gone through for this purpose. In clauses 11 and 12 the Bill is very careful. It says that the landholder shall be entitled to a patta under certain conditions, i.e., provided he has cultivated the land himself. This is repeated in every sub-clause of the clauses, whereas in the case of the ryot, the position is different. The scheme of the Bill is to give him a ryotwari patta irrespective of the fact whether he cultivates the land himself or not. This is a fundamental fact and if only friends like Mr. Nagappa had given an amendment to clause 10 insisting that the same restrictive privilege should have been accorded to the ryot, as has been accorded in the other clauses 11 and 12 to the landholder, perhaps part of his wishes might have been fulfilled. I was one of those who thought that having displaced one intermediary, to put in another intermediary in his place even without a restrictive condition as to cultivation by himself or by hired labour, etc., as we have put in clauses 11 and 12, would not be quite equitable. That at least would have been a middle course for us to follow and in the Select Committee stage, may I point out—I insisted on some such thing being put in and not grant pattas to tenants-at-will. Not only are those who have been in possession of such lands from the year 1933 up-to-date or from the year 1908 up-to-date are now entitled to pattas but also even those in possession of lands only for one year even if they had spent their whole time in Madras sitting at some hotel and attending the discussions of this House as visitors irrespective of the fact whether they cultivated the land or made arrangements for the cultivation of the land or not.”

(Sri B. Venkatanarayana Reddi rose to speak.)

MR. SPEAKER:—“ The hon. Member is not yielding.”

SRI N. S. VARADACHARI:—“ Sir, I am glad to answer the hon. Member. I am not referring to cases like his. He is at least

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living in his village. He cultivates a part of his land is not the whole of it. I am very thankful to the hon. Member for the information. But those who are absentees, who have never seen the land or who have never cared to cultivate it by themselves or by hired labour—as we have insisted in the case of the landholder—do not deserve any patta at all. What justification can there be for us to go before the public and say that because the previous law did some such thing, we are also doing the same in this Bill on the same lines.

“Sir, the phrase ‘tiller of the soil’ is a phrase that has got to be defined. It is very difficult to define this expression and one day we shall perhaps have to find a solution for the problem. Therefore, it is necessary that this Government should put these tillers of the soil in possession and enable them to carry on their occupation without let or hindrance and at the same time assist those who are in possession of the property and who desire to cultivate.”

* THE HON. SRI KALA VENKATA RAO:—“I am very glad, Sir, that my hon. Friend Mr. Nagappa has raised an important question. Of course, Sir, the present scope of the Bill does not warrant the inclusion of the clause as he has drafted it. This is a Bill for the abolition of the zamindaris and the conversion of those estates to ryotwari system. As you are aware, Sir, both under the estates system and the ryotwari system, the present position is this. In the case of the estates, you have got the zamindar and then below him the pattadar and below him the cultivating tenant and below him the agricultural labourer normally. But I must also state, Sir, that there are many people who cultivate their own lands. Even in those cases you have the agricultural labourer in the last category.

“In the ryotwari system also, you have the pattadar and then again the cultivating tenant in certain cases and also the agricultural labourer in all cases. This is the position. Therefore if we seek to change the estates into ryotwari system, the system that will have to come into vogue is to make an occupancy ryot into a ryotwari pattadar. The occupancy ryot will in future be the pattadar under the ryotwari system. There is no gainsaying the fact that some of these ryotwari pattadars lease their lands on a variety of conditions. There is the system of warahi; there is the system of ‘kuthakai’ and there are many other systems which prevail according to the geographical position, rainfall and so on. Now, after the abolition of the estates, every owner of land in the Presidency will be a ryotwari pattadar. After that we will have to tackle the question of the relations between that pattadar and the sub-tenant under him and also the field labourer. In order to achieve this object, Sir, an amendment in this Bill will not be of any use. We will have to tackle this problem on a very broad basis and we have to bring in a new kind of reform in the whole land system in the Presidency.

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“Sir, many things have to be done and they have to be done one after another and they cannot all be jumbled together. The question how long it will take, will depend upon a number of circumstances. For this legislation we took one year and I do not know even after we introduce the new Bills whether the members will be good enough to pass such Bills in a shorter period.

“Sir, I must also inform the hon. Member that in the recent sample survey we found that as many as 58 per cent of the pattadars are cultivating their own lands. Still there are 42 per cent who do not. Even the smaller pattadars owning two or three acres of land—once they know that their property will be transferred will begin to cultivate their own lands and therefore not much land will be available for re-assignment even if we fix a top limit to owning of land. At some stage that has got to be done. (An hon. Member:—What is the stage?) When we bring in a Bill to reform the land system further.”

SRI V. RAGHAVAYYA:—“When there is a revolution.”

THE HON. SRI KALA VENKATA RAO:—“My hon. Friend Mr. Raghavayya is very much enamoured of revolution. Let him go to Korea, China and other countries and train himself in the art of revolution and give us the benefit of his experience and advice for further revolution in this country. Therefore, Sir, when we bring the new reform we have to think of the limit upon the owning of the lands and the relationship between the pattadar and the cultivating tenant and the agricultural labourer. As Mr. Raghavayya has pointed out, you cannot give ownership of the land unless one is in possession of a particular land. Therefore the reform will have to be carefully thought of so that those who participate in the production must benefit out of the produce. So, I would invite Mr. Nagappa to give a constructive suggestion on that line because ere long we will have to think of some kind of reform in this matter.

“Then, Sir, the hon. Member Mr. Kosalram said that I am being called a Communist and therefore to disprove the charge I must accept this amendment. I am not a Communist and therefore I do not like the idea of my being called a Communist. What all I want is a land revenue reform which would be based on the ideals of the Congress to which I am a party and will be a party. Because somebody asked me at which stage further reform will be contemplated, I must again state that as soon as the Agrarian Reforms Committee has submitted its report to the Congress Working Committee and after taking the clue from it, we will proceed with that reform.

“My friend, Mr. Sahajananda said that I have given lakhs of acres of land to the zamindars. Sir, I again contradict that statement and say that the total extent of the private land in this Presidency is between fifty thousand to one lakh of acres for all

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zamindars put together. And therefore unless you want to give a bad impression, there is no need to mention that lakhs of acres are being given away to the zamindars.

Then, my hon. Friend Mr. Bhashyam said that this is a Harijan day. Well, Sir, there must be more Harijan days and these Harijans must get into their own. Unless their lot is improved socially, politically and economically, there is no salvation for this country. And therefore let us have more Harijan days.

4 p.m. The hon. Mr. Varadachari drew attention to one thing. He said: while you put some restriction upon the zamindar, you have not put any restrictions upon the ryot. But he knows that we are not giving any new rights to the zamin ryots except this simple thing, viz., that he becomes a ryot directly under the Government and secondly that certain rights which the zamindar has now got with reference to his tenants are obliterated. Except these two, we are not conferring any new property or occupancy rights on the ryots in any estate. We are not doing anything extra now, but along with the other ryotwari reform which we may bring forward in the future, this question of the occupancy right will have to be taken up and there will be the other important question of the tiller of the soil getting a certain percentage of the produce statutorily will have to be taken up. When that day comes, the difficulty will be solved. I therefore appeal to the hon. Mr. Nagappa to withdraw his amendment on the strength of my statement that the further stages of the reform will be thought of and formulated as early as possible.

SRI S. NAGAPPA:—"Sir, as the hon. Minister has assured us that he would be bringing in fresh legislation soon after the Agrarian Committee report is ready, I have no objection to withdraw my amendment."

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

Long title.

SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, we have come to the end of this Bill which has taken us a long time for thorough discussion. It is a very important Bill of a far-reaching character and so it has necessarily taken so much time, both in the Select Committee as well as here. So many interests are involved, so many aspects are there and there are so many complications in it. Anyway, we have now come to the last stage. I now move my amendment, i.e., the alternative amendment, No. 5 in the printed paper, viz.:

For the words "acquisition of the rights of landholders in permanently settled and", substitute the words "abolition of the zamindari system, the acquisition of the interests of inamdas and under-tenure holders in"

I have given a similar amendment for the next stage in the Preamble also. But I shall speak on the amendment only once."

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MR. SPEAKER:—"Are you speaking on the amendment to the Long Title or to the Preamble?"

SRI A. KALESWARA RAO:—"For both I shall speak only once, as I have given the same amendment to both. If either of the amendments goes, I shall not speak again; but I shall take a little time now. Sir, in this amendment discussion is involved on the fundamental character and principles of the Bill. The Bill says it is a Bill to repeal the Permanent Settlement and to acquire the rights of landholders in permanently settled and other estates. It means there are certain rights of the landholders in the zamindaris and those rights are attempted to be acquired through this Bill. I have been contending and those who agree with me have been contending that the zamindars are not the owners of any property in the estates; they are only owners of private lands, the domain lands, which all zamindars do not necessarily possess. It is only those who were in possession of certain estates and who were conferred the sanadhi-milki-isthimirah in 1802 that possess certain lands, which are being cultivated by their own servants and labour. All other things in the village belonged to the tiller of the soil. Here I use the term 'tiller of the soil' because according to Maine, whoever tills the soil, removes the clod, clears the jungle or shrubwood becomes the owner of the soil. That is the real Hindu plan. Of course, of late we have had some richer men also among ryots, men who by purchasing vast extents of land in villages have become owners of 800 or 1,000 or 2,000 acres. But the general conception in the earlier simple days, i.e., before the advent of the East India Company and before the advent of foreign rule, was that the tiller of the land with his own labour and that of his sons and wife and with the help of his own cattle should get the whole produce of the land he cultivated. In this way things were going on in our ancient Hindu, Indian civilization. Even after the Moghul empire came, there was no change, because they did not disturb our customs and our village institutions; they came only at the top and later assimilated themselves with the people of the country; no doubt some people became Muslims, and so, there was difference only in regard to religion. So, as I said in those days the tiller of the soil was the owner of the soil. This has been investigated and approved and placed beyond doubt by the Prakasam Committee. The village community owned the forests, mines and everything else that did not belong to the individuals privately. Once I was present when Mahatma Gandhi, our revered leader, gave a definition of the word 'kisan'. He said kisan is the man who cultivates the land, not the man who buys and lets and sub-lets. So, the kisans were there. In the days of anarchy that prevailed after the death of Aurangzeb and after the downfall of that great and enlightened empire of the Moghuls, some people might have become zamindars and taken possession of lands; but the East India Company destroyed all those rights. All previous tenures were gone and their civil and criminal jurisdiction were taken away and they were given some permanent

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SETTLEMENT AND CONVERSION INTO RYOTWARI)
BILL, 1947 (L.A. BILL NO. 37 OF 1947)

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pattas, the sanadhi-milki-isthimirah. I need not go further into that question; but I want to refer my friends to the latest report submitted to the United Provinces Government by a committee presided over by no less than Mr. Pant, an eminent lawyer and a member of the Working Committee of the Congress and also the Premier of that province, one of the tallest tops of India. Under his presidentship, a report has been prepared where it is stated clearly that the village community—there is difference between ‘village community’ and ‘communal lands’; ‘communal lands’ mean lands where all people can walk without any special permission; but ‘village community’ means that all the people in the panchayat own, they settle, they manage and they enjoy the property—in that report it is stated that the village community is going to be restored, that forests are the property of the village community, that no transfer of lease or sub-lease of land in the village would be permitted without the consent of the village people. When I talked to my friend about the village community, he began to ridicule and pooh-pooh the idea. In this year 1948, the United Provinces Government want to restore the old village community which prevailed in the olden days. Later these zamindars came and they came in so many different ways; I am not going to waste the time of the House by saying how they came and all that. But it is beyond doubt that the zamindars are not the owners of any part of the village and therefore, to say as in this Bill that there are certain rights of theirs and the Government are going to acquire them is quite wrong; it is a dangerous proposition. Even if somebody advises like that, the Government are precluded from doing so. The zamindars won’t keep quiet; they will say this is *ultra vires*, that is *intra vires*, they will bring forward some suits and give threats, in their natural desire to get more compensation. If once you accept it is their property, you must pay them the market price or 33½ times their present income; but once you admit they are not owners, that they are mere rent collectors, that the East India Company followed this kind of administration, asking them to collect the dues, take something themselves and pay the rest to the Government, then you should not refer to any rights in the property as belonging to them. I have pointed out already that in several places in the Bill these ‘rights’ are referred to. If any suit is filed and litigation is to go on, then the Government—let it be Sri Kala Venkata Rao or Sri Prakasam or anybody who is the Revenue Minister—will be precluded from saying anything to the contrary. That will be the contention of the zamindars who may go up to the Supreme Court—because the Federal Court may go out by that time—and they will base their case on the rock of your admission of these ‘rights’. What is the use of my friend the Revenue Minister making a statement at some stage or other or publishing a press communique; what is the use of such statements being included in the legislative reports—all of them will be of no use. It is the wording in the Bill that will count. The acquisition of rights is enforced as it were

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throughout the Bill and in respect of the payment of compensation, every item has been taken into consideration, not merely the ryotwari rent. Of course they are entitled to ryotwari rent, because they have been there as rent collectors; and you may pay some compensation to them for that; there is no harm. So, Sir, in respect of all the properties that the Government are taking possession of from the villagers under section 3 (b), compensation is being calculated and paid. I still contend, Sir, that if section 299 applies, who is this legislature, who is this Revenue Minister, who is this Government to deprive me of my property and not give me proper compensation? The only question is, whether I am the owner of the property or not. Going through every item referred to in section 3 (b)—I mean, those properties that are taken possession of by the Government—in respect of those properties compensation is being given categorically to the zamindars, even on waste lands which are not in the possession of the ryots or of the zamindar. As a matter of fact, these waste lands belong to the village community. Take for instance, the Prakasam Committee report, or the United Provinces report of Mr. Pant and you will see therein that they belong to the village community on which the Government steps in. If therefore the village community do not function properly, it is the duty of the Government to give them opportunities, train them up and give them necessary powers, because Government are the guardian of the people. That is the duty of a National Government in respect of the village community and that is what is contemplated in the United Provinces legislation, where it is proposed to rear up village panchayats and give them necessary training. Therefore, Sir, in respect of all waste lands, lanka lands and forests, the zamindars are not the owners and they have no right, though as managers of the estates they naturally managed sometimes and they might have eaten more than what was intended by the East India Company. That is a different matter. So, they were only in permissive possession of such properties and they cannot claim any adverse possession as against anybody. Simply because they have been in possession, what is now proposed under section 26 (ii), (iii) and (iv) is, that the income on these are to be taken into account for arriving at the basic annual income. For arriving at this, they take into consideration, not the present income but the average income of the previous three years. This is the principle of assessing compensation. Government will take possession of forests, mines, fisheries, etc., work them up, introduce ryots on waste lands and then whatever income they get for three years will be calculated and the average is taken and one-third of that will be the basic annual income. Can there be a worse position than that; can there be a worse admission than this in respect of the rights of properties? These are the tests. Of course, cultivable lands then in ryots’ possession are there, as well as those in the possession of the zamindar. The question is how much land should be given to the zamindar for patta. In respect of the ryot, whoever is in possession must be given patta and there

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is no question about it. I say, Sir, this Bill is proceeding in a dangerous manner. The Government are now obliged to work them up for three years and whatever profits accrue to the Government, average of three years is taken and one-third of it will be added to the income on lanka lands, ryotwari lands, etc. Sir, I do not wish to repeat my arguments that I have been urging from beginning to end. Patta is given to the zamindar in respect of public land, that is ryotwari land, even for thousands of acres. It is all contradictory to the Prakasam Report and Mr. Karanth's Bill where fisheries and community lands are said to belong to the village communities and as regards the right of the zamindar to mines in private land, he has to go to the Collector and get his permission. For these reasons, I move my amendment, Sir, so that the title will read as follows: 'A Bill to provide for the repeal of the permanent settlement, the abolition of the permanently settled and certain other estates in the Province of Madras.' It will thus be an end in itself."

* SRI T. VISWANATHAM:—"Sir, I have great pleasure in seconding the amendment so ably moved by my hon. Friend, Mr. Kaleswara Rao. He has given very good reasons why the Preamble should be changed. I will not add a single word to what he has stated because he has done it so well that anything said by me might spoil the effect of it."

* THE HON. SRI KALA VENKATA RAO:—"Sir, I am thankful for the eloquent speech of my good friend, the hon. Mr. Kaleswara Rao. He has taken advantage of this opportunity to say what he ought to have spoken by way of general criticism at the third reading about the lapses in the Bill according to his conception. Sir, about the present amendment, he wants to delete the words 'acquisition of the rights of landholder.' That is his main point, but I would like to tell him that even in the Congress Election Manifesto this wording is used, namely, 'the rights of such intermediaries should therefore be acquired on payment of equitable compensation.' Therefore, Sir, we have not gone out of the way by using these words in the Preamble to this Bill. Further, Sir, by using these words, it is not as if we have conceded the right of the zamindar to full property rights. It is not a correct reading of the situation. Therefore, Sir, I think this point need not be laboured very much."

"Then, Sir, my hon. Friend spoke about the village communities. I am very much thankful to him. I am one with my hon. Friend in the matter of the rehabilitation of the village community as the basis of our Ramarajya. Let us put our efforts to that end and see that all the villages are rehabilitated, but that object cannot be gained by merely amending this Preamble. Moreover, Sir, my hon. Friend has stated that any statement from me will not become law. I must tell him that neither his argument can become the law of the country. (Sri A. Kaleswara Rao: I never said so, Sir.) I am saying it. The hon. Member

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has stated that my statement cannot become law and I say that his arguments cannot become law either. Sir, if you want to give all the forests, fisheries, mines, etc., to the village community there will be no more of the forests and no more of the mines. What he probably wants is that there are certain customary rights to the villagers in these forests, etc., and that they should be protected. I know there are certain forest areas which extend from the banks of the Godavari up to Resselkonda in Ganjam district. To which village are they to be given? My hon. Friend thinks that certain rights of the ryots in the villages should be pooled together and leased for the benefit of the village community, but that argument will not improve the present provision here."

"Then, Sir, he made a contradictory statement that the waste lands belong to the village community and he also said that it should belong to the tiller of the soil. Tiller of the soil is an individual but the village community is a group of persons called the community. Therefore, if it belongs to the village community, it should be on a co-operative basis and it is something which we want to introduce in future, but in regard to the question of distribution of land to the tiller of the soil, this clause does not stand in the way. I can assure him that waste lands can be assigned to the tiller. But, I still adhere to my statement that the zamindar is not the owner of the property and that he has got only a limited right of collecting the rent and for that alone we are compensating him and for nothing else. For these reasons, I request my hon. Friend, Mr. Kaleswara Rao, to withdraw his amendment."

SRI A. KALESWARA RAO:—"Sir, I am glad the Hon. Revenue Minister has at least admitted that his statement has as much value as my lecture here. So, I have no quarrel with him."

MR. SPEAKER:—"I suppose the hon. Member is not pressing his amendment."

SRI A. KALESWARA RAO:—"No, Sir. With regard to intermediaries, there are various kinds of intermediaries in various areas and this does not apply merely to zamindars. For instance, in the United Provinces, there are six kinds of intermediaries, but all of them are not zamindars. The East India Company introduced the zamindari system as a method of administering revenue collection and then others came in in the second stage, third stage and so on. In Bihar, United Provinces and Bengal, there are certain kinds of intermediaries who are probably called under-tenure holders. Even in our Province, there are inamdars and other undertenure holders; they are not zamindars, because they do not come under the terms 'rent collectors,' but they were people who were given certain gifts. They come in in the next stage. Some gift is given and if something is taken away you have to pay something and call it compensation. Therefore, Sir, that is not an argument against me."

"Then, Sir, the Hon. Minister said that if the village communities are handed over forests, mines, etc., there will not be

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forests, etc., and that they might all go away. That is why I say that the National Government should take possession. Village panchayats have to be introduced and people have to be trained in them as contemplated by Pant's Committee. Then naturally all these things should be handed over by the Government. I did not say that if there is no rain in the country all forests will be denuded. Nothing of the sort. I do not think, Sir, it is unparliamentary if I say, that it is all confusion of ideas. What I said was that the tiller of the soil should be the owner of the land in his possession and that all other vacant lands should belong to the village community. That is only a legal theory. Now, in the present position the Government will come in. There is nothing to preclude the Government from distributing land to other tillers and bringing in landless people, etc. Therefore, the Government will step in and distribute the land to the landless people as they are now doing in the United Provinces but neither transfer nor sub-lease will be allowed without the permission of the village community. Village community means something like the village panchayat and it is they that should decide whether a particular land should be leased or not. Even in the matter of co-operative farming it is the village community that should decide. For instance, they may like to have a tractor for the benefit of the village as a whole; they have to look to cheaper methods of cultivation, supply of manure and more production. I never said anything about all these things but yet my hon. Friend wants to bring them all together to show that my argument was all a mad thing. Except that, there is nothing, Sir. He has been saying that the zamindars are not the owners of land but merely rent collectors, but what is the way in which the whole Bill from section 2 to the end has been framed? Categorical, the Hon. Minister says, 'I do not know anything, but I am guided by my legal advisers.' That is a different matter. Instead of that, he is trying to advance certain inconsistent arguments which are of no use. Therefore, I cannot withdraw."

SRI K. BHASHYAM:—"On a point of information, Sir. Have the Government considered the fact whether by the use of the word 'acquisition' there will be any difficulty and the possibility of litigation with the zamindars?"

* THE HON. SRI KALA VENKATA RAO:—"I have enquired and we are completely satisfied that that is the proper word and it would not injure the legislation.

"Mr. Kaleswara Rao, Sir, I thought, would be fair at least in his last sentence. He is seventy years old and can he not be expected to be fair even at the end? In his last sentence he said that the Revenue Minister could as well say that he does not know anything and that he was guided by his legal department; I submit that this is very unfair of him. It will be too much on my part to go on commenting upon that, I expected that at least towards the end of our discussions he would be fair but on the contrary he was very unfair. Throughout the discussion of this

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Bill, many other friends have criticized the clauses from the right or the left but many of them have made valuable constructive suggestions and it is Mr. Kaleswara Rao alone—and I can pick up from his speeches from the very beginning—who tried to take advantage for carrying on political vendetta and tried to attack me. I am very sorry for it, Sir."

SRI K. BHASHYAM:—"Is it open for hon. Members to air their personal differences on the floor of the House, Sir?"

MR. SPEAKER:—"They should not."

THE HON. SRI KALA VENKATA RAO:—"I take the advice of friends and am not going to speak further upon this matter though Mr. Kaleswara Rao did.

"At the end I would like to say this: I stick to one ideal and my Government stick to the ideal of the Congress Election Manifesto regarding the reform of the land revenue system. Whatever may be said by others that will be our ideal and we will try and endeavour our best to see that the ideals of the Congress Election Manifesto are carried out *in toto* and if Mr. Kaleswara Rao wants to excel that, I have no objection."

The amendment was put and *lost*.

The Preamble and the long title were put and *carried*.

MR. SPEAKER:—"We shall have the third reading on the 26th."

* SRI T. VISWANATHAM:—"Mr. Speaker, we have had about seventeen days of discussion on the second reading of a Bill which took nearly six months for preparation. Several amendments moved not by others but by the Hon. the Revenue Minister have been incorporated in the Bill. In spite of the greatest care which some of us have been able to bestow upon it, it is not easy for us to collate the original and the amendments together unless a complete copy embodying the amendments passed is put into our hands. If it is possible for the Government or the Secretariat of the Legislature to put the copy of the Bill as amended in the second reading stage, there would be no trouble to start the discussion on the 26th. If there should be any difficulty, time may be given for printing the whole thing. So far as we are concerned, we are ready and we have cancelled our journeys and I have returned the ticket which I have purchased. I therefore, submit that you should kindly arrange for the supply of complete amended copies of the Bill so that we shall be in a better position to take up its final reading."

* SRI K. BHASHYAM:—"I strongly endorse what has been stated by my hon. Friend Mr. Viswanatham. We have been discussing the Bill for a number of days and a number of amendments have been moved and incorporated in the Bill. As a matter of fact, I had not the benefit of the distribution of some of them—it was not due to the fact that there was anything wrong on the

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part of the office—but in the very nature of things on occasions, it has happened. If you want a good and exhaustive discussion of the whole subject, we should know what we are talking about.”

MR. SPEAKER:—“ But it is not possible to have the matter printed in three days.”

SRI K. BHASHYAM:—“ Therefore, it is, Sir, that I plead for a week and that is the reason why three days are not enough.”

MR. SPEAKER:—“ It is only the third reading.”

* SRI K. BHASHYAM:—“ If it is not possible for the office to supply printed copies of the Bill, we shall have at least to put them together and for that we want some time and we cannot do it in three days. Besides there is the Assembly meeting to-morrow and where is the time for us to devote to this matter? There is no time especially when we are having other matter for discussion by the House.”

MR. SPEAKER:—“ For that purpose only, three days have been allowed.”

SRI K. BHASHYAM:—“ In an ordinary case, Sir, I can understand three days. But I wish to point out to you that this is a Bill which has gone out of shape altogether. Originally, as it was introduced, it was something but, when it emerged from the Select Committee, it is something different and as it has emerged from the second reading discussion, it is still further different. Really, Sir, even for a clever person like the Hon. Minister who has got the advantage of a Secretariat behind him, it has not been possible to answer certain points and he will have to refer to his department. When we have not got those facilities, we want more time. This is a very reasonable request which, I hope, the Government will agree to and you, Mr. Speaker, in the interests of fair discussion, the privileges of members being in your hands, must grant this request.”

MUHAMMAD RAZA KHAN SAHIB:—“ Mr. Speaker, we know how anxious you are to help members. I am sure, Sir, you will agree that you should give at least four days for the third reading of the Bill. There are a number of speakers, particularly on the Government party there are many, who wish to participate in the discussions though they have not taken part in any of the clauses and they want to reserve their judgment to the end. Without committing myself, I understand that the Hon. Mr. Prakasam will be taking one full day to express his point of view. I submit, Sir, that in fairness to the members of the House, you should allow four days.”

MR. SPEAKER:—“ We have taken seventeen days for the second reading and two days will do for the third reading. Besides, we have got other Bills also. Regarding re-printing, it is not possible.”

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SRI K. BHASHYAM:—“ We have to put things together and read and we want more time for it.”

MR. SPEAKER:—“ That is why I have given three days.”

SRI K. BHASHYAM:—“ We are going on with the discussion in the House to-morrow and the only day available to us for bestowing attention on this Bill is Sunday.”

THE HON. SRI KALA VENKATA RAO:—“ In practice, Sir, we move for the third reading of the Bill immediately on the conclusion of the second reading.”

MR. SPEAKER:—“ On account of the importance of the Bill, I have allowed three days' interval.”

THE HON. SRI KALA VENKATA RAO:—“ I am thankful to you, Sir, and my department also will avail themselves of this period to scrutinize the whole thing, put things together and see whether things are in order. I can understand the request for time coming from any other member but I least expected it from my hon. Friend Mr. Bhashyam who followed the Bill closely and partook in the discussion on almost every clause. Further, Sir, there are certain difficulties. We have to take it to the Council and then I have told the House about the collection of rents, notifications, etc., and some more time will be needed to get the assent of H.E. the Governor-General. I have taken account of all these things and would request the co-operation of the House to pass the Bill as early as possible.”

* SRI K. BHASHYAM:—“ Mr. Speaker, the argument of the Hon. Minister supports mine. He has got a big department behind him and he said that they have to collate all these things and three days are required for them. I do not have a department and I have to do it myself and in addition I have got to attend the Assembly to-morrow for other business. Whereas the department consisting of a hundred persons works at it for three days, poor myself have to do it alone. On that ground, I should be requiring three times 100 days but I am not asking that much and I would like to have one or two days more.”

* SRI T. VISWANATHAM:—“ The matter is not exactly connected with this, Sir. I wanted to draw the attention of the Hon. Minister to the fact that during the course of the discussion he was telling the House that instructions had been issued for the postponement of the collection of peishkush. I have received information to the effect that in several districts, first, second, third, fourth and fifth notices have been issued calling for the payment of peishkush. In view of the fact that the Revenue Minister has stated that instruction had been issued, I request him to verify and satisfy himself that instructions have been sent.”

MR. SPEAKER:—“ I think I am fair in saying that in three days hon. Members can go through the Bill and be ready for the

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third reading discussion. I am sorry it is not possible to allow more time beyond three days. I am going to take the third reading on the 26th and 27th. On the 23rd we shall dispose of the other measures and on the 28th we shall be having the food debate."

III.—A BILL TO REGULATE THE USE OF WEIGHTS AND MEASURES
IN THE PROVINCE OF MADRAS (L.C. BILL NO. 2 OF 1948).

THE HON. SRI K. MADHAVA MENON:—"This is a very non-controversial Bill. No amendments have been given to it. I move that the Standardization of Weights and Measures Bill^a as passed by the Legislative Council be taken into consideration. This Bill, Sir, was introduced in this House for the appointment of a Joint Select Committee and the House agreed. The Joint Select Committee examined the Bill and made certain suggestions. After that, it has been passed in the Legislative Council and it has come here. This is a very important measure though a very short one. I have already said in introducing the Bill that the weights and measures in this Province vary from village to village with the result that it is very difficult to have any sort of commercial understanding. The standardization business has been attempted from 1928 and various committees have sat at it and various reports have come and finally a Central Act was passed and we are fixing weights and measures all through the Province and that is in section 3 and the way in which weights and measures have been decided will be seen from the schedule. Before the Bill was drafted, a conference of commercial interests was held and the Chambers of Commerce in the districts were invited and they all agreed that it is necessary that weights and measures should be standardized in the whole Province and pursuant to the desire of that conference as well as the general approval of the people and the criticisms that have been received which have been favourable, the Bill has been undertaken and the Select Committee which went into the Bill has only made very small changes in the Bill. Originally, the proposal was to regulate the use of weights and measures but in the Select Committee we have added measuring instruments and weighing instruments also. Clauses 4 to 21 deal with procedural matters as to how measures have to be checked, inspected and penalties levied for the breach of the provisions. It is an important measure brought in so that the commercial community may take advantage of it. In order that the people may not feel difficulty in adjusting themselves to this new measure, we have fixed that the Act should come into force only six months after it is passed into law and notified in the Gazette. When this Bill is passed, there will be one uniform set of measures and weights throughout the Province. So I move the Bill be taken into consideration."

* SRI T. VISWANATHAM:—"Sir, I move, as an amendment to the motion that the Bill be taken into consideration, that the

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Bill be taken to-morrow at 11 o'clock. We have had a rather strenuous session lasting for seventeen days continuously, and some of us have had, so to say, a concentrated discussion on that measure, unlike some others who took part only frequently. We are yet to know the full implications of this Bill now moved for consideration; we have had no time to study it. As the hon. Mr. Madhava Menon has said this is an important Bill we require some time to study it."

MR. SPEAKER:—"There is not a single amendment to the Bill."

* SRI T. VISWANATHAM:—"I submit we have not brought our copy of the Bill. We want to go through it; we want to make an intelligent study of it to see what its implications are. We are not opposed to the measure. We are equally anxious like the Government to see it passed; but please give us some time for rest and some time to study the implications of the Bill. So I move that the Bill may be taken up to-morrow at 11 o'clock."

SRI K. BHASHYAM:—"I second the motion."

The motion was put and carried.

The House then adjourned to meet again the next day at 11 o'clock.

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APPENDIX I.

[Vide answer to starred question No. 452, asked by Mohamed Abdul Salam Sahib Bahadur at the meeting of the Legislative Assembly, held on 22nd October 1948, page 534 supra.]

Statement showing the places in the Province in which fire was opened by the Police and the number of persons killed or injured.

Num- ber.	District.	Place.	Date of occurrence.	Number of persons injured.	Killed.
(1)	(2)	(3)	(4)	(5)	(6)
1	Vizagapatam North.	Chinaraviyam village.	21st June 1947	..	1
2	East Godavari.	Rajshmundry	11th May 1948	..	..
3	Do.	Kapavaram	11th July 1948	..	..
4	West Godavari.	Buchamp. ta	29th November 1947.	4	5
5	Do.	Gangannagulem	28th June 1948	..	..
6	Krishna	Gajulalanka	10th April 1947	7	4
7	Do.	Kalakova	17th July 1947	4	1
8	Do.	Jaggugudem	Do.	..	1
9	Do.	Penan alur	18th April 1948	1	..
10	Do.	Bhagavanulapuram	14th January 1948.	3	3
11	Do.	Lakkavaram	22nd April 1948	..	..
12	Do.	China Kallepalli	21st May 1948	..	..
13	Do.	Mangalap. ram	23rd May 1948	..	..
14	Do.	Krishna Lanka	5th June 1948	..	..
15	Do.	Nallamarri	10th June 1948	1	1
16	Do.	Tunioipad	21st June 1948	(Not known)	(Not known)
				border incident.	
17	Do.	Singavaram	29th July 1948	..	2
18	Guntur	Chilakalurpet	24th March 1947	2	..
19	Do.	Chityala	9th June 1948	..	..
20	Bellary	Yommiganur	13th July 1947	..	..
21	Do.	Do.	23rd October 1947.	3	..
22	Do.	China Kottuliki	22nd May 1948	3	1
23	Anantapur	Kondakamarla	1st February 1947	..	..
24	Cuddapah	Nagire dipali	8th August 1948	..	..
25	South Arcot	Devanampatnam	15th June 1947	..	..
26	Tanjore	Yerumani	24th November 1947	1	..
27	Do.	Nanalur	14th April 1948	6	1
28	Madura North.	Kumarapalayam	24th February 1948.	1	..
29	Madura South.	Periyakolam	8th May 1947	..	..
30	Do.	Devadanapatti	30th October 1947.	5	..
31	Tinnevely	Vikramasingapuram.	11th January 1947.	22	4
32	Do.	Melapalayam	15th August 1947..	7	3
32-A	Do.	Singikulam	9th May 1948	2	..
33	Tiruchirapalli.	Thonnilai	4th April 1947	5	1
34	Do.	Kurumbalur	28th April 1947	2	2
35	Do.	Ayyamperuvai	12th September 1947.	1	..
36	Do.	Measivapuri	17th February 1948	..	..
37	Do.	Pinnathur	25th March 1948	4	4
38	Salem	Sivampalayam	31st March 1947	..	..
39	Do.	Mecheri road, railway station,	9th May 1948	..	1
40	Coimbatore	Udamalpet	22nd Nov. 1947	..	..
41	Do.	Erode	30th January 1948	3	4

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Num- ber.	District.	Place.	Date of occurrence.	Number of persons injured.	Killed.
(1)	(2)	(3)	(4)	(5)	(6)
42	Malabar	Thillengeri	15th April 1948	5	6
43	Do.	Payam	5th May 1948	..	..
44	Do.	Pazhazri	12th May 1948	..	1
45	Do.	Mokeri	18th March 1947	1	..
46	Do.	Onjiam	30th April 1948	6	8
47	Do.	Korome	28th May 1948	..	1
48	Do.	Keralam	22nd April 1948	(not known)	(not known)
				Firing on	Communists.
49	South Kanara.	Eleri	30th April 1948	18	7
50	Madras City	Ayyanavaram	31st May 1948	..	..
51	Do.	Tondiarpet	8th July 1948	..	..

APPENDIX II.

[Vide item III at page 592 supra.]

L.C. BILL No. 2 OF 1948.

(As passed by the Council.)

A Bill to regulate the use of weights and measures in the Province of Madras.

(As amended by the Joint Select Committee.)

WHEREAS it is expedient to regulate the use of weights and measures in the Province of Madras; It is hereby enacted as follows:—

Preliminary.

1. (1) This Act may be called the Madras Weights and Measures Act, 1948.

(2) It extends to the whole of the Province of Madras.

(3) This section shall come into force at once; and the Government may, from time to time, by notification in the Fort St. George Gazette, apply the rest of this Act to the whole or any portion of the Province with effect from such date as may be specified in the notification.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) "Government" means the Provincial Government;

(2) "Inspector" means an Inspector of Weights and Measures appointed under section 6;

(3) "measuring instrument" means any instrument for the measurement of length, area or capacity;

(4) "prescribed" means prescribed by rules made under this Act;

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(5) "recognized weight or measure" means a weight or measure referred to in section 3 ;

(6) "weighing instrument" includes scales, scale beams, balances, spring balances, steel yards and weighing machines.

Recognized weights and measures and the stamping thereof and of weighing and measuring instruments.

Recognized weights and measures.

3. (1) (a) The standard weights specified in the Standards of Weight Act, 1939, and the other weights specified in Part I of the Schedule, being integral multiples or sub-multiples of one or more of the standard weights aforesaid, shall be the recognized weights for the purposes of this Act.

(b) The measures of length and area specified in Part II of the Schedule shall be the recognized measures of length and area for the purposes of this Act.

(c) The measures of capacity specified in Part III of the Schedule shall be the recognized measures of capacity for the purposes of this Act.

(2) Any integral multiple or sub-multiple of a recognized weight or measure shall also be a recognized weight or measure for the purposes of this Act, if such multiple or sub-multiple is notified in that behalf in the *Fort St. George Gazette* by the Government or by any authority or officer empowered by them.

(3) Where a weight or measure is specified in the Schedule or in a notification issued under sub-section (2) as one to be used in a particular trade, it shall be deemed to be a recognized weight or measure only for the purposes of that particular trade.

Primary and working standards.

4. (1) For the purpose of verifying or testing the correctness of weights and measures purporting to be recognized weights and measures and of weighing and measuring instruments, the Government shall cause to be prepared such number of authenticated sets of recognized weights and measures as they may think fit, to be working standards.

(2) For the purpose of verifying or testing the correctness of the working standards aforesaid, the Government shall cause to be prepared such number of authenticated sets of recognized weights and measures as they may think fit, and shall supply one such set to the Board of Revenue and to the Collector of every district. Such sets shall be called primary standards.

(3) The primary standards and working standards shall be made of such material and according to such specifications and shall be prepared by such agency, and shall be stamped by such person and in such manner as may be prescribed. They shall also be verified and re-verified by such person, at such place, and in such manner as may be prescribed.

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(4) The working standards shall be kept by such officers, as the Government may direct, at such places and in such manner as may be prescribed.

5. (1) Every recognized weight or measure shall bear the description of the weight or measure which it purports to be, together with such other mark as may be prescribed, stamped upon it in such manner, and by such person, as may be prescribed :

Stamping of recognized weights and measures and of weighing and measuring instruments.

Provided that the Government may, by notification in the *Fort St. George Gazette*, exempt any recognized weight or measure from such stamping, if, in their opinion, it is impracticable to stamp such weight or measure owing to its small size.

(2) Every weighing or measuring instrument which is calibrated with reference to recognized weights or measures, and every weighing instrument which is capable of being used with reference to recognized weights, shall be stamped in such manner, and by such person, as may be prescribed.

Appointment and powers of Inspectors.

Central Act XLV of 1860.

6. (1) The Government or any authority or officer empowered by them may appoint one or more Inspectors of Weights and Measures for the purpose of carrying out the provisions of this Act and the rules made thereunder.

Appointment of Inspectors.

(2) Every Inspector appointed under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

7. (1) An Inspector may, within the area under his jurisdiction, inspect at all reasonable times, the weights, measures and weighing and measuring instruments used by, or in the possession of, any trader and verify

Inspection of weights, measures and instruments.

(a) whether such weights and measures are recognized weights and measures and, if so, whether they are correct; and

(b) whether such weighing and measuring instruments are correct instruments.

(2) For the purpose of such inspection, the Inspector may, at all reasonable times, enter and search the business premises of any trader.

(3) Where a building is used by a trader partly for dwelling purposes and partly for business purposes, the whole of such building shall, for the purposes of this section, be deemed to be his business premises.

8. If an Inspector has reason to believe—

(a) that any weight or measure is not a recognized weight or measure, or is a recognized weight or measure which has not been stamped as required by section 5, sub-section (1), or is a recognized weight or measure which is incorrect; or

(b) that any weighing or measuring instrument has been calibrated with reference to any weights or measures other than

Seizure by Inspector and forfeiture of unrecognized or incorrect weights, measures, or instruments.

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recognized weights or measures, or has not been stamped as required by section 5, sub-section (2), or is incorrect, the Inspector shall seize such weight, measure or instrument and produce it before a Magistrate who shall, if he finds that such weight, measure or instrument properly falls under any of the descriptions referred to in clause (a), or clause (b), as the case may be, order it to be forfeited to the Government or destroyed.

Penalties and Procedure.

Penalty for using or possessing unstamped or incorrect weights, measures and instruments.

9. Whoever, after the expiry of six months from the commencement of this Act, uses in a commercial transaction or possesses—

(i) any weight or measure, not being a recognized weight or measure which has been either stamped as required by section 5, sub-section (1), or exempted from stamping under the proviso to that sub-section; or

(ii) any recognized weight or measure which, on verification in the prescribed manner, is found to be incorrect; or

(iii) any weighing or measuring instrument which has been calibrated with reference to any weights or measures other than recognized weights or measures; or

(iv) any weighing or measuring instrument which has not been stamped as required by section 5, sub-section (2), or which, on verification in the prescribed manner, is found to be incorrect, shall be punishable, for a first offence, with fine which may extend to one thousand rupees, and for a second or subsequent offence, with imprisonment which may extend to one year or with fine or with both.

Penalty on authorized person who stamps weights, measures, etc., incorrectly.

10. If any person duly authorized by rules under this Act to stamp recognized weights and measures, or weighing and measuring instruments, knowingly stamps or causes to be stamped—

(a) on any weight or measure, any marks purporting to indicate that it is a recognized weight or measure; or

(b) on any weighing or measuring instrument, any marks purporting to indicate that it is a correct instrument, and such weight, measure or instrument is, on verification in the prescribed manner, found to be incorrect, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

Penalty on unauthorized person who stamps weights, measures, etc.

11. If any person not duly authorized by rules under this Act to stamp recognized weights and measures, or weighing and measuring instruments, knowingly stamps or causes to be stamped

(i) on a weight or measure any marks purporting to indicate that it is a recognized weight or measure, or

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(ii) on a weighing or measuring instrument any marks purporting to indicate that it is a correct instrument, he shall be punishable—

(a) if such marks are not accurate with reference to the weight, measure or instrument with imprisonment for a term which may extend to one year or with fine or with both;

(b) if such marks are accurate with reference to the weight, measure or instrument, with fine which may extend to five hundred rupees.

12. Whoever counterfeits any marks prescribed for stamping on a recognized weight or measure, or on a weighing or measuring instrument, shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Penalty for counterfeiting recognized weights, measures and instruments.

13. (1) No weight, measure or weighing or measuring instrument, shall be sold or delivered, unless it has been—
(a) verified or re-verified in the prescribed manner;
(b) in the case of a weight or measure, also stamped as required by section 5, sub-section (1), except in the case referred to in the proviso to that sub-section;

Prohibition of sale or delivery of weight, measure, etc., which has not been verified and stamped.

(c) in the case of a weighing or measuring instrument, also stamped as required by section 5, sub-section (2).

(2) Whoever sells or delivers any weight, measure or instrument, in contravention of sub-section (1), shall be punishable with fine which may extend to five hundred rupees.

14. Whoever knowingly makes, sells or disposes of, or causes to be made, sold or disposed of, any recognized weight or measure or weighing or measuring instrument which is false or defective, shall be punishable, for a first offence, with fine which may extend to one thousand rupees, and for a second or subsequent offence, with imprisonment which may extend to one year or with fine or with both.

Penalty for making, selling or disposing of false or defective weight, measure or instrument.

15. Whoever, in selling any article by weight or measure, delivers or causes to be delivered to the purchaser less than what is purported to be sold shall, if the deficiency exceeds the prescribed limit of error, be punishable with fine which may extend to three hundred rupees.

Penalty for giving short weight or measure.

16. Whoever—

(a) refuses or neglects to produce for inspection under section 7, any weight, measure, or weighing or measuring instrument in his possession or on his premises, or

(b) refuses to permit an Inspector to test any such weight, measure, or instrument, or

(c) obstructs the entry of an Inspector under section 7, or

Penalty for refusal or neglect to produce weight, measure, etc., for inspection.

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(d) otherwise hinders an Inspector in the performance of his duties under this Act, shall be punishable with fine which may extend to five hundred rupees.

Punishment for committing offences through others.

17. (1) Whoever causes any act punishable under this Act, to be done by any adult or child employed by him, shall be liable to punishment for such act as if he had himself done it.

(2) If a child under seven years of age does any such act, the employer of the child, or the parent or other person having the care and custody of the child, as the case may be, shall be liable to punishment for such act as if he had himself done it.

Cognizance of offences.

18. No Court shall take cognizance of an offence punishable under this Act except upon a complaint made by some person aggrieved by such offence, or by an Inspector, or by any other officer or person duly empowered by the Government in this behalf.

Miscellaneous.

Bar of certain suits, prosecutions, etc.

19. (1) No suit or other proceeding shall lie against the Government for any act done or purporting to be done under this Act or any rule made thereunder.

(2) (a) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder, without the previous sanction of the Government.

(b) No such officer or servant shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of the duties or the discharge of the functions imposed by or under this Act.

Construction of references to weights and measures in dealings or contracts.

20. Notwithstanding anything contained in any law for the time being in force, every dealing had or contract made in the Province of Madras or any portion thereof after this Act has come into force therein, for any work to be done or any goods to be sold or delivered by weight or measure, shall be deemed to be had or made according to a recognized weight or measure; and if not so had or made, shall be void; and no document reducing to writing or recording any dealing or contract not so had or made, shall be registered under the Indian Registration Act, 1908.

Power to make rules.

21. (1) The Government may make rules for carrying Central Act XVI of 1908 into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters expressly required or allowed by this Act to be prescribed;

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(b) the material, mode of composition, form and specification of recognized weights and measures and of weighing and measuring instruments and the persons by whom and the number in which they should be made;

(c) securing the authenticity of recognized weights and measures which have been exempted from stamping under the proviso to section 5, sub-section (1);

(d) the procedure for the verification or re-verification of recognized weights and measures and of weighing and measuring instruments and the person by whom and the intervals within which such verification or re-verification shall be made;

(e) the circumstances and conditions under which, and the manner in which, the stamps upon any recognized weight or measure or upon any weighing or measuring instrument may be obliterated or defaced;

(f) the tests to be applied for the purpose of ascertaining the accuracy of recognized weights and measures and of weighing and measuring instruments;

(g) the limits of error to be allowed on verification or re-verification, either generally or as regards any particular trade;

(h) the fees to be charged for the stamping of weights, measures and weighing and measuring instruments and for their verification or re-verification;

(i) any other matter for which there is no provision in this Act and for which provision is, in the opinion of the Government, necessary for giving effect to the purposes of this Act.

22. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, relating to weights, measures and weighing and measuring instruments. Saving of other laws.

THE SCHEDULE.

(See Section 3.)

PART I.

WEIGHTS.

I. For general use—

(a) The palam, being a weight of 3 standard tolas.

(b) The Madras seer, being a weight of 8 palams or 24 standard tolas.

(c) The viss, being a weight of 5 Madras seers or 120 standard tolas.

(d) The Madras maund, being a weight of 8 visses or 960 standard tolas.

(e) The kandy, being a weight of 20 Madras maunds or 19,200 standard tolas.

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II. *For use in the trade in gold and silver—*

- (a) The following multiples of the standard tola, namely :—
2, 3, 4, 5, 10, 20, 30, 50, 100, 200, 300, 500, 1,000 and 2,000.
- (b) The following sub-multiples of the standard tola, namely :—
 $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$, $\frac{1}{16}$ and $\frac{1}{32}$.

III. *For use in the trade in precious stones and pearls—*

- (a) The carat, being a weight equivalent to $\frac{1}{120}$ of a standard tola.
- (b) The following multiples of the carat, namely :—
2, 3, 4, 5, 6, 8, 10, 12, 15, 20, 30, 40 and 60.
- (c) The following sub-multiples of the carat, namely :—
 $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{5}$, $\frac{1}{8}$, $\frac{1}{10}$, $\frac{1}{16}$, $\frac{1}{20}$, $\frac{1}{50}$ and $\frac{1}{100}$.

IV. *For use in the Apothecaries' trade—*

- (a) The drachm, being a weight equivalent to 60 standard grains.
- (b) The ounce, being a weight equivalent to 8 drachms or 480 standard grains.
- (c) The following multiples of the ounce, namely :—
2, 4, 6, 8 and 10.
- (d) The following sub-multiples of the ounce, namely :—
 $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$ and $\frac{1}{16}$.
- (e) The scruple, being a weight equivalent to 20 standard grains.
- (f) Two scruples, being a weight equivalent to 40 standard grains.
- (g) One-half of a scruple, being a weight equivalent to 10 standard grains.

PART II.

MEASURES OF LENGTH AND AREA.

- (a) The standard inch, the standard foot and the standard yard as defined in the Measures of Length Act, 1889.
- (b) The link, being a length of 7.92 standard inches.
- (c) The chain, being a length of 100 links or 22 standard yards.
- (d) The furlong, being a length of 220 standard yards.
- (e) The mile, being a length of 8 furlongs.
- (f) The square inch, being the square of one standard inch.
- (g) The square foot, being the square of one standard foot.
- (h) The square yard, being the square of one standard yard.
- (i) The acre, being an area of 4,840 square yards.

PART III.

MEASURES OF CAPACITY.

I. *For general use—*

- (a) The cubic inch, being the cube of one standard inch.
- (b) The cubic foot, being the cube of one standard foot.
- (c) The cubic yard, being the cube of one standard yard.
- (d) The Madras measure, being equivalent to 108 cubic inches (62½ fluid ounces).

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- (e) The type seer, being equivalent to 72 cubic inches (41½ fluid ounces).

Note.—Three type seers are equivalent to two Madras measures.

- (f) The fluid ounce, being equivalent to $\frac{1}{1000}$ th of a cubic foot.

Note.—One fluid ounce of air-free distilled water at 62°F weighs 437.5 standard grains approximately.

- (g) The pint, being equivalent to 20 fluid ounces.
- (h) The quart, being equivalent to 2 pints.
- (i) The gallon, being equivalent to 4 quarts.
- (j) The bushel, being equivalent to 8 gallons.

II. *For use in the Apothecaries' trade—*

- (a) The fluid ounce as defined above.
- (b) The following multiples of the fluid ounce, namely :—
2, 4, 6, 8, 10, 12, 16, 24 and 32.
- (c) The fluid drachm, being equivalent to $\frac{1}{8}$ th of a fluid ounce.
- (d) The following multiples of the fluid drachm, namely :—
2, 3 and 4.
- (e) The minim, being equivalent to $\frac{1}{60}$ th of a fluid drachm.
- (f) The following multiples of the minim, namely :—
2, 3, 4, 5, 10, 20 and 30.

THE MADRAS LEGISLATIVE ASSEMBLY.

Saturday, the 23rd October 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.

[* 451-A Q.—Answered on 22nd October 1948.]

MR. SPEAKER:—“ Before supplementary questions are put I would like to bring to the notice of the hon. Members that two days ago I had allowed 15 minutes and I had also allowed a half-hour debate.”

SRI V. M. RAMASWAMI MUDALIYAR:—“ Arising out of the answer placed on the table of the House, may I know, Sir, whether any definite instructions were received from the Constituent Assembly that homeless people if they applied with other requisite qualifications should be left voteless? ”

THE HON. SRI B. GOPALA REDDI:—“ Whatever is obtainable now could obtain hereafter; that is the general instructions—except that for 120 days the residential qualification of 180 days is required there is no other change.”

SRI K. BRAHMANANDAM REDDI:—“ Do not the Government consider that the figures given here show that a large body of people entitled to vote are not enumerated properly especially in the City of Madras? ”

THE HON. SRI B. GOPALA REDDI:—“ I do not think a large number of people were not enumerated. Even with regard to the City till yesterday we have received nearly 20,000 applications and we are giving time till 7th November and more people are likely to be enumerated in the City. In the City wherever large blocks of people are not enumerated we will ask the enumerators to visit them once again and take enumeration.”

SRI V. M. RAMASWAMI MUDALIYAR:—“ One difficulty pleaded by the Government is the difficulty of identifying them at the time of election without a place. May I know whether it is not possible to give identity cards just like the ones obtainable at Post Offices on payment of a rupee which is recognized in the whole of Indian Union? ”

THE HON. SRI B. GOPALA REDDI:—“ Sir, the existing rule is ‘ residence in a house ’ as laid down in the Government of India Act itself. That rule will obtain hereafter also. They must be residing in a place whether in a hut or in a big palace.”

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SRI P. NATESAN:—"What is the population of the City to-day and what is the percentage of voters who have now been enumerated so far?"

THE HON. SRI B. GOPALA REDDI:—"It is already given in the statement and subsequently that about 20,000 people have applied."

SRI V. I. MUNISWAMI PILLAY:—"In the answer given it is stated that 'Draft Constitution says under section 67 that residential qualification and other things are to be determined by the respective Legislative Assembly,' and with reference to this may I know whether this rule will be amended later by a verdict of this Assembly?"

THE HON. SRI B. GOPALA REDDI:—"Whatever rule is obtaining now, will be followed hereafter also. Till it is amended it has the force of law."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, to-day being the last day fixed by the Government for inclusion in the Electoral Rolls, may I take it that this time has been extended further for inclusion?"

THE HON. SRI B. GOPALA REDDI:—"Yes, Sir. Up to 7th November."

SRI K. BRAHMANANDAM REDDI:—"In view of the fact, Sir, as admitted by the Government that a large number of complaints have come and that there are other complaints, should not the Government think it better to extend the time till about the end of November next?"

THE HON. SRI B. GOPALA REDDI:—"The electors will have another opportunity of having their names and objections considered when the preliminary rolls are published. Even at this stage they can enrol; so it is unnecessary to extend the time. In West Godavari for a population of 7 lakhs the electoral roll comes to 50.5 per cent and in my own district of Nellore it is 55 per cent of the total population."

SRI K. BOKKAI GOWDER:—"As far as the statement laid on the table of the House is concerned I find that the enumeration in the Nilgiris district is complete, but I understand that Todas in and around the municipal area are not enumerated. May I request the Government to take necessary steps to get them included?"

THE HON. SRI B. GOPALA REDDI:—"If Todas are residing in particular houses, we will certainly look into the question of their enumeration."

M. S. ABDUL MAJID SAHIB BAHADUR:—"There is a feeling in the Province that the party in power is not anxious to have adult franchise and therefore they are not keen about it; may I know whether there is any basis for this feeling?"

THE HON. SRI B. GOPALA REDDI:—"I cannot be held responsible for the feeling current in the Province. The party in power are as anxious as any among the people as it is an

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advantage to them to have adult franchise. On the other hand it is disadvantageous to the hon. Member who put the question."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know whether the Government have arrived at the correct proportion of the adult population to the total population?"

THE HON. SRI B. GOPALA REDDI:—"Our object in the beginning was that we can reach 50 per cent of the present day population. We have been quite safe at that figure. In many districts it is much beyond 40 and in my own district it has exceeded even 50 per cent. After allowing a little margin over the last census we arrived at the target."

SRI N. VENKATASUBBAYYA:—"What is to happen to the homeless people and those who live in temples, pials and such other places?"

MR. SPEAKER:—"The question was answered the other day."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know whether the target fixed by the Government is on a scientific data or only on guess work?"

THE HON. SRI B. GOPALA REDDI:—"On the general average, Sir, in a family with children those below 21 years will come to only 50 cent."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"May I know whether those persons who were detained in jail will be enrolled as voters?"

THE HON. SRI B. GOPALA REDDI:—"If they are convicted they will not be entitled to vote but if they are detenus certainly they can be enrolled."

MUHAMMAD RAZA KHAN SAHIB:—"Sir, now that the time had been extended up to 7th November, may I take it that the enumerators will be directed to go to the localities left out?"

THE HON. SRI B. GOPALA REDDI:—"We are doing it in the City, where there are complaints that blocks have not been enumerated."

SRI R. V. SWAMINATHAN:—"May I know, Sir, what Government proposed to do with regard to the voters in the districts of Ramnad, Madura and Tirunelveli?"

THE HON. SRI B. GOPALA REDDI:—"Those unfortunate people who have left Ramnad district owing to famine, if they cannot avail themselves they can go to the nearest village officer and make a statement about their place of residence which would be sent to the village officer in the Ramnad district."

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SRI V. M. RAMASWAMI MUDALIYAR:—"If he has got qualifications in two places and in one place enumeration has taken place and in the other place he was absent when it was done, what is the procedure to follow?"

THE HON. SRI B. GOPALA REDDI:—"If he was in his own village he would have been enumerated there. But if he was absent in his own place then it was up to him to choose his own native village or the place of his profession."

SRI K. BRAHMANANDAM REDDI:—"We know, Sir, that there are a large number of people who are wandering tribes with no permanent place of residence, may I know if they will be enrolled?"

THE HON. SRI B. GOPALA REDDI:—"If they are wandering tribes they will not be entitled to be enrolled as voters."

MR. L. C. PAIS:—"Having regard to what is contained in paragraph 3, page 2, will it be correct to say that a man who does get himself enumerated before the 7th November can still come in when the preliminary rolls are published in 1949?"

THE HON. SRI B. GOPALA REDDI:—"That is so."

MR. P. A. THANGASWAMI:—"May I know why no returns have been received from Tirunelveli district?"

THE HON. SRI B. GOPALA REDDI:—"I think a large number of returns have been received after the note was circularized to the hon. Members."

SRI S. NAGAPPA:—"In view of the fact that innumerable complaints have been received from Harijans that the village munsifs are refusing to go to the cheris, will the Government take special care to see that not less than 57 per cent of population as arrived at by the Constituent Assembly get enrolled?"

THE HON. SRI B. GOPALA REDDI:—"We have not received innumerable complaints as stated by hon. Member. If any Harijan is left out it is open to the Harijan Association or any non-official organization or friend or relation of the Harijan to see that all Harijan adults are enumerated before the 7th November."

SRI S. NAGARAJA MANIGAR:—"Sir, it is already a fault with us to have left so many people homeless, are we also to add another injustice by allowing them not to be enrolled?"

THE HON. SRI B. GOPALA REDDI:—"That question has already been answered."

SRI K. BRAHMANANDAM REDDI:—"Have the Government any reason to think that the adults in the Province cannot be more than 50 per cent of the population?"

THE HON. SRI B. GOPALA REDDI:—"That is fairly an approximate number. In an average house if there is a father and mother and two children at an average that makes 50 per cent."

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M. S. ABDUL MAJID SAHIB BAHADUR:—"Sir, the other day I suggested with reference to further enumeration in the City of Madras, that officers may be posted at polling booths so that people to be enumerated may present their applications there rather than go to the Deputy Collector at the Collector's office?" 11-15 a.m.

THE HON. SRI B. GOPALA REDDI:—"That is so; we have considered the suggestion of Mr. Majid, and we are acting upon it. In the City of Madras at six places there will be officers posted to receive the applications and in the mufassil at three places officers will be posted and they will receive the applications."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"The other day the Hon. Leader of the House said that more women were enrolled in the city than men. Is it because there were only women in the houses when the enumerators called at the houses, and that men were away from their houses?"

THE HON. SRI B. GOPALA REDDI:—"I did not say that more women were enrolled in the City of Madras. I said in the Province as a whole more women were enrolled."

SRI R. V. SWAMINATHAN:—"Sir, in view of the peculiar circumstances in Ramnad district, will the Government order a fresh enumeration to be taken without insisting on the signature of the persons to be enrolled?"

THE HON. SRI B. GOPALA REDDI:—"It is not possible. As the hon. Member knows, there are two lakhs of people to be enumerated, all living in different villages. They can go to the village officers and get themselves enumerated, and the village officers will forward the statements to the headquarters office."

SRI N. SANJEEVA REDDI:—"In the case of nomadic tribes, who live in tents, like the Yerukalas, will not their tents be considered as houses for the purpose of enumeration as voters?"

THE HON. SRI B. GOPALA REDDI:—"If the tents are stationary tents we have no objection to treat them as houses; and they are entitled for enumeration. But, if they are to change their tents from place to place, from taluk to taluk, I do not know in which taluk they will come under."

Opening of a new road from Nalli Railway station to Uppathoor.

* 461 Q.—SRI R. S. MANICKAM: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether any representation has been received during the month of January of this year for the construction of a road from Nalli Railway station to Uppathoor, Ramnad district;

(b) if so, whether any action has been taken by the Government on the said representation; and

(c) if not, why not?

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

“(b) & (c) As stated on 27th February 1948 in reply to the hon. Member's previous interpellation on the subject, a representation was received by Government. After obtaining the remarks of the Special Officer, Ramnad District Board and the Chief Engineer (Highways) thereon, the Special Officer of the District Board has been asked to submit proposals for the inclusion of the work in the first five-year programme and for its execution as a supplemental item in the current year.”

SRI R. S. MANICKAM:—“Sir, may I know how long will it take for the Government to come to a conclusion, and how long will it take for them to carry it out?”

THE HON. SRI K. CHANDRAMOULI:—“The Government have already come to the conclusion that the work should be taken up this year, and it will be executed within a year.”

SRI N. SANJEEVA REDDI:—“Sir, as this place is supposed to be a marketing place, will the Government expedite this work, as the area is a black-cotton area and carts cannot go to the place when there is rain?”

THE HON. SRI K. CHANDRAMOULI:—“Every effort will be made to finish it as soon as possible. There is no question of a market there or any such thing. The work was first considered some time back and it was included in the five-year programme, and accordingly we have given instructions to take it up for execution.”

Admission of students in the Presidency College.

* 462 Q.—THE YUVARAJA OF PITHAPURAM: Will the Hon. the Minister for Education be pleased to state—

(a) the number of applicants, communitywar, for admission to the B.A. Junior, B.Sc. Junior and B.A. (Hons.) Classes in the Presidency College and the number of applicants selected, communitywar; and

(b) whether it is a fact that admission to the college was refused to brilliant boys with excellent marks on the ground that they belonged to a particular community?

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

“(a) A statement containing the information is laid on the table of the House.

“(b) The most brilliant students in each community have been selected for admission. But in giving adequate representation to all communities, as laid down in the rules for admission, it may be that students belonging to one community receiving some more marks might not have secured admission, while students with less marks from other communities may have been admitted.”

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THE YUVARAJA OF PITHAPURAM:—“Sir, while I am thankful to the Hon. Minister for Education for the information he gave . . .” (Laughter.)

MR. SPEAKER:—“He has given the information; you need not thank him.”

THE YUVARAJA OF PITHAPURAM:—“I am putting my supplementary question with ‘While I am thankful to the Hon. Minister’, (Laughter.) Arising out of the answer of the Hon. Minister for Education, will he be pleased to assure us that in selecting communitywar applicants for admission into colleges, no victimization of any particular community is allowed, inasmuch as that is contrary to the concept of a secular State, and a negation of the principles of democracy and equal opportunities to all?”

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

“Sir, no victimization of any community is contemplated under the rules that now exist. What the rules contemplate is, backward communities may be given a chance for admission so that they may come forward.”

SRI S. NAGAPPA:—“Sir, arising out of the statement placed on the table of the House, may I ask the Hon. Minister why out of the three Harijans, only one was selected and two were rejected for the III B.Sc. Pass Course?”

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

“Possibly, Sir, though three applied, two did not present themselves for admission.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I ask, Sir, so long as the present educational rule to give an opportunity to the backward communities to come forward, continues and that a proportion of seats should be reserved for them, whether that proportion of seats should not be based upon some understandable basis, either of population or of backwardness of particular communities? If that is so, may I know what is it?”

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

“For Arts Colleges, the Government do not think that admission should be on population basis. The Government think that all students deserving admission in colleges should be given admission; but for certain backward communities like Harijans and others a certain percentage of seats is reserved. But in the case of other colleges, a certain minimum standard of proficiency is prescribed, and only those people who come up to that standard will get admission. I may also point out that in the matter of admission, provision has been made in colleges throughout the province for admission of boys and girls who come up to the standard, so that they may get admission in one college or another.”

SRI K. BOKKAI GOWDER:—“Sir, from the figures furnished relating to the admission of backward communities, I find

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that Science and Honours courses are shut out to those communities and that only 43 students have been given admission out of a total of 103 students from backward communities. May I know what is the reason for this step-motherly treatment?"

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

"Sir, Government make a difference in the standard of proficiency required for admission to the Intermediate and Pass Courses on the one hand and Honours and Post-Graduate Courses of study on the other hand. For the latter, which involve a specialization of study, a higher standard is fixed. Only those who come up to that standard are given admission to those courses."

SRI N. SANJEEVA REDDI:—"Arising out of the answer of the Hon. Minister that admissions are made only on merit, and since from the information furnished it is seen that backward communities are badly neglected, am I to understand that they will not get any special consideration?"

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

"Sir, for Honours and Post-Graduate Courses a higher standard is fixed; for the Intermediate and Pass Course Degrees a lesser standard is fixed. As between those who come up to that higher standard, preference is given to backward communities."

SRI N. SANJEEVA REDDI:—"Sir, if backward class students are treated like this, is it not a fact that they will continue to be backward?"

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

"I am afraid the position has not been understood clearly. For example, for admission to Chemistry Honours a distinction is necessary. If there are ten such applicants, students from backward community with sixty per cent marks will be preferred to students from other communities having 70 per cent marks."

SRI S. NAGARAJA MANIGAR:—"From the information furnished, it is seen that with regard to the admission to B.Sc. Honours out of 24 students who applied from the backward community, only two have been given admission. Even though it is done on merit, is this the encouragement given to the backward community?"

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

"Unfortunately it is so. We must make a distinction between a Pass Course and an Honours Course. For easy things a low minimum standard is fixed. Take for example, music. It is not all people who can study music. It is only people who have an innate taste for music that can study it. Honours Course is a specialized course, and to obtain the best results a higher standard of proficiency is insisted."

BEGUM SULTAN MIR AMIRUDDIN:—"Is the Hon. Minister aware of the fact, that because adequate provision has not been

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made for absorbing all students that seek admission into colleges, some high Brahman students, who have obtained brilliant marks, have been forced to join the Veterinary College, and thereby denied the opportunity of utilizing their talents in the proper sphere?"

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

"I do not think it is true; the position is this: for the ordinary B.A. class, according to our qualifications almost all the boys who seek admission have got admission. With regard to the specialized courses, they have, by reason of difficulty in maintenance and high cost of equipment, to be limited in accommodation."

SRI L. N. GOPALASWAMI:—"May I know, Sir, whether the minimum standard required is the same for all the communities?"

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

"The minimum standard is the same for all; but it differs with each course."

S. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I inquire whether it has come to the notice of Government that some Principals of colleges have been compelled to give seats to dull backward students as a result of pressure brought by some close relatives and friends of Hon. Ministers?" (Laughter.)

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

"I repudiate the charge. It may be also relatives of M.L.As. or of a member of the public, for the matter of that. (Laughter.) I am very sorry the hon. Member should talk in this vein. It is wrong for anybody to bring such pressure. As far as Government colleges are concerned, if the hon. Member points out a single instance I assure him I shall take stringent action in the matter."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"May I ask, Sir, at the time when Mr. Prakasam was the Premier, the then Minister for Education, who, now also, happens to be Minister for Education, very vehemently defended the policy of admission into colleges on merit and how is that he now declares there is no reservation of seats for merit but only for communities?"

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

"The hon. Member is absolutely wrong in his statement. For Honours course, merit is insisted upon. For all other courses, a minimum standard is insisted upon, and a certain amount of concession is given to the backward communities."

SRI R. V. SWAMINATHAN:—"Sir, I am not satisfied with the answers to supplementary questions regarding the claims of backward communities. (Several voices: So you want to have an half-an-hour debate on it.) (Laughter.) Mr. Speaker, you must protect me from these people. (Laughter.) May I ask, the Hon. Minister, when admission to Brahman students is restricted on the basis of giving protection to the majority community against

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the silent and influential minority, could not the same principle be applied as between the voiceless majority and the vociferous minority in the Non-Brahman community?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"Instruction of Government to the heads of colleges is that the claims of minorities should be respected and I think that provides for what the hon. Member asks for."

SRI V. I. MUNISWAMI PILLAY:—"In reply to the supplementary question of Mr. Nagappa, the Hon. Minister said, out of the three students who applied, two might not have turned up at the time of admission. May I know from the Hon. Minister whether he will verify whether due notice was given to those students to appear for admission?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"I shall explain the position to the hon. Member. Generally students apply for admission to more than one college. It does happen that some of them get admission to more than one college, and in such a case they prefer professional college. If the hon. Member gives notice of a specific case I shall certainly get the information."

SRI M. S. PATTABHIRAMIAH:—"Arising from the answer of the Hon. Minister to one of the supplementary questions, may I presume that all those students who were refused admission in the Presidency College got admission in one or other of the colleges in the Presidency?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"I am unable to say about every individual student. But, I know this: in the beginning when admissions are made there is a great rush of applications. Some of them get admission in two or three, or even, four or five colleges. Some of them get admission only in one college at first. They join that college; and later on when they get admission in another college they leave this college and join the other college; thus their seats become vacant; then, many boys who did not get admission at the first rush, get admission. More than that I cannot say."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, in view of the fact that many brilliant students are thrown out from further studies, are the Government making necessary arrangements for increasing considerably seats next year?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"Before answering the question of the Leader of the Opposition I shall answer the question of Mr. Raza Khan said in whispers."

MR. SPEAKER:—"The Hon. Minister should not take notice of them. There are so many things said in whispers." (Laughter.)

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"Without answering the question said in whispers I may

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say, that Muslims have been given a reservation of five per cent of seats in the Queen Mary's College, and their interests are sufficiently protected. Regarding the question of the hon. Leader of the Opposition, I may say, the Government are considering the question of enlarging admission into colleges."

SRI K. BOKKAI GOWDER:—"May I know whether all the students who had been refused admission for the Honours and Post Graduate courses have been given admission at least to the Pass courses and absorbed in the colleges?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"I am unable to answer that question."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Cannot the Government say definitely that they are making arrangements for increasing the number of seats in the colleges next year in view of the hardships which the students and parents have been experiencing for a number of years?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"Ever since this Government came into office, every year they have increased the number of admissions. In 1946-47, 4,000 more and last year 1,700 more students were admitted. In the coming year also, the Government will bear the hardships in mind and see what can be done in the matter."

Scheme for laying village roads.

* 463 Q.—SRI S. NAGARAJA MANIGAR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government have put forward any new scheme for laying village roads; and

(b) if so, what the scheme is?

THE HON. SRI K. CHANDRAMOULI:—" (a) & (b) There are two schemes:—

- (1) The Post War Road Development Programme relating to roads other than National Highways.
- (2) The District Board's programme for improvements to village communications.

The Post War Road Development Programme for the first quinquennium provides for the formation of 6,000 miles of new village roads (according to the latest decision of the Government) and for the improvement of 8,100 miles of village roads, spread over all the firkas in each taluk of the various districts. The programme contemplates the provision ultimately of village roads so as to give access to main roads for all villages with a population of over 500. This programme runs over 25 years and is developed by stages.

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The district board programme has been framed according to local needs and in consultation with the Collectors of districts.

Provisions to the extent of Rs. 35 lakhs for Post War Road Development Works, rupee one lakh for works included in the village road programme of district boards and rupees four lakhs for distribution to panchayat boards for the improvement of roads in their areas, have been made for the current year. In addition, a sum of Rs. 50,000 for each of the selected firkas and centres has been provided for under the Firka Development scheme for the improvement of village communications.

The Post War Road Development Programme also aims generally at bringing every village in thickly populated areas within two miles of district roads and in other areas within five miles."

SRI S. NAGARAJA MANIGAR:—" May I know whether the Post War Road Development Programme for village roads is in force and whether the proposed roads are being put into execution? "

THE HON. SRI K. CHANDRAMOULI:—" The Post War Road Development Programme is already in force for the last one year."

SRI K. BRAHMANANDAM REDDI:—" What is the amount of allotment in this year's budget for laying village roads? "

THE HON. SRI K. CHANDRAMOULI:—" As I have already said the total amount is 40 lakhs this year."

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—" May I know the mileage that has been set apart for construction this year under the Post War Road Development Programme? "

THE HON. SRI K. CHANDRAMOULI:—" A separate question may be put."

M. S. ABDUL MAJID SAHIB BAHADUR:—" In view of the importance of village roads in the development of commerce and trade of this province, may I ask the Hon. Minister whether he will give priority to the construction of village roads? "

THE HON. SRI K. CHANDRAMOULI:—" That is exactly the policy of the Government also."

MUHAMMAD RAZA KHAN SAHIB:—" May I ask what the Hon. Minister means by 'village roads' because by experience we have found that they are no better than footpaths? "

THE HON. SRI K. CHANDRAMOULI:—" Village roads are not footpaths. They are roads laid by the Government. Let the hon. Member inspect the roads and then draw his own conclusion."

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H. S. HUSSAIN SAHIB BAHADUR:—" May I know whether the programme of village road development is to be carried out by panchayats and, if so, whether the panchayats will be reconstituted on a proper basis very soon? "

THE HON. SRI K. CHANDRAMOULI:—" Funds specially allotted to panchayats will be spent by panchayats after the estimates are approved."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—" In view of the Hon. Minister's reference to a future programme, may I know the number of miles laid during his regime of a year and a half? "

THE HON. SRI K. CHANDRAMOULI:—" I have given the necessary fund and other requirements. If the hon. Member wants mileage, let him put a separate question."

SRI N. VENKATA SUBBAYYA:—" May I know how the budget allotment is allocated among the various districts? Is it not a fact that districts which are badly in need of roads are neglected? "

THE HON. SRI K. CHANDRAMOULI:—" Usually the district board contributes one-half and Government give the other half. With regard to poor district boards and neglected areas, three-fourths grants are given and sometimes even full grants are given."

SRI L. N. GOPALASWAMI:—" Are the Government aware that after the transfer of the execution of road works to the Highways Department, the district boards are not able to construct as many roads as before, that red-tapism stands in the way of speedy execution, and that there is great stagnation? "

THE HON. SRI K. CHANDRAMOULI:—" It is too early to come to a conclusion, because the programme has not yet been finally settled and a beginning has been made only last year."

SRI KALLUR SUBBA RAO:—" May I know from the Hon. Minister whether, on the half grant basis, only rich district boards, district boards which can afford to pay the other half, can get the benefit of the grants? "

THE HON. SRI K. CHANDRAMOULI:—" I have already said that, if any district board is not in a position to meet the other half, the Government are giving full grants."

SRI V. I. MUNISWAMI PILLAY:—" Will the Government give preference to roads which are not included in the Post War Development Programme but are considered very essential and important? "

THE HON. SRI K. CHANDRAMOULI:—" If the hon. Member brings such important roads to the notice of Government, they will be considered for inclusion in the Programme, and then taken up for execution."

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Are the Government aware that there are certain localities which are specially backward in the matter of roads and may I know whether the Government are giving priority to such localities?"

THE HON. SRI K. CHANDRAMOULI:—"A five-year programme has been drawn up for each district. All the considerations are taken into account and then only the programme is drawn up."

SRI D. V. RAMASWAMI:—"May I know whether the Post War Road Development Programme has absorbed the Vipan's scheme of village roads or whether the two exist as two distinct schemes?"

THE HON. SRI K. CHANDRAMOULI:—"It has practically absorbed the Vipan's scheme."

SRI R. SUBBA AYYAR:—"As many of the road schemes have been kept in abeyance for want of engineers, supervisors and other technical staff, or are not executed properly, what arrangements are the Government making to meet this difficulty?"

THE HON. SRI K. CHANDRAMOULI:—"It is true that the Government have not been able to carry out certain schemes for want of technical staff. But the Government are making every endeavour to see that the works are executed efficiently and quickly."

SRI S. NAGARAJA MANIGAR:—"Is it not a fact that there is not much progress in the district board scheme and, when that is the case, why should there be two different authorities to work the road schemes?"

THE HON. SRI K. CHANDRAMOULI:—"There are not two different authorities. The engineering staff of the district boards is under the Highways Department. Funds are allotted by the district boards and also by the Government and the works are executed by the Highways Department."

SRI K. BRAHMANANDAM REDDI:—"As stated by the Hon. Minister, the Road Development Programme is spread out to last for a quarter of a century. Do not the Government think it better to limit the period to not more than a decade?"

THE HON. SRI K. CHANDRAMOULI:—"Out of this programme, a five-year programme has been evolved. Even though funds have been allotted for five years, the works may be expedited and completed even within one or two years."

SRI T. VISWANATHAM:—"Out of the amount set apart for the Firka Development Work, may I know the amount allotted to the Pendurti and Gara firkas?"

THE HON. SRI K. CHANDRAMOULI:—"A separate question may be put."

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SRI S. NAGAPPA:—"In view of the fact that most of the sanctioned allotments lapse due to want of proper contractors, will the Government consider the desirability of organizing labour societies and entrusting the works to them?"

THE HON. SRI K. CHANDRAMOULI:—"Provision already exists for organizing labour societies. If labour societies apply, they will be given contracts and there is no bar to it. The hon. Member may encourage labour societies."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know whether the Government are still proceeding on the basis of eliminating rail road competition in the development of roads?"

THE HON. SRI K. CHANDRAMOULI:—"It is not the intention of the Government to compete with anybody. Their aim is to see that every village road is connected with the main road so that the villagers can have easy access and their produce may be carried very easily to the market centres and thereby they can derive benefit."

Assessment on the lands in the Shatiatope anicut area.

* 464 Q.—SRI S. PARAMANANDA RAYAR: Will the Hon. the Minister for Land Revenue be pleased to state whether it is a fact that the Government have levied extra assessment on the lands in the Shatiatope anicut area for the supply of Coleroon water, and if so, what the rate per acre and the total increase for the whole area are?

THE HON. SRI KALA VENKATA RAO:—"In May 1947, the Government ordered that the classification of sources under the Shatiatope anicut system should be raised to the next higher class, with corresponding increase in the rates of assessment, with effect from fasli 1367, as a result of an additional supply of water to that system from the Coleroon branch of the Cauvery."

"A statement^a showing the increased rates of assessment on the lands under the Shatiatope anicut system is placed on the table of the House."

"The total increase of assessment per year under the Shatiatope anicut system as a result of the increase in the classification of the sources is Rs. 19,547-15-0."

SRI S. PARAMANANDA RAYAR:—"May I know whether the Government will consider the question of waiving the recovery of the excess assessment in the next few years in view of the fact that the economic condition of the cultivator is just now not satisfactory and that the collection of the extra assessment is hardly propitious?"

THE HON. SRI KALA VENKATA RAO:—"No, Sir."

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Instruction through the medium of the mother-tongue.

* 465 Q.—BEGUM SULTAN MIR AMIRUDDIN: Will the Hon. the Minister for Education be pleased to state what steps this Government intend to take to implement in this Province the resolution of the Government of India that a child should be instructed in the early stage of his education through the medium of the mother-tongue?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“The matter is under consideration.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know, Sir, whether when considering this matter, the Hon. Minister for Education will deeply ponder over the following sentences of the resolution:—

‘Any attempt to adopt one language in a Province where groups of people speaking different languages reside, and impose it on all is bound to lead to discontent and bitterness. It will affect the inter-Provincial relations and set up a vicious circle of retaliation. Provincialism will grow and Indian nationalism will suffer.’

“And may I ask when the Government will be able to let us know their final decision in the matter?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I have already said that the matter is under consideration, Sir, and I have nothing more to say just now.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know when approximately the Government will be able to arrive at a decision?”

Agricultural implements supplied to the Chidambaram depot.

* 466 Q.—SRI S. PARAMANANDA RAYAR: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether any tractors for the removal of earth and digging for maramath operations have been placed at the disposal of the Agricultural Demonstrator, Chidambaram, and if so, what the particulars are; and

(b) the number of spades, ploughshares and other agricultural implements supplied to the Chidambaram Depot, the date of supply and the particulars relating to distribution; and

(c) what the reasons are for fixing the price of Rs. 21 and odd by the Agricultural Department for the seed paddy supplied to the ryots?

THE HON. SRI K. MADHAVA MENON:—“(a) The answer is in the negative. Arrangements are, however, being made to send one tractor with bulldozer equipment to the South Arcot district shortly for hiring to the ryots.

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“(b) The various agricultural implements supplied to the Chidambaram depot from 1st January to 31st July 1948 and sold during that period are as follows:—

Name of implement.	Supplied during 1st to 31st July 1948.	Sales.	Stock available on 1st August 1948.
Country plough shares ..	1,158	829	329
Spades	2,691	98	2,593
Hand hoes	701	142	559
Crow bars	52	2	50
P.S.G. Iron ploughs ..	22	16*	6
(* Transferred to other depots.)			
Gurjar plough shares ..	12	..	12
Cooper No. 11 shares ..	100	6	94
Cooper No. 25 shares ..	100	..	100
Winnows	150	144	6
Iron chatties	97	55	42

The information regarding the date of supply and the particulars relating to the distribution is not readily available.

“(c) In the South Arcot district, the sale price of seed-paddy at the Agricultural depots was fixed at Rs. 16-2-6 per bag of 125 lb. net. This was based on the purchase price which was Rs. 15-10-6 per bag.

“In July last, the District Agricultural Officer, South Arcot district, found that the departmental price was far below the local rate and consequently increased it to Rs. 20-14-0 per bag with effect from 7th July 1948. The sale price was further revised to Rs. 28-2-0 per bag from 30th July 1948. As complaints were received that the paddy-seed purchased at about Rs. 15 per bag was being sold in the Agricultural depots at about Rs. 28 to Rs. 29 per bag, the District Agricultural Officer, Cuddalore, was directed early in August 1948 to sell the paddy-seeds from depots only at the prices originally fixed taking into account the purchase price and transport charges.”

SRI S. PARAMANANDA RAYAR:—“In view of the answer to clause (b) may I know why these agricultural implements could not be supplied to the agriculturists in time?”

THE HON. SRI K. MADHAVA MENON:—“The question of supplying them in time does not arise at all, Sir. These articles were already in the agricultural depot in the Taluk. Agricultural Office and the agriculturists must go and purchase them.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“Sir, from the figures given by the Hon. Minister, it is found that many of the agricultural implements have not been sold. Does it mean that these implements are not suited to the condition of the soil or that their price is too high or is it due to any other reason that the stocks are still remaining unsold?”

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THE HON. SRI K. MADHAVA MENON:—"Sir, out of the ten items only in respect of two or three items the sales have been poor. This may be due to both those reasons, Sir, that is to say, some of them may not be suitable for the locality and the price of some others might be too high. But these were indented by the Local Agricultural Officers and they will have to dispose them of in due course."

S. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I enquire whether the Government are aware that in certain depots, agricultural implements are not distributed properly and that applications for such implements are not receiving prompt attention at the hands of the Agricultural officers?"

THE HON. SRI K. MADHAVA MENON:—"We have received some complaints on that score, Sir."

SRI K. RAJARAM NAIDU:—"Sir, arising out of the answer to clause (c), may I know, why, when the cost price of paddy was only Rs. 16-2-6, it was sold at Rs. 20-14-0 per bag, thus making a profit of over 25 per cent?"

THE HON. SRI K. MADHAVA MENON:—"It was not with the idea of making a profit that the District Agricultural Officer was ordered to increase the price of paddy. The fact was that the market price of paddy in that area was about Rs. 25 to 30 per bag, and it was found that poor people purchased these seeds at Rs. 16 and sold them at Rs. 30, so that they were not used for seed purposes, but for other purposes and they made a profit out of them. To put an end to that abuse these seeds were raised to the market rate, Sir."

SRI G. SANYASI RAO:—"Are the Government aware that many of these tractors which are supplied to the districts are not functioning properly, either for want of drivers or for want of parts, which are not easily available there?"

THE HON. SRI K. MADHAVA MENON:—"In some districts, the tractors supplied are not working properly because some of their parts are not in proper working order."

SRI S. NAGARAJA MANIGAR:—"Is it not a fact, Sir, that some of the tractors which are supplied to the districts are not properly distributed throughout the district?"

MR. SPEAKER:—"This is a question concerning Chidambaram and the hon. Member must put a separate question for it."

SRI S. PARAMANANDA RAYAR:—"In view of the answer to clause (c), will the Government consider the desirability of reducing the price of paddy seeds to facilitate cultivation by poor ryots?"

THE HON. SRI K. MADHAVA MENON:—"The price was raised by the Agricultural Officers in July, but in August the Government directed that the price of the seeds should be reduced to their original price."

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Subsidy given for digging wells in Thiruttani taluk.

* 467 Q.—SRI M. DORAIKANNU: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether it is a fact that the Government have sanctioned Rs. 750 for only three villages in Thiruttani taluk for digging wells;

(b) whether it is a fact that representations were made to the Government two months back, to enhance the subsidy to Rs. 750 to all the villages in the taluk of Thiruttani for digging wells; and

(c) if so, what action the Government have taken on these representations?

THE HON. SRI KALA VENKATA RAO:—" (a) Under the New Well Subsidy Scheme for 1948-49, only two villages, viz., Harischandrapuram and Peddakalathur in Tiruttani taluk, are eligible for a subsidy of Rs. 750 for digging wells.

(b) & (c) Yes. The matter is under examination."

SRI M. DORAIKANNU:—"In view of the fact that the Chittoor district is in the Rayalaseema area, will the Government consider the desirability of enhancing the subsidy to Rs. 750 in all the villages in the Chittoor district?"

THE HON. SRI KALA VENKATA RAO:—"The conditions in the Chittoor district cannot be compared to those in the Ceded Districts, Sir. The Chittoor district is far richer and there are more wet tracts than the other districts of the Rayalaseema and the question of enhancing the well-subsidy of Rs. 750 will arise only in the case of those villages which are in the uplands and not in the deltaic tracts, Sir."

SRI B. S. MURTHI:—"Are there cases, Sir, in Tiruttani taluk, where a ryot who has been given a subsidy for sinking well has also applied for some more money for the completion of the well because the land is rocky there?"

THE HON. SRI KALA VENKATA RAO:—"The well-subsidy scheme is a scheme for the whole of the Province. The grant will not be increased in particular cases, Sir."

SRI V. M. RAMASWAMY MUDALIYAR:—"May I know whether the Hon. Minister is aware that in many districts applications for well-subsidies have been received, but they could not be complied with, because there is no budget provision for the same in the districts, and may I know what steps the Government propose to take to see that all applicants are given the subsidy?"

THE HON. SRI KALA VENKATA RAO:—"We are giving Rs. 1,60,00,000 for the purpose, Sir, and that is all the provision we could make."

SRI N. S. VARADACHARI:—"Will the Government kindly note that parts of the Chittoor district were originally

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taken from the Cuddapah district and that the geographical situation of certain taluks in the district is the same as in the Ceded Districts of the Rayalaseema?"

THE HON. SRI KALA VENKATA RAO:—"That is why, Sir, the Government have extended the same privileges that are given to the Ceded Districts to Madanapalli taluk in the Chittoor district."

SRI N. S. VARADACHARI:—"Will the Government put down in the scheme for subsidies, a condition that these subsidies will be payable only on a contract being signed by the owner of the well that he should deliver foodgrains according to stipulation by the Government?"

THE HON. SRI KALA VENKATA RAO:—"That applies not only to those who grow foodcrops under this scheme, but also in respect of all the cultivators who grow foodgrains."

SRI T. VISWANATHAM:—"May I know whether during one of his recent tours of the Hon. Minister for Revenue, a complaint was made to him straight in the presence of the officials that 33 per cent of the subsidy intended for the ryots is being absorbed by some officials during the process of distribution and only 66 per cent is reaching the ryots?"

THE HON. SRI KALA VENKATA RAO:—"Well, Sir, I received only one such complaint during my tours and that was in the Venkatagiri taluk, in the Nellore district when I was addressing a meeting of about 3,000 people. Somebody wrote some such complaint on a chit and it was given to me. I immediately asked the audience to come forward and tell me about a single case of corruption and I also promised to take immediate action against the officer concerned but out of the big audience of 3,000, nobody got up, Sir."

SRI S. NAGAPPA:—"In view of the fact that Rs. 750 given now as subsidy is not enough in most of the villages in the Rayalaseema, will the Government consider the desirability of meeting at least 50 per cent of the cost of the sinking of wells?"

MR. SPEAKER:—"This question relates to well-subsidy in the Tiruttani taluk. The hon. Member may put a separate question."

SRI K. BHASHYAM:—"May I submit, Sir, that the question that the Hon. Minister for Revenue has put at a public meeting for a person to come forward publicly to make complaints against a public officer is the surest way not to get any complaint at all?"

THE HON. SRI KALA VENKATA RAO:—"An outsider who wants to make an allegation against a public officer must also be bold enough to come forward and prove his case with evidence, Sir. Else innocent officers will have to suffer sometimes."

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Scale of pay of Hindusthani Pandits.

* 468 Q.—MR. SPEAKER:—"The hon. Member who put the question is not in his place. The answer will be printed in the Proceedings."

SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Education be pleased to state whether it is a fact that the Hindusthani pandits who have passed the Vidwan examinations in Hindi are not given the same scale of pay as Vidwans in other languages; and if so, why?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Yes. The question of granting to Hindusthani teachers the revised scales of pay fixed for pandits in other languages is under the consideration of Government."

The Zamindari legislation.

* 469 Q.—SRI K. LINGA RAJU (on behalf of Sri V. Raghavayya): Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether it is a fact that this Government received instructions from a higher authority asking them not to proceed with the Zamindari legislation; and

(b) whether he noticed any press statement from Calcutta United Press of India to this effect?

THE HON. SRI KALA VENKATA RAO:—" (a) The Government of India, Ministry of Finance, suggested that there should be consultation between them and the Madras Government regarding the financial implications of the Zamindari Abolition Bill. The Madras Government have agreed to consult the Central Government in the matter but have considered it unnecessary to postpone the consideration of the Bill.

" (b) Yes. I have seen the statement referred to."

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

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NOO 1.

GOVERNMENT BILLS.

II.—THE MADRAS WEIGHTS AND MEASURES BILL, 1947
(L.C. BILL No. 2 OF 1948)—cont.

* SRI K. BHASHYAM:—"Sir, this measure is a beneficial one and I do not think there can be any question on the principle of it or any objection to the Bill. I am glad to see also that Government have taken powers to extend the Act from time to time to various portions of this Province, because extending the Act to all places at once may create some hardship in rural areas where various other measures and weights are used. To that extent it is all right. There are certain points to which I would like to draw the attention of the Hon. Minister. Under clauses 10 and 11 any person duly authorized or not authorized, if he stamps

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weights and measures incorrectly, is heavily punished. But in clause 15 the penalty provided for selling goods by short weight is only three hundred rupees. I do not see why should such a person be let off with a fine of Rs. 300. I am not able to see how this amount of Rs. 300 is arrived at. While under clauses 10 and 11 persons who manufacture and stamp weights and measures incorrectly are given heavier punishments including imprisonment, the person using short weights is let off with a fine. Is it tenderness towards these persons? These persons are responsible for many of the difficulties and complaints of the poorer people. I think it is necessary that punishment in their case must be equally heavy if not heavier than what is mentioned in clauses 10 and 11.

"I now come to clause 19. We are all familiar with this clause. In all Bills that have been brought before this House we find such a clause as this. Of course there was use for a clause like this when there were the Advisers. Now a democratic Government is here, and where is the need for a protective clause like this? What is there in this Bill which makes it necessary for Government to have a protective clause like this? If an officer of Government bona fide verifies the weights and measures used by a merchant, it is all right. But in the case of one who simply harasses a merchant on the supposed false measure, why should not the ordinary merchant have some remedy against that erring official? If there is any suspicion about the measures used, the officer can go and examine the weights and measures. But if one knowingly and maliciously should harass any merchant, and if that merchant should take action against the official, I do not see why that official should be protected in this manner. This clause, as it stands now, seeks to protect him against such action.

"Sir, clause 20 is a most extraordinary one. I wish hon. Members will look into this clause very carefully, because it hits all transactions of merchants who deal with merchants not only in this Province but also outside this Province and outside India. What this clause seeks to do is to declare that all those transactions in terms of weights and measures not standardized in Madras are void. I do not know whether the Government mean all that. I will read out the clause so that there need be no misapprehension. The clause reads—

'Notwithstanding anything contained in any law for the time being in force, every dealing had or contract made in the Province of Madras or any portion thereof after this Act has come into force therein, for any work to be done or any goods to be sold or delivered by weight or measure, shall be deemed to be had or made according to a recognized weight or measure; and if not so had or made, shall be void;'

If a merchant in Madras enters into an agreement with a merchant at Calcutta for the supply of goods in accordance with the weights and measures of Calcutta, is that contract to be deemed void? Or if a person in Madras enters into a contract with another in England for the supply of goods according to the weights and measures

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used there, and not according to the weights and measures recognized by this Government, is that contract to be deemed void? Have the Government understood all the implications of this clause? Then, Sir, the clause says—

'and no document reducing to writing or recording any dealing or contract not so had or made, shall be registered under the Indian Registration Act, 1908.'

Here again there is another difficulty. This is too drastic a provision. For the purpose of the first portion of the clause, the equivalents of the weights of the merchants in a foreign country may be had. But to say 'no document reducing to writing or recording any dealing or contract not so had or made, shall be registered under the Indian Registration Act, 1908,' is too much. Government, must reconsider the position. It may not only hit the merchants and trade within the Province, but persons who have dealings with Bombay, Allahabad and Calcutta will also be affected. They have got their own measures. In such cases what is to happen is the question. If you once do this, other Provinces will take arms against you. Is this Bill meant to bring about inter-provincial war? Is it to be a war between the Provinces about these weights and measures? I should like the Government to consider whether it is not a drastic provision. I would like the Minister to look into this and say whether he meant that all these contracts must become void altogether. I shall make my position clear. Suppose a merchant in Madras enters into a contract with a merchant in Calcutta for the supply of goods in terms of weights and measures prevalent in Calcutta, even though the contract is entered into in Madras, is that contract not to be registered? That is the point for consideration. Because the contract is not in terms with the weights and measures recognized in Madras, is that contract to be deemed void? Is it correct, or is it what is meant? I should like the Hon. Minister to consider this. The Leader of the Opposition, who is a great merchant, ought to be clear on this point more than myself."

SRI V. I. MUNISWAMI PILLAY:—"Mr. Speaker, Sir, I welcome this measure which has been thought of by the previous Ministry. Sir, during his speech last evening, the Hon. Minister said that Trade Associations had been consulted in the matter of fixing weights and measures. I do not know whether the Hon. Minister had occasion to consult the producing agencies in the Co-operative department and others. After all, the want of a proper measure or weight is the real grievance of the producer. I know it is the producers who have been heavily losing in the matter of weights and measures. I see that the Bill as it has emerged from the joint Select Committee is not comprehensive in so far as weights are concerned. In clause 2 mention is made of Madras seer, Madras maund, candy and such other things. What is obtaining as a measure in Madras is double that of what is obtaining in Ootacamund, Coimbatore and Salem. To make these equal or to have a standard weight in the mufassal towns and also in the metropolis, I feel that Government must take the producers

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as well as traders into confidence and come to a settlement whereby these weights and measures can be made the same in both the places. In clause 21, Government have taken powers to make rules. When making rules, I would suggest to Government to take into confidence not only the representatives of trade associations and unions but also the representatives of the producing agencies or producing associations. If that is done, and what is obtaining in every district is taken into account, the Bill now sought to be enacted will go a long way to help poor people, who are being victimized by the traders. With these observations, I support the motion, Sir."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, while welcoming the Bill, I would like to draw the attention of the Hon. Minister to some of the points which came across my mind as I went through the provisions of this Bill. Firstly, Sir, we would have very much liked that a table giving the equivalents of all the measures given in the schedule, had been given. Weights for general use, for use in the trade in gold and silver, for use in the trade in precious stones and pearls, and for use in the Apothecaries' trade (Apothecaries are fast disappearing now), have been given in the schedule. But in my part of the country there are in use other measures known by different names, in use. Their capacity and weights slightly differ from the standard prescribed in this schedule. It would have been very useful if, after a reference to the various district gazettes and district manuals, all those weights and measures obtaining in the districts had been brought into this single enactment, and their equivalents to the weights and measures given in the schedule, given in the schedule itself. In Part III of the schedule it is mentioned that a Madras measure is equivalent to 108 cubic inches. What a Madras measure is is not understood in nearly eleven districts of the Province except by a few persons who had been in the City and who had some dealings in the City of Madras. We have got our own measures. We have got *kuncham*, *thavva* and *sola*—all standard measures. They have been in existence in Vizagapatam district for centuries. Likewise we have our land measures like *kathi*, *gunta*, *garisa* and the like.

12-15 p.m. "Sir, we would like all the measures in this Province to be standardized, and in a measure like this, one would have expected a schedule giving the equation of the various measures, in comparison with some standard measures. It is a very important thing. Otherwise, we shall get into a lot of confusion. Therefore, Sir, I would like the Hon. Minister to have this in his mind, while enlarging the schedule, so as to give the equation of the various measures. Even then it will be somewhat difficult to popularise this name 'Madras measure' in the eleven Telugu districts of this Province.

"Then, Sir, in the matter of prescribing the penalties for the first offence, provision has been made for a fine. May I submit, Sir, that this provision for a fine will be practically useless, and in

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some cases disastrous even? I shall explain myself, Sir. Supposing there is a dealer whose entire property is worth about only Rs. 1,000, and he has got small dealings in some *kirani* articles, and he uses a false measure, either knowingly or half knowingly or because that measure came into his possession without his knowledge. It is of course a bad thing to allow him to use that false measure. I do not want him to be excused. But to fine him Rs. 1,000 would simply mean destroying him and his family for ever. I would rather suggest imprisonment instead of a fine of Rs. 1,000 in such cases. A heavy fine of Rs. 1,000 is really not a deterrent one. In the case of rich men, we have seen during the last four or five years, that they easily pay off the fines and continue their ordinary avocations in the ordinary ways again and again. A number of instances we have seen, where great merchants and commercial magnates have paid off the fines coolly, and been walking on the streets of this country with chest high, as if they were all perfect gentlemen. I believe, Sir, the fine while not being really deterrent in the case of rich men, will however sometimes ruin the small traders for ever. I would suggest in such cases, that first offences should be made punishable with imprisonment also, of course, leaving the length of time or the amount of fine to the discretion of the magistrate to suit the ends of justice.

"Now, I come to clause 18 of the Bill. According to this, no court will take cognizance of these offences, unless there is somebody who has made a complaint. The complainant may be a private person, or may be an Inspector appointed under clause 6, or some other officer duly empowered by the Government. May I submit, Sir, that this provision will practically render this Act almost a dead letter? I submit that the temperament of the people in this country is such that very often we do not complain at all. There is no use saying that people must co-operate, and must file complaints and all that sort of thing. The temperament of the people in this country is that somehow they want to get on peacefully in this country. Instead of simply theorizing, I would submit that that temperament should be taken note of by the Hon. the Law Minister. If he comes with me *incognito*, as some private citizen, he will be able to see in so many places, fraud being committed, and false measures being used—I do not mean legislative measures—I mean the ordinary false weights and measures. And still we will find that our own personal friends, officers and several people do not think of going with a complaint to a police officer or to a court, because it involves them in a great deal of trouble, and they will have to be the P.W. 1 in so many cases. Therefore, it would not be useful if an offence is to be enquired into only after a complaint. When a Sub-Inspector goes and sees the false measures, why should he be simply asked to keep quiet till somebody comes and lodges a complaint? He could very easily seize all those measures which are false. But so far as the ordinary citizen is concerned, he is not in the habit of complaining always, he is not in the habit of being quite an informer, and very often he suffers and gets away, and

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does not complain. For, after all, what is the use of complaints? Generally I think all such complaints are useless, and therefore there is no point in making complaints. To give you only an instance, I engaged a taxi once for hurrying to the Central station, the motor-driver came to the Cosmopolitan Club, a very respectable and big place, and I thought he would not bargain, but when I was getting into the car under the portico, he demanded Rs. 5. There was no use of arguing with him; he was saying: 'You must pay Rs. 5. Otherwise, you please get down'. I am sure, everybody knows there is a prescribed fare. So I said: 'I will give you the prescribed fare, I am in a hurry, and therefore please do not be annoying me.' But he would not agree, he only repeated: 'Pay Rs. 5, otherwise you please get down.' I got worried, and because it was getting late for the train, I simply noted the number of the taxi, and said: 'All right, gentleman, good-night. I shall go in some other car.' I thought I would be doing some 'Public Service' as it is called (within quotations), by making a complaint against that gentleman. I wrote a definite complaint. I have never got an acknowledgment of it till to-day, and it is more than ten months since I lodged the complaint. Even now I remember the car number, it contains four numbers—the first number and the next is 4, the last is 6, and the middle is 7 or 5, I am not quite sure about it. But the point is what is the use of making complaints? I submit that this is a very important point for the Hon. Law Minister to consider. There are so many cognizable offences in the Criminal Procedure Code. But we do not see that all citizens are harassed always under any of them. But sometimes, even a private complaint can be a source of harassment for the ordinary citizen. We see under the administration of the special regulations of the Criminal Procedure Code, many instances where the private complainants also meet with much harassment. Sometimes, these private complainants are even more harassing and annoying, than the ordinary policeman who undertakes the administration of criminal justice under the Criminal Procedure Code. I submit, that if this measure is to be a successful measure, then offence under this Bill must be made cognizable offences. And unless a strong drive is made to make all these offences, not merely the second and the third offences, but even first offences cognizable ones, with a punishment of a definite period of imprisonment, it will not be possible for us to bring about the purity sought to be effected in our ordinary transactions.

"Sir, this is not saying something merely for the sake of theory. These weights and measures do play an important part in our every day life. Everyday, and in fact every moment, we have to deal with these weights and measures. And every citizen, whether he be the richest or the poorest has to come in contact with these weights and measures. The measure before us is a very important one, and if we are to see that the usefulness of the measure is not detracted, we have got to make these offences cognizable ones without requiring a complaint to be made by any private party or

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citizen. I believe in a matter like this, which will help so many good citizens in this country, it is better to err on the side of strictness rather than on the side of liberality. We have all along been accustomed to liberality in weights and measures; particularly during these last four or five years we have been seeing that everywhere, the honest man is cheated. And the honest man is so honest and peace-loving that he does not care to lodge complaints for he finds that very often those complaints are of no use. (Interruption by Mr. K. Bhashyam: 'It is because, he is satisfied with dishonesty.') Sir, it is not that he is satisfied with dishonesty. He is in a sea of dishonesty, and is not able to get help from these statutes and laws of this Province. Therefore Sir, I ask in the name of the millions of cheated persons; that the law should be administered in a very stringent way, and that can be done only by making these offences cognizable ones. At the same time, I appeal to the Government to be very strict in their administration of this law. While I shall support any strict enforcement of this measure, I do not want the Government to declare once for all legislatively their absolute immunity for whatever they might do, or may think of doing under the colour of law. It is one thing for a person to have to obey a law, but it is quite another to see that the law is properly and rightly administered. And where the law is not rightly administered, the citizen should not be deprived of his right to go to Court against the State. This is the principle of jurisprudence, which we have been following for nearly two centuries, and this is a fundamental principle of British jurisprudence; that every citizen shall have a right to sue the State in civil matters particularly, affecting his civil rights. I submit, while a citizen is obliged to submit to law passed by the Legislature, he should not be deprived of his right of going to a Court of law to lodge a complaint to say that the law has not been properly administered. Otherwise, there is no safety for the ordinary citizen, nor will there be any brake upon the dictatorial progress of Governmental speed. It is a healthy principle, which will save democracy, and as the Prime Minister of England put it recently, all democratic countries which practice democracy have to adopt the principle in practice. Sir, a Government can pass any law, can frame any rules, and lay down any procedure, but where an officer administering the law exceeds the limits of law, or does not observe the rules or procedure laid down under the law, the citizen must have a right to file a suit against the State. That is the chief reason why I object to Clause 19. This clause has been appearing in several other Bills also, and we have had occasion for nearly fifteen days, to advert to this objectionable feature, and not even 24 hours have elapsed, since we completed the discussion on that in connexion with the zamindari Bill. To-day we are again in another Bill, which has got the same clause once again, in beautiful thick type, depriving the ordinary citizen of the ordinary remedies provided for him to sue the State. I submit, Sir, that the Hon. Minister should not allow such clauses to go into the Statutes of this Province.

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"I submit these are some of the thoughts which crossed my mind, when I was going through the provisions of this Bill. I hope that the Hon. Law Minister will give a statement as an appendix of all the measures which are now actually in force in the various parts of this Presidency and give a table of equation as between these various measures. Otherwise, there will be great trouble.

12-30
p.m.

"Clause 20, as the hon. Member Mr. Bhashyam has pointed out is very drastic. It will lead to certain difficulties in our contracts with other Provinces. We cannot restrict the registration of documents. The Registrar is not in a position to apply his mind judicially to these matters. The power to reject the document should not be given to him. The Registrar has simply to see that if two persons enter into a particular transaction there is a written contract to which they put their signatures. It is not the duty of the Registrar to enter into the merits of the document; he has simply to see whether the document satisfies certain conditions. If the document mentions some consideration, he must see whether the consideration clause is there, whether the consideration has passed or provision for future payment is made. If the document is to be signed by witnesses or if it has to be signed in the presence of witnesses, the Registrar has to see whether these things are done. When these formalities are over, the duty of the Registrar is finished and he must put his seal to the document. But this clause gives him extra powers. These powers have to be discussed on a different occasion. So clause 20 also requires some modification. If the Hon. the Law Minister in his reply is able to show to us that we have been wrong in this, we will be glad. Otherwise I would request him to keep an open mind, consider these points and bring in suitable amendments. We want this measure to be passed in such a form that there will not be trouble for one side and that it will be strictly enforced by the other."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, in the first place, I should like to ask the Hon. the Law Minister whether we are not now governed by a similar Act regarding weights and measures and whether that Act has failed to achieve the results which are intended to be achieved by the Government. (Interruption.) Do I understand that all the time we have had no provincial law governing weights and measures? If so, then the people have been better in their dealings before than now, as necessity has arisen now for a measure like this on account of the change in the character of the people. Do I understand that that is the case? Or what exactly is the reason which has made the Government bring such a law for the control of weights and measures? In our country, in the dealings of the merchants for instance with regard to piecegoods, exact measurements are not given and there is not the same standard of conduct as obtains in countries like England. I know with regard to piecegoods, the piece does not contain the number of yards it is

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supposed to contain and sometimes it is half a yard or more, less than what it ought to contain. Such a thing has been taking place. Therefore we have to regulate weights and measures so that people will not as a matter of course go on supplying less than what they ought to do for a particular sum of money. I want to know, Sir, whether there has been such a deterioration in the character of our people, particularly the merchants, that a measure like this has become necessary. If that is so, we all must deplore it. What exactly have we to do to set this right? Legislation cannot improve the character. In spite of all the talk for all these years about truth and justice, have we come to this pass that we have to control people even with regard to weights and measures?

"Sir, with regard to the Bill, I must say that the levy of fines of about Rs. 500 and Rs. 1,000 will work a hardship on many merchants, because in the case of 90 per cent of the merchants, their stock will not be worth more than Rs. 1,000 or Rs. 500. A merchant may knowingly commit an offence mentioned in this Act or he may be the victim of somebody else's mistake. In such cases, if the man is punished by a fine to the extent of Rs. 500, as my hon. Friend Mr. Viswanatham said, then he will have to close down his business. I do not agree with Mr. Viswanatham that imprisonment should be given in lieu of fines. That will be too drastic. Not only will the man's business suffer, but there will be nobody to look after the family and provide them with means of livelihood. I do not think that my hon. friend was really serious when he said that imprisonment should be substituted for fines. I would agree with him in this that the fines should be so graded that the Magistrate can levy suitable fines according as the dealer is big or small although the offence is the same. In any case, the Government will have to take cognizance of the fact that a large number of dealers are people with small stock and cannot stand heavy fines.

"Sir, I now come to the point mentioned by my hon. Friends, Messrs. Bhashyam and Viswanatham, that we should give a schedule of weights and measures used in other Provinces also.

"There are merchants here particularly in certain localities whose transactions are conducted on the basis of weights and measures which are not included in the schedule. The Gujarati and Marwari merchants employ different weights and measures not only with regard to gold and silver but with regard to grain and other commodities also. These weights and measures should have been included.

"I now come to the clause which has been referred to by my hon. Friends, Messrs. Bhashyam and Viswanatham, which is a common provision in all the Bills that have been brought forward here. (The Hon. Sri K. Madhava Menon: 'In the legislations of the world.') The Hon. Law Minister says, 'In the legislations of the world'. May I remind my Hon. Friend the Law Minister that we are becoming more and more civilized and that our character

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is becoming better and better and that after our freedom we have become more responsible than ever before and yet in the other case we are becoming retrograde and backward so far as legislation is concerned? We are expected to have complete faith in the *bona fides* of the Government and in its justness in all its actions as a Government. Well, we are prepared to have any amount of faith in the Government and their *bona fides*. But we should not be compelled to do away even with the institutions which have been established by itself themselves. For instance, law courts are their own institutions. And if they have lost faith in their own institutions, I wonder why those institutions are allowed to exist. The Government in their legislations have begun to have less and less faith in those institutions.

"Sir, as regards clause 18 also, my hon. Friend Mr. Viswanatham said that automatically the courts should take cognizance of the offences punishable under the Act even without any Inspector or any other officer provided in this measure taking up the case and hauling up the merchant for having committed an offence under this Bill. I am afraid I am not prepared to agree with my hon. Friend Mr. Viswanatham when he says that, because if we increase the number of persons who will be authorized to take cognizance of those offences like this, the number of harassments will increase and I would rather leave the clause as it is.

"Of course, the power for making rules has been taken by the Government in clause 21 and much of the criticism that has been offered by members of this House here can be taken into account and the evil effect of some of the clauses can be neutralized to some extent by making rules in such a way as to achieve that object. I hope, Sir, that this Bill when it is passed into law, will not be administered, as has been suggested by my hon. Friend Mr. Viswanatham, in a very harsh manner, but in a very strict manner. Certainly we all agree that every Act should be administered in the strictest possible manner. But strictness should not mean that full authority should be given to the officials concerned in this Bill to go beyond certain limits. Otherwise, if the Government or the officers concerned believe that merchants as a class are undependable, unreliable and they are black-marketers and people who are using false weights and measures, if we start with such an assumption then. I am afraid that this Bill will work hardship on the merchant class as a whole. Such measures to this Bill, are necessary on the statute book as a deterrent to merchants intending to resort to false measures, and more as a check on their vagaries than as an instrument of oppression against them and I trust that this Bill, when it becomes law, will not be kept in the archives of the Government but will be administered wherever it is absolutely necessary."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Mr. Speaker, Sir, I congratulate the Government in having brought this measure after all, and I congratulate them on the principle and

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the idea that they have recognized to the effect that the weights and measures obtaining and prevalent in the Province ought to be regulated and brought on a uniform scale.

"Sir, previously when the Province was considered to be really too wide in every sense of the word and the contacts from one part of the Province to another were almost nil, it was quite natural that different measures and weights developed in the various parts of the Province. And units of these measures and weights differ even from district to district and, I am sure, even from one part of a district to another part. But now, Sir, when distance has shrunk and we feel that not only the Province but the whole country is a much smaller unit than it was some years ago, it is only reasonable that we must all deal in weights and measures which are understandable to the whole country.

"As has been pointed out by my hon. Friend Mr. Bhashyam, this attempt on the part of the Government even creates some confusion in the commercial world. This measure naturally envisages only the units that are being used in the Madras Province. But now, Sir, you know that the commerce and trade encompass and embrace not only the whole country but the whole world. And, therefore, measures and weights must be such as to be understood by people in connexion with their trade and commerce—both inter-provincial and international—with at least a confusion as possible.

"Sir, if you look at the schedule, you will see that one unit of weight is the Madras maund. This Madras maund is not so much used as the Bengal maund or the railway maund which differs from one another in weight. Now, this Bill also penalizes people in this Province who do business or trade on any other measure than the one scheduled in the Bill. Therefore, it is quite on the cards that people do business on certain other units and it is very convenient also because it facilitates understanding and transaction between one Province and another. So it would have been much better if the Madras Government had brought forward such a Bill in consultation with the Government of India, I do not know whether the Central Government are going to adopt these measures. There is also the Central Act of 1939. We do not have schedules in that Act. Anyway, Sir, what I mean is that these measures which the Government are adopting for the Province should not come into collision with the other units or other measures and weights that are prevalent in other Provinces in the matter of trade and commerce. That is an important point which should be borne in mind.

"Sir, Government are creating a new offence under this measure. Clause 15 says,

'Whoever, in selling any article by weight or measure, delivers or causes to be delivered to the purchaser less than what is purported to be sold shall, if the deficiency exceeds the prescribed limit of error, be punishable with fine which may extend to three hundred rupees.'

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This is really a great offence. We do not know all the implications of such a provision as that which ought to be left to the Criminal Procedure Code. It may come under cheating or deceiving or some such thing. But here that part of it alone is given. It might have been better if the Government had confined themselves to regulating the weights and measures. I do not agree, in this connexion, to the advice of my hon. Friend Mr. Viswanatham that other units which are prevalent in other parts of the Province also must be taken note of and they must be also legalized and recognized under this measure. For the purpose of uniformity, there should, in any way, be a legal unit of weight and measure. There must be one unit for weight, one unit for measure and one unit for capacity. For example, when a quotation is given on the radio or in the Press, people cannot understand it. Therefore, in order to facilitate the understanding of the people and to make them know the condition of the market in the country, there should be unification of units as well as the universalization of certain units for trade and commerce.

"Sir, I have to join forces with other friends in regard to some of the sweeping clauses which have been introduced in this Bill. The Government are always trying to escape from any law and from any wrong that they may commit or purport to commit under this measure. If there is really any grievance, the citizen must have the right to proceed even against the State. Why should the Government be afraid? Government also can take risk when a citizen takes it. As has been pointed out by our friends, we are in a new age when democracy is blossoming forth into ever so many new meanings and when the Government choose to set an example to the citizens, they should not try to escape from the consequences of the wrongs which they may commit.

"Sir, even clause 21 is very sweeping. Clause 21 (i) says,—
'any other matter for which there is no provision in this Act and for which provision is, in the opinion of the Government, necessary for giving effect to the purpose of this Act'.

If there is any such thing, it should come before the Assembly. If the Assembly does not exist for such purpose, I do not know for what other purpose it exists at all. Therefore, such provisions really ought to find no place in such a measure as this.

"Sir, I have also to take exception to the other clause, clause 20. It is a provision regarding registration which is rather going too far. As it will affect the transaction of the people it must stand on a different footing. Registration must go on. If there is anything wrong, the Government or any other authority must have recourse to such measures as they may deem necessary. Therefore, it is not necessary to hold up the business of registration by such provisions. With these remarks, I support the Bill."

* SRI N. S. VARADACHARI:—"Sir, I am glad that Government have chosen to bring forward this measure for the benefit of the vast population of this Province. The measure is not merely

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concerned with trade but also with the well-being of the millions of people who sell and buy in the market and who, in the process, may be subjected to conscious or unconscious fraud.

"Sir, a Bill like this is absolutely necessary. There is already a Central Legislation and if Provinces undertake to co-ordinate legislation on the basis of setting their own houses in order, we should all the more welcome such a measure. It is not as if we have not made progress but are going back. One hon. Member Mr. Hameed Khan almost suggested that we are in bad days, that our people have fallen in their character and hence the necessity for this measure. But he has forgotten, Sir, that our life has become more complicated, more vast and more intricate and hence the need for a measure like this. There is no question of going back in a period of progress though it is not always wise to forget the past or refuse to take lessons from the cherished past.

"Now, Sir, let me illustrate one or two things as to what I mean in reply to the hon. Member opposite. He complained that in former days we were honest and all that, and asked, for instance, why there should be a shortage in the pieces of cloth. Sir, people have come to wear all kinds of clothes—coats, shirts, etc. And we have increased not only the volume of trade but also professionals like tailors and others. That is why we have included weighing and measuring instruments after the Select Committee had considered this Bill. For instance, the hon. Mr. Hameed Khan would not tolerate me, if I asked all merchants to go on with the old practice of measuring with the arm. In fact, he wants a regular measuring instrument which will correctly tear out the cloth for him from the piece. Weighing instruments have become necessary in modern life. Somebody complained about the railway maund. The error at a railway station in a railway weighing instrument may be smaller than the error you get on such instruments in other places, because the former is subject to constant scrutiny and inspection. So weighing instruments also have to be controlled. You have got for instance the beam scale which is known to us all; the beam scale may be tilted so as to make the error very big and people may even lose thousands of rupees in case transactions are entered into through such wrong instruments. These are instances to show why it has been considered necessary to bring weighing and measuring instruments within the scope of the Bill. Of course, technical opinion was consulted and Government have tried to accommodate every point of view put forward by people who could speak with authority on matters purely technical such as about weights and measures. For instance, what would happen if under the law of control, you had to check the weighments of yarn produced in a mill? If the weighing instruments there do not show the correct weight of a bale and you are not able to arrive at the poundage, what is the use of all the legislation we make here or the administrative control we impose on these institutions? I do not for a moment suggest that because life has become more complicated we have become more dishonest—it is not that.

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Perhaps as civilization progresses, the amount of error diminishes in single transactions but in the totality, even a small error may produce more harm than when even a big error could be confined to a small number of people as it was in the earlier years. It is that that explains the importance and at the same time the significance of the measure.

"Now, one or two general points I would mention before we go on to the discussion of the clauses of the Bill. I would say that Government have not taken note of one important fact. If the Bill is to be properly administered, then it should be done not merely by a staff, but that staff should be assisted by correct standard weights and measures and measuring instruments and weighing instruments which Government keep in their own custody. For instance, there are what are called the primary standards, in which the liability to error is negligible. In fact they are not only placed so carefully but they are rarely consulted, and if at all after an extended and long period of time. But Government would have to fulfil one duty on their part, i.e., go and check and verify and re-verify the weights and measures which they want to popularize throughout the country and by means of which they want to minimize the difficulties experienced by the common people in the course of trade and business. For this you have what are called the working standards. But in the working standards, the fraction of error may be larger as I will presently show when the discussion on amendments proceeds. It is always thought wise and necessary for a Government to keep in the various district centres what are called secondary standards. In these secondary standards the error that would appear is no doubt greater than the error that primary standards are liable to, but the error in the working standards is much longer relatively that sometimes even weights and measures used in the course of ordinary trade may satisfy working standards but yet if the working standards are not verified for long periods, people may be losing much. That is why I advocate Government keeping secondary standards. Primary standards may perhaps be kept in the Board of Revenue which will be the authority to be ultimately entrusted with the administration of this Act. Then, the secondary standard would be kept not only there but also in the district offices of the Collectors. The working standards will be those consulted very often, with reference to which the general trade and the public will be dealt with. That, Sir, is in general terms, my case.

"I would not go into details, but the necessity for verification and re-verification is already admitted by Government in one section, while it is not specifically mentioned in another. That is why I thought a repeated mention of this in more than one section is necessary.

"Another matter which I thought should receive attention is this: in order to avoid harassment of the common people, every standard weight and measure certified by Government or stamped

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as standard by Government authority should be deemed to be absolutely correct even when produced in a court of law even at the instance of a Government servant, unless the contrary is proved. Otherwise, it is liable to much mischief and misuse.

"Weights and measures should be of a set standard and should have a description in the schedule but we have not taken care to describe of what shape it will be. For instance, there are weights like the pound weight. Certain pound weights are long, others are round; the Bombay weights are rectangular; why not have one sort of weight within this province or prescribe this or that in whatever shape or specification you like, so that it will facilitate the work of inspectors who go round for verification of weights and measures?

"I would like to say one thing in regard to the schedule. We have taken out some things out of the schedule because the more simple the schedule is, the more easy will it be to administer the Act. But it would be an interesting question, as time progresses, whether we cannot really do away with certain types of weights and measures. But that will be for the future legislators of our province. For instance, it is very debatable whether the viss system of weight should continue at all. It was mentioned by some that the railway maund is rarely used and the Madras maund is not used so often. Some others said that the railway maund is asked for and not the Madras maund. Instead of describing them by name either in towns or rural areas, if we can get a description of the weight itself—say equivalent to so much—and leave out the names and if the country is so educated by propaganda that it will use proper weights and measures and recognized standards set up by the Government, the day will soon come—and I want the Hon. Leader of the Opposition to recognize it—when all provinces may agree ultimately to one system of weights and measures. It is now too soon to enforce uniformity in India and even within the province, I would urge caution and slow progress in regard to this Act. We may not have the necessary staff for this purpose all at once, we may not have the necessary Government standards for the purpose of verification and test and all that; and it may be that the people have to be educated district by district before the Act is properly enforced. Having all these considerations in view, I say we should deem it much progress and very substantial progress even if in some selected districts, in Madras or roundabout Madras, the Act was enforced and then gradually extended to several other districts; in this way, ultimately the whole province may come under a uniform standard of weights and measures."

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, a uniform system of weights and measures in this province has been long overdue; hence we, on this side of the House extend our wholehearted co-operation to the Government in passing this Bill. But while we agree with the principle of this Bill, I should

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like to point out certain defects in it. In the first instance, I find that in the schedule relating to recognized weights and measures, only the weights and measures of this province have been specified. I am afraid this will give rise to difficulties when transactions take place between this province and another. If weights and measures of other provinces also had been specified in the Bill, this difficulty would have been averted. As a matter of fact, in regard to a subject of this nature, it would have been much better if a Central Act had been brought forward instead of a provincial Bill like this. That would have prevented all confusion. But when provincial legislation is undertaken it is the duty of the Government to make due provision for not upsetting transactions between our province and another.

1.15
p.m.

“Coming now to clause 6 of the Bill, we find that power is taken therein for the appointment of inspectors to implement this Act; but an existing Act already provides for such inspection. Is not the Hon. Minister aware that under the Criminal Procedure Code, any officer in charge of a police station can enter without warrant any place within the limits of such station for the purpose of satisfying himself that the weights and measures used are correct. Such being the case, a similar provision in this Bill seems to be redundant. If the police officers discharge their duties as they ought to do and are vigilant, there may not be any necessity to appoint inspectors, unless the Hon. Minister thinks that the character of the nation has deteriorated to such an extent that without the appointment of special inspectors, this Act cannot be implemented. It is a matter of regret that there is lack of co-ordination between this Bill and the existing acts. On previous occasions, we have already drawn the attention of the Government to such defects and suggested to them that their Bills might be forwarded to their legal advisers before they are introduced in this House. We are sorry that this is not being done and that in consequence thereof there is overlapping and lack of co-ordination between Bills brought before this House and the existing Acts in force. For instance, when we read clauses 9 to 11 of this Bill and sections 264, 265 and 266 of the Indian Penal Code, we find that there is duplication. Moreover while under section 267 of the Indian Penal Code the term of imprisonment prescribed for making and selling false weights and measures is one year, in the Bill before us the penalty prescribed for counterfeiting recognized weights and measures is imprisonment for a term which may extend to three years. Co-ordination and co-relation of the Bills which the Government bring forward with the existing law are very important. Hence I once again urge upon the Government to forward the draft of their Bills to their legal advisers—to the Advocate-General or the Government Pleader or at least to some practising member of the legal profession so that he may find out whether there is overlapping, inconsistency or want of co-ordination or co-relation with the existing Acts, I hope that Government will do this in future. The phraseology of the Bill also

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needs to be improved. This will become evident on a perusal of clause 20, which is couched in bad English and bad grammar. It might be said that it conveys sense; but when we frame an Act, we are supposed to see to its phraseology as well and to formulate it in correct and good English. I hope the Government will pay attention to this matter also in future. With reference to clause 19 of the Bill some of the previous speakers, who belong to the Congress Party—I am referring to hon. Members Mr. Bhashyam and Mr. Viswanatham—have already criticized the Government for trying to take away the liberty of the subject. I join them in their protest. Whenever a criticism emanates from this side of the House, the Government resent it and treat it with absolute indifference. Now that the supporters of the Government themselves are vociferous in their condemnation of the attitude of the present Ministry towards the liberty of the subject, I hope due note will be taken of such criticism. Coming to clause 20, Mr. Bhashyam has already drawn attention to the fact that it will create a lot of difficulties. He has rightly pointed out that in consequence of this clause transactions made between persons belonging to this province and other provinces might be rendered void. This is too drastic. I therefore hope that the Government will delete this clause from their present Bill. Registration of documents which do not conform with the provisions of this Bill has also been prohibited. In this connexion it has been rightly pointed out by Mr. Viswanatham that the Registrar's duty is only to register documents and not to examine their validity. A Registrar is not a judge to determine the legality of a document. Hence the imposition of such duties on a Registrar is not desirable. The Hon. Minister for Law should therefore examine this clause carefully and make the necessary alterations therein. As regards the rule-making clause, as usual the Government have appropriated to themselves enormous powers, which are not in consonance with the principles of democracy. But I am afraid it will serve no purpose in our wasting our breath over this matter for the Government are adamant in their totalitarian attitude. With these observations, Sir, I support this Bill.”

* M. S. ABDUL MAJID SAHIB BAHADUR:—“Mr. Speaker, before I say anything about the provisions of the Bill, I would like to invite the kind attention of the Government to one of the most important characteristics of this Government; they have always produced very useful measures, there is no denying that fact, but as soon as the legislation finds a place on the Statute Book, they simply forget it. The Non-Power Factories Act and the Shop Assistant Act are notable instances. I would like to ask the Government what they have done to implement them in order to bring relief to the large body of people who are already undergoing considerable hardship. So, I would like to have an assurance from the Hon. Minister that as soon as this measure is passed by this House, he will take all steps to implement its provisions. This is my first request to Government.

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"The hon. Mr. Varadachari cautioned the House that they must proceed very slowly and I really do not understand why any such caution should be given, when we know for a fact that trade and commerce in this province are very much affected because of the difference in the weights and measures obtaining in the various parts of the province—they differ from district to district and village to village and I am not going into the question of the difference in the weights and measures obtaining in this province and other provinces. Before we co-relate the weights and measures of this country with the inter-national weights and measures and before we co-relate the weights and measures of this province with those obtaining in other provinces and introduce uniformity on an All-India basis, we should regularize trade and commercial activities of this province by means of introducing uniform standard weights and measures. We find, Sir, in this province and this is a fact to which I have invited the attention of the members of the Select Committee, certain commodities are sold by the yard or by the weight in different parts of the country. If you take cloth, we find it is being sold by the yard but in several places you will also find that they are sold by the pound or the viss, on the basis of weight. Similarly in the case of milk, in some place it is measured out and in some other places it is weighed and given. If you are not going to prevent this, duplicity will take place and the dishonest traders will try to make much money through improper use of the varying methods of selling things. I wish the Hon. Minister conceives of a provision by which he could prevent this duplication of measuring out commodities. And another thing is that close upon the passing of this measure, we have to do a lot of propaganda and I would welcome the amendment which my hon. Friend, Mr. Varadachari, has moved, namely, that there should be a set of standard weights and measures with the Collector of each district and I would even go to the extent of suggesting that these should be kept in even Taluk offices so that the illiterate villager might become conversant with them.

"Coming to the penal provisions of the Bill, I should like to endorse the suggestion of my hon. Friend, Mr. Viswanatham. In spite of the Sarada Act, we find how here as elsewhere, several marriages do take place in actual contravention of the provisions of the Sarada Act. If it is said that the individual must go before a court of law, that he must register a case, it is something which is going to nullify the Act. I would, therefore, urge upon the Government that if a Government official finds that a person is playing false with false weights and measures, he must be booked and punished. I suggest that these penal provisions are so modified as to make for the efficient working of the Act,

"Lastly, Sir, the question of co-relating the weights and measures with the All-India standard weights and measures must also be considered. There are two important measures before the

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Government of India, one is to regularize the standard of weights and measures and the other is the decimalization of coins and these are two things which will go a long way to help the trade and commerce of this province and stabilize them with the trade and commerce of other countries. I am really happy, Sir, that the matter has been taken up by the Government and that it is going to find a place on the Statute Book and before I close, Sir, I once again wish to urge upon them to see that the measure is not simply pigeon-holed, simply lie there in the dust-laden shelves and forgotten but that it becomes a live measure which will go to help and develop trade and commerce in this province."

* SRI D. V. RAMASWAMI:—"Mr. Speaker, Sir, this is a very important measure which has long been desired by thousands and thousands of our poor people and the importance of this measure can be understood and appreciated by the people who have been ignorant of their rights as to what they should give and get of the necessities of life and consumer goods. Serious complaints have been made from time to time by the Agency inhabitants of Maduguru and they have been conveyed to the Government and I am happy that this measure is being put on the Statute Book to-day. It equals in importance the other measure which it has been the good fortune of the Hon. Mr. Madhava Menon to bring, namely, the Agriculturists' Debt Relief Act and these two measures will go a long way to improve the economic condition of the consumers and producers. My point in trying to supplement the very useful words of criticism made by Mr. Viswanatham is that certain portions of the Act like sections 10 and 11 are rather difficult of application. Reference has been made in section 10 to persons entrusted with the duty of marking weights and measures and I do not know whether that duty if it is to be properly and regularly fulfilled should not be entrusted to the officers of Government like the tahsildars or deputy tahsildars or the Superintendent of Police. If it is to be entrusted to private persons, it will create a lot of unnecessary and avoidable trouble and the people entrusted with such work must be conscientious persons who will not harass the people and I also would like enlightenment from the Hon. Minister for Law as to the *raison d'être* of the provisions contained in sections 10 and 11. This measure is for the benefit of the poorer classes who do not know the machinations of the unscrupulous traders and I am in agreement with the suggestion made that although it may appear drastic in the first stages, unless this Act is very earnestly implemented by the imposition of deterrent sanctions like imprisonment it may not go a long way to help the people. If some fine alone is imposed, it is very easy for the offender."

MR. SPEAKER:—"The hon. Member can continue his speech after lunch."

The House rose for lunch.

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(After lunch—2-30 p.m.)

* SRI D. V. RAMASWAMI (contd.):—"Sir, before the House rose for lunch I contending that the provisions of this Bill welcome and beneficial as they are to the poorer masses of our Province, require to be properly implemented if they are to serve the purpose for which this Bill is intended. Incidentally, I have to say that there is a provision in the draft Bill that whoever causes any offence against the provisions of this Act, through anybody else, has to suffer, as if he has done the act himself. It is no doubt good. In civil law when a tort or wrong is committed by an agent it will reflect on the principal under the legal principle '*qui facit per alium facit per se*' meaning he who gets an act done by another does it himself. But, if it is applied in criminal cases, it is hazardous and unjust also. It is much more so that if a child does a wrong under this Act, the wrong should be attributed to the father or the guardian. For instance, there are enough provisions in the penal law that in cases of children, they will have to be first warned and then sent to a juvenile prison to suffer in their own self so as to improve their character. Therefore, Sir, section 17 requires to be reconsidered.

"Sir, there is another point I would like to submit before I conclude. It is in respect of the difficulty of expecting a person who happens to notice the violation of the rules under this Act being compelled to give a complaint to the magistrate. If I happen to see such an offence being committed, is it my duty to file a complaint before the magistrate? Will it not be a needless burden upon the citizen that he should not only give information of such serious lapse on the part of the person committing the offence, but that he should also file the complaint, go through the process of law and practically devote his full time in seeing that the law is vindicated. I therefore plead, Sir, that instead of making it obligatory on the citizen or on the inspector to file the case before the magistrate it should be sufficient to bring the offender to book on the information of the police officer of the rank that may be mentioned in the Bill. Sir, I have nothing more to add except to submit that the implementation of the provisions of this Bill be the real proof of the good intentions of the Government."

* THE HON. SRI K. MADHAVA MENON:—"Sir, I am a bit guilty in not having explained certain changes that were made by the Select Committee and also the main provisions of the Bill while placing the Bill as passed by the Council before this House, because I feel that many of the criticisms or the fears that have been expressed would have been avoided if I had explained and made the position clear.

"I may at the outset say that this is a Bill on which the Government in particular had no pre-conceived notions at all that everything contained therein is correct or that there is no other thing much better than this. Before the Bill was drafted, the Government prepared a memorandum on the lines on which the Bill had

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to be drafted, called a conference of all the commercial interests in this Province, placed it before them, gave copies of the memorandum to them beforehand, and after discussing it at the conference with them, because it is in the interest of the commerce generally that this is done, and on their suggestions to improve the Bill, it was drafted. Sir, even after the draft Bill was prepared and published, commercial opinion was again taken before this Bill was introduced in the House and referred to the Select Committee. As a matter of fact, every Member of this House and the other House, who had anything to do with commerce was a Member of the Select Committee. This House appointed as Members of this Select Committee, Dr. P. Subbarayan, Mr. N. S. Varadachari, Mr. Guntur Narasimha Rao, Mr. C. M. Kothari, Mr. Abdul Majeed, Mr. Sinna Kaziar, Mr. Subbaraman, Mr. Batchelor, the Deputy Speaker, Mr. Salem Subramanyam, Mr. Venkataswami Nayudu and Mr. Sundararaman and who are all Members this House could conceive of to do anything with commerce was put up on the Select Committee. In the Select Committee also, we invited commerce in particular and the public in general to give evidence. The Presidents of the various Chambers of Commerce in Madras also gave evidence before the Select Committee. As a matter of fact, one gentleman who had actually worked a similar Act in Bombay, who was here at the time, was also examined by the Select Committee and I may say that not a single suggestion which they have given has been omitted by us. Even after the Select Committee proceedings were published not a single objection was received from commercial interests and in fact except for a single objection with reference to gold and some other measuring process, no other objection was raised to the draft Bill. I thought, that that being the case, I need not explain it further. That was my mistake, Sir.

"Sir, some of the objections or the criticisms made by hon. Members have been made under a certain misunderstanding of facts. In the first place, we must make a distinction between standardization of weights and measures, which is a subject under the Federal List and the province of the Provincial Legislature is only in respect of the regulation of weights and measures according to the standards decided upon by the Central Legislature. The centre Legislature has passed Act IX of 1939 which has established the standards of weight and the question of measures is within the Province of this Legislature. These standards we have taken and along with the powers we have for the regulation of measures we have taken steps also and it is that that is adopted in the Bill that is before you. Many of the criticisms that have been levelled against the Bill are more or less the same. Here, I want to bring one point also into consideration. Mr. Viswanatham, Mr. Bhashyam, the lady Member, Begum Amiruddin, and in fact every member, referred to section 18 and particularly Mr. Viswanatham said that the whole Act becomes nugatory because offences under that section have been made cognizable. Sir, here I want to make a distinction between offences punishable under sections 264

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to 267 of the Penal Code. These relate to offences punishable for the use of false measures and weights which are cognizable offences. Mr. Viswanatham has stated that if the Minister goes with him to the bazaar incognito, he would show hundreds of cases where false weights and measures are used and if such offences are not made cognizable what is the use. I may inform him that it is already a cognizable offence. For instance, section 264 deals with the fraudulent use of false instruments of weight; section 265 deals with fraudulent use of these weights and measures; section 266 deals with a person being in possession of these measures and section 267 deals with making and selling of false weights and measures. So, Sir, these are cognizable offences even now and section 22 of this Act says: 'The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, relating to weights, measures and weighing and measuring instruments.' There are only four offences mentioned in this Bill and the penalties provided are only for these four offences which are not included in the Indian Penal Code.

"Then, Sir, the Bill provides for the appointment of certain persons to stamp weights and measures. Section 10 says, if any person duly authorized by rules under this Act to stamp recognized weights and measures, does it incorrectly, he will be punished. That is not covered by the Indian Penal Code. If an unauthorized person stamps weights and measures, he comes under section 11; section 12 deals with persons counterfeiting any marks prescribed for stamping on a recognized weight or measure. Therefore, Sir, the offences which are mentioned here are all of a specific nature, namely, making of false weights and measures; unauthorized persons stamping weights or measures; authorized person wrongly stamping and unauthorized persons selling wrong instruments of weight. These are specific offences against certain classes of persons and it is not necessary to make them cognizable offences or it may even be dangerous to make them cognizable offences. For instance, Sir, if I sell a wrong weight machine to X the complaint should come from X for having sold the wrong machine to him. But here, Government have gone a step further. It is not correct to say that the aggrieved party alone should file the complaint. Clause 7 says that the Inspector or any other authority or officer empowered by Government in that behalf may do it. So it is not necessary that these specific cases of offences should be cognizable. Mr. Viswanatham had in mind the offences which are already covered by the provisions of Indian Penal Code.

"The other objection raised was with regard to clause 9. Mr. Viswanatham said that in the schedule, other measures that are in vogue in the Province should also be shown. I submit that it is not necessary. For the object of the Bill is to have a uniform system of weights and measures all through the Province. If we are to allow all those measures now in vogue in the Province as a standard the purpose of this Act will not be served. I understand the purpose of his contention is that a person of those districts

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should know what equivalent of the Madras seer is the local measures. Perhaps, Mr. Viswanatham may be correct in his view. In several parts the Madras seer is not known at all. But in fact we have met Mr. Viswanatham's point when we have said in the schedule that the Madras seer is the weight of 24 standard tolas, and that the Madras maund weighs 960 standard tolas. From this the local measure can be approximated to the standard measure. This has to be done by considerable propaganda.

"Another objection of Mr. Viswanatham is about the heavy fines imposed in the Act. There also, I submit these are all offences for which, it is not the trader who is punished. They are offences for which the officer of the Government or an unauthorized person who makes a false statement of a measure is responsible. In such cases we have provided a penalty of imprisonment or fine or both. Before the person concerned is booked, we have given a margin of difference for short weight or measure. It is only when the margin is exceeded that the person concerned is liable for punishment. The fine sought to be imposed is not three hundred rupees as minimum. Three hundred rupees is the maximum amount that may be levied. The minimum may be anything less than that. It may be one rupee or two rupees. So I do not think a heavy fine to the detriment of traders is sought to be imposed in the Bill.

"Then, Sir, much has been said about clause 19. It was said that it had become a general thing with us to deprive the jurisdiction of courts to question any measure, and that such a thing should be discouraged. Such a charge is not fair. Apart from the fact that this identical clause is there in the Punjab Act and Bombay Act, for it may be said that the precedent of a bad thing will not make it good—we have given power to punish offenders under this Act. Regarding clause 19, I have to submit, that unless there is that clause, unless there is protection for the Government officers it will be impossible to manage affairs. What the clause says is that without the previous sanction of the Government no action lies, as otherwise it will lead to all sorts of blackmailing. For without that protection it might happen, when an Inspector goes for inspection of weights and measures, that he might be threatened with suit for damages by the party inspected. What is to happen is, as in the case of perjury, previous sanction will have to be obtained. Otherwise the threat of a suit for damages will be held out like the Sword of Damocles against the Inspector. Clause 19 is certainly for the protection of the officers of Government.

"Another objection is about clause 20. I submit the clause does not bear the meaning which Mr. Bhashyam gave it. As I said before, this clause has not been objected to by Commerce. The objection of Mr. Bhashyam was that no commercial transaction was possible. It is not so; the clause says that if a contract is to be entered into between merchants it should be only with regard to the weights and measures prevailing in the Province

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under this enactment. If, for example, a merchant in Calcutta enters into a contract with a merchant in Madras to supply the Madras merchant with 1,000 chataks of ghee, the contract to be enforceable should be for an equivalent of that quantity in terms of the Madras measure. Otherwise the contract is void.

"Then, with regard to the registration of the document, I submit there is no use of passing this enactment without its being registered under this measure. Mr. Hameed Khan asked, 'is there not a law now; has the character of the people changed suddenly as to necessitate this enactment?' That only shows my friend has not gone through the provisions sufficiently well. There is no law now to regulate weights and measures except the Central Act of 1939. There is no law enforcing that a uniform standard of weights and measures should be used. So it is not because the character of our people has deteriorated that is responsible for this enactment. My friend said that the Central Government should have been consulted before binding this measure. I submit, there is no necessity for that. Begum Sultan Mir Amiruddin spoke of the inconsistency between Criminal Procedure Code and this Act. I am sorry she has misunderstood the work of the Inspector mentioned in this measure. She said, the Inspector of Police in the Criminal Procedure Code has already power to enter into any house for inspection, and so there is no necessity for such a provision here. The Inspector mentioned in this enactment is not the Inspector of Police; he is an Inspector appointed under this Act; and so there should be a provision empowering him to enter into any premises for inspection. Mr. Majid has no serious objection to make, as he was a Member of the Joint Select Committee. His only objection was that this Government was in the habit of passing legislation and not enforcing it. Sir, the complaint I hear is that we are too much acting. Whatever that may be, we want to pass this Bill and carry it out. Mr. Varadachari wants us to be cautious and slow; Mr. Majid wants us to be quick. In between the two we shall strike a via media path and act. This measure is not to be enforced immediately after it is passed. As the people will take some time to get themselves acquainted with the new weights and measures, we have provided that only six months after the publication of the passing of this Act should this enactment be enforced. We want to have an uniform system of weights and measures used throughout this Province.

3 p.m. "The hon. Sri D. V. Ramaswami raised an objection to clause 17, and asked why, if a child under seven years of age committed an offence, the employer, parent or any other person should be punished. I am afraid my hon. Friend did not read sub-clause (1) of clause 17. That clause says: 'Whoever causes any act punishable under this Act, to be done by any adult or child employed by him, shall be liable to punishment.' An act done by an adult or child of its own volition will not make the employer liable. Only when it is proved that the act of the adult or child is done at the instance of the employer, the employer is liable to punishment."

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* SRI D. V. RAMASWAMI:—"I was referring to clause 17 (1) only. I said that in civil cases only the liability for the acts of an agent might be transferred to the principal, and quoted the Latin maxim *Qui facit per alium facit per se* (he who gets an act done by another does it himself). But, as the offence is made criminal, I pointed out that the clause might have to be re-examined carefully. It applies only to civil liabilities and it is very hazardous to apply it to criminal liabilities."

* THE HON. SRI K. MADHAVA MENON:—"I am sorry I did not make myself clear. If a trader does not come to the shop at all but employs a boy of six or seven years and if that boy commits an offence, what is the remedy for the Government? There is no use in punishing the boy. The trader who employed the boy must be held responsible and taken to task. That is what the clause provides for. There are certain criminal offences also in which the liability for the acts of the agent falls upon the principal, and it is on that principle that this provision has been made."

SRI D. V. RAMASWAMI:—"The clause refers to children under seven years of age. Under the Shop Assistants Act and the Factories Act, children under seven years of age cannot be employed."

* THE HON. SRI K. MADHAVA MENON:—"But the Factories Act will apply only where the number of employees exceeds a certain figure. Similarly, the Shop Assistants Act will apply only to certain cases. But there may be cases where either of these Acts does not apply. Therefore there is nothing inconsistent in the provision."

"It was pointed out that offences under sections 264 to 267 of the Indian Penal Code are not cognizable. If that is so, the offences under those sections must be made cognizable, and not the offences punishable under this Act. My recollection was that the offences under the sections of the Indian Penal Code referred to above were cognizable, and that was why I mentioned them."

"As regards Mr. N. S. Varadachari's point, the question of secondary standards was discussed seriously and at length in the Select Committee and we thought that a third standard need not be put in, because it would only complicate matters. Though provision for secondary standards was found in the Bombay Act, we thought that in actual practice it would be more difficult to make the verification. When the hon. Member moves his amendment, I will answer that point."

"If any difficulties are found in working the Act, we will certainly try to remove them. But many of the difficulties pointed out in the course of the speeches will not be real and that they may not be encountered in working the Act is my belief."

The motion that the Bill as passed by the Council may be taken into consideration was put and carried.

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Clauses 1, 2 and 3.

MR. SPEAKER:—"The question is that clauses 1, 2 and 3 stand part of the Bill."

SRI T. VISWANATHAM:—"Sir, May I just be told why 'steel yards' have been included in the definition of 'weighing instrument' in item (6) of clause 2? Could not 'steel yards' go to some other clause or be omitted?"

* THE HON. SRI K. MADHAVA MENON:—"Sir, that definition has been copied from the Bombay Act, and I am not in a position to answer the query. In the Bill as introduced, there was no definition for 'weighing instrument' or 'measuring instrument'. The definition for these terms as subsequently introduced by the Select Committee. As I said, we have only copied it from the Bombay Act and I do not know the technical meaning of it."

Clauses 1, 2 and 3 were separately put and carried.

Clause 4.

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, I move—
'Add the following as sub-clause (2) (a):—

"For the purpose of verifying the correctness of working standards as per section 4 (1), Government shall cause to be prepared such number of authenticated sets of recognized weights and measures as may be necessary and shall supply one such set to the Board of Revenue and to the Collector of each district. Such sets shall be known as Secondary Standards."

"My task has been made somewhat easy. But I wish to tell the Hon. Minister that his explanation has not convinced me. I do not know if he is aware of the facts. The primary standard will be kept very carefully in glass cases. Even after a lapse of some time, it will never show more than an error of .001 grain say in a beam scale weighing 7 lb. whereas a working standard will show, even if carefully preserved, an error up to 1 grain. That is why all Governments, including the Bombay Government who have only copied from other Acts, have introduced secondary standards. They will be kept not only in one place, namely, at the headquarters of the Government but also in the various district offices. In the first case, the error will not be any more than .001 grain in a balance weighing 7 lb. In the second case, the error will be .01 grain. In the case of working standards, the error will be .1 grain. I am talking of very expert opinion. It is not as if I come here and repeat something off-hand with which I have not familiarised myself or about which I am not convinced. Therefore I say that, in the interests of the proper working of the Act, it is necessary to provide for secondary standards. Every Government who have attempted legislation for standardization of weights and measures have done so. If there are only primary standards and working standards and no secondary standards, as

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this Bill provides for, what will happen? The margin of error will be so wide that verification and re-verification will present considerable difficulty. I may tell the Hon. Minister that very rarely one can go to primary standards. They are not moved either, whereas one can take a weight or measure to the places where secondary standards are kept. The provision for secondary standards will enable the working of the Act to be done more efficiently. I am pleading for the cause of efficiency. That is all, and there is nothing else in my amendment. The amendment is conceived in the proper spirit and, if incorporated, will be very helpful to the Government in making a good beginning. Let us make a good beginning and a sound beginning. Any attempt at the enforcement of the Act before the Government themselves are provided with these standards is bound to fail.

"I want to impress upon the Government that two things are necessary for the proper enforcement of the Act. One is equipping the Government with proper standards, primary, secondary as well as working, and the other is a staff which knows thoroughly from A to Z all about these standards and is properly trained to detect flaws in weights and measures and weighing instruments and measuring instruments and set them right in the light of these standards. These are two pre-requisites for the proper working of the Act. If the Government do not accept my suggestion now, let them at least think over it. When they find that the working of the Act presents difficulties which they had not foreseen, I am sure they will be compelled to bring some such amendment on the floor of this House. May I also add that, if this provision is not made by this Government, it is bound to be done by the Central Government? In the Draft Constitution, I find that the establishment of standards of weight and measure is included in the Union List in item 64. As it is, there is no objection to our taking it up as the Bombay Government have done. Should we do nothing more than say that we want to copy another Act? It is not a question of copying; it is a question of proper enforcement of the Act.

"Primary standards will be kept in the Board of Revenue which, I suppose, will be entrusted with the administration of the Act. Secondary standards will be kept not only in the Board of Revenue but also in the Collector's office, and working standards will be kept in various places. Then weights and measures in the country will always be under constant check, verification, and re-verification by the inspecting staff.

"I have nothing more to say. My amendment does not change the Act in any way. It only imposes an obligation on Government and it is well that the Government accept this obligation and make the working of the Act as smooth and efficient as possible."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I also wish to submit that it is necessary that the standard weights and measures are to be deposited in two places, the primary standards

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at the Board of Revenue and Secondary standards at the various Collector's offices. These working standards which are now proposed in the Bill will not be of much use and the purpose of the Act will not be served unless such working standards are placed in the various taluk offices and are within easy reach of people who are to make constant use of the same. It is from that point of view that I support the amendment moved by my hon. Friend Mr. N. S. Varadachari and I request the Hon. Minister for Law to consider that aspect of the question. Unless the Government distribute these recognized weights and measures throughout the length and breadth of this Province, so that wherever we may go, we may be able to see the real picture of these measures and not the false picture, the purpose of the Act will not be served and people will not be benefited and the use of such measures will not become widespread.

"Incidentally, Sir, I may submit, that I was guilty of asking a wrong question about the definition of a steel yard put as a weighing machine. I need not have asked the question, Sir."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, I should like, in this connexion to be elucidated upon one point, Sir. Supposing the primary standards are to be kept in the Board of Revenue and one set of what are called the working standards are kept in the Collectors' offices, what really happens is this. Suppose a trader or a businessman wants to get his weights and measures verified and stamped, then these working sets will have to be taken to such persons or the persons who are employed for the purpose of stamping weights will have to take this set to the various places for the purpose of stamping. If these sets are to be used so often and taken from place to place frequently, certainly they will lose weight in the course of a few months. Therefore it was that my hon. Friend Mr. Varadachari has suggested that another spare set might be left in the Collector's office which might be called secondary standards and which might be used only occasionally to verify the working sets and which might also be kept with the primary standards in the Board of Revenue and verified once in five years. I think that such a system would work better. Perhaps this measure is going to be given a trial just now and if so, the Government may consider the suggestion of my hon. Friend Mr. Varadachari and come to a conclusion with regard to it before long."

* THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, I personally have no objection to adopt the suggestion of my hon. Friend Mr. N. S. Varadachari, if after working this Act, we find that it is necessary that we should have another set of secondary standards in the Collector's office. But at the same time, may I point out one thing, Sir? I heard the speeches of both my hon. Friends Mr. Varadachari and Mr. T. Viswanatham and if I understood them correctly, I must say that Mr. Varadachari spoke about one thing and Mr. Viswanatham said an entirely different thing

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altogether. Mr. Varadachari wants that the secondary standards should be maintained only for the purpose of verification with the primary and working standards. Mr. Viswanatham said that they must be kept not only in the Collector's office, but also in all the taluk offices and other places, so that they may be within the easy reach of all persons for the purpose of verification and stamping. I entirely agree with him in this suggestion that there should be sets not only in the Collector's offices, but also in all the taluk offices for purpose of verification. But may I point out that the difficulties which are mentioned by both of my hon. Friends Mr. Varadachari and Mr. Viswanatham are not after all, as dangerous as they fear. These points were discussed at length in the Select Committee and my hon. Friend Mr. Varadachari has also given written evidence before that Committee, urging these points. We have got also the evidence of an expert who was working the Act in Bombay and he has said as follows:—

A working standard set should have a high degree of accuracy and would require to be verified at least once in every six months, due to its constant use for the purpose of testing traders' articles.

For the purpose of verification, or re-verification, of Government Working Standards, it is absolutely necessary to maintain another more accurate and sensitive sets of Government standards, known as secondary standards.

"Mr. Bhashyam's fear is that these working standards will have to be taken so many times for testing that they might lose weight in course of time. But these secondary standard sets also will be required for purpose of verification with the working sets and they too are likely to lose weight in course of time.

"The expert in his written evidence goes on to state:—

These secondary standard sets would require to be verified, or re-verified, at least once in every five years. Thus, for the purpose of verification and adjustments of the secondary standards, it is absolutely necessary for the Government to maintain at least one set of standards, known as "Primary Standards", having the highest degree of accuracy. These primary sets are similar to those maintained in the mint.

In view of the foregoing, section 4 of the Act requires to be suitably amended so as to include the secondary standards as well.

"This suggestion of the expert contained in his written evidence before the Select Committee was considered at length by the Government and discussed in these notes:

"The suggestion made is that in addition to primary and working standards, secondary standards should be maintained.

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Clause 4 of the Bill provides for the preparation of primary and working standards and for their verification and re-verification in the manner prescribed.

Again, clause 15 (2) (c) also enables the Government to make rules relating to the procedure for the verification or re-verification of recognized weights and measures and the intervals within which it should be made. Therefore it is we thought that the maintenance of primary and working standards would meet the practical requirements and that it is not necessary to maintain another set of recognized weights and measures, namely, the secondary standards. The period within which primary and working standards will have to be verified and re-verified will be provided for in the rules.

"So that, Sir, all these things which were stated before the Select Committee have been very carefully considered by the Government and we finally decided that it was not necessary to have the secondary standards besides the primary ones. But anyhow, if we find that in the practical working of this measure after some time, it is necessary to have the secondary standards, we shall certainly come before the House with suitable amendment to this Act. But we have equal experts to advise us in this matter and after considering their advice, we have come to the conclusion that the present provisions in the Bill will do."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, I must frankly state that I am not satisfied with the reply which the Hon. Minister has given to the amendment moved by me on the basis of the speeches or statements made by others which might or might not be in entire accord with what I have said with reference to this aspect of the question, and after all I notice that what he has stated in reply is nothing more than what is contained in the office note. I may tell him, Sir, that the primary standards cannot be moved and must remain in only one place, namely, the Board of Revenue at Madras. They should be of the highest degree of accuracy, and the secondary standards which I have suggested in my amendment, will be not only there, but also in the Collector's office. They cannot also be moved from place to place, because they are the next standards to be used for the purpose of verification of the working standards and they should therefore be kept in one place, namely, the Collector's office and they are to be used only occasionally and the errors that they would develop would only be very small and they themselves would be required to be verified only over a very long period of time with the primary standards maintained in the Board of Revenue. It is only the working standards that have to be constantly in use and they must be verified with the secondary standards so as to keep them up to a certain degree of accuracy for day-to-day purposes. As I have already explained, the differences between these three standards can be gauged from the figures I have given."

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namely, that the primary standards, over a period of 6 or 7 years would in the case of a beam scale weighing 7 lb. develop only an error .001 grain, the secondary standards would only show an error of .01 grain and the working standards would show an error of 1 grain. As against the primary standards which cannot move at all and which perhaps the Government will keep at the Board of Revenue, the working standard sets will be distributed throughout the Province, in the Collectors' offices, in the Taluk offices, etc., and even these working standards will not be movable from place to place. Therefore it is not as if you can take these working standards in your pockets and go from place to place for the purpose of stamping the weights and measures used by the tradesmen. They will be kept in an office and the Inspectors who go round and test the weights and measures will have to constantly check them with these standards, and that is why they are called working standards. These working standards, because of their constant use are likely to develop errors within a shorter period of time, and in order to keep them in proper condition and have them verified at intervals, these secondary standards are very necessary, as otherwise these working standard sets will have to be taken frequently to the Board of Revenue where the primary standards are kept, which will themselves be subject to verification only at the mint, and that too very rarely. Some hon. Members appear to have a notion that these standards will be kept in a small case and that it could be carried in railway trains from place to place. It is nothing of the sort. Any scientific scheme of weights and measures must provide for all these three standards. The last standard is called the working standard and although it develops a slight degree of error, yet it is that which is constantly used for the working of the Act. It is only with the aid of the working standards that the weights and measures that are in use throughout the area where the Act is enforced, are tested. Sir, I have explained as clearly and as briefly as I could, the importance of these secondary standards and it is for the Hon. Minister to accept my amendment or not. But if he says that we shall work the Act for some time and then see what happens, then it is well and good. But I must tell him that a very proper scheme for the working of this Act must provide for these secondary standards and that is all I have got to say. If, in spite of what I have said, the Hon. Minister thinks that the secondary standards are not necessary, and that the present provisions of the Bill might be worked for some time, I have nothing to say with regard to it."

The amendment was, by leave, withdrawn.

Clause 4 was put and carried.

Clauses 5 and 6.

SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, I move—that in clause 5 (b) for the words "Every recognized weight or measure shall bear the description of the weight or

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measure", the words "Every recognized weight or measure shall be of such shape, size and specification as prescribed and shall bear the description of the weight or measure" be substituted.

"Sir, this amendment was also suggested by me in the Select Committee. I shall give my reasons for this amendment and shall leave the Government to decide. As I pointed out in my speech on an earlier amendment, these weights and measures are made in different provinces and they are sometimes imported from outside this country. They are also made of various shapes. As I told you, Sir, the Aligarh lb. weight is made round. The Bombay weights are made rectangular. In order to avoid confusion arising from all the different shapes and sizes of these weights and measures, the Government must prescribe that these weights should be of such and such a shape and size and made of such and such a material, so that it would be easy for the trade and the illiterate public to know at sight what these weights represent and it would also be easy for the Government to encourage the manufacture of such weights and measures locally. Now, Sir, let me tell the Hon. Minister that we are depending in all these matters on foreign countries. Take for example many of our weighing and measuring instruments. They are all imported from foreign countries. Where are our water meters and electric meters coming from? These could be manufactured in this country itself. The Government perhaps do not know how many lakhs of rupees are being paid by people in this country for importing these mechanical contrivances and also for repairing them, as a result of errors developed in them. All this money goes to foreign countries. That is why, I say, that in order to encourage local manufacture of these weighing and measuring instruments and also in order to make people familiarize themselves with the shape and size and the denomination, etc., of these things, the scope of this section should be enlarged by adding the words I have suggested. Even in regard to this amendment, I shall leave it to the Government to accept or not. There is no question of argument in these matters. It is not a question of raising hands or counting heads. You must see the point in it. If the Government are not prepared to consider it at this stage, I do not mind their considering it at a later stage. Of course in measures like this, which is purely technical, any discussion must be based on a scientific and proper understanding of matters relating to the science of weights and measures."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, I second this amendment only for this reason. If there is a measure or weight of a certain size, shape and material it will help even illiterate persons to understand and recognize it at sight. The ordinary masses, many of whom are illiterate, cannot be expected to know what measures are being used and whether they are properly stamped or not. If suppose the lb. or a measure is made of such

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and such a shape and of such and such a material, even an illiterate person who does not know anything about these matters, when he goes through some of the transactions in market, may get familiar with these weights and measures at sight and that will be a great help to him.

"It is only as a matter of help to the general mass of people who are illiterate. They may get themselves familiar with one size. This is the advantage in having a uniform size. Therefore, I support the amendment."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I was thinking, as I was following the discussion, that we were coming to a very interesting stage, as everything started with amity, but now some warmth is coming. I was thinking that some of the weights might be made primary units. We could declare certain weights and measures as primary units, and that they shall not be manufactured by anybody else. The minting of the coin in currency is the monopoly of Government. Weights and measures are the things which should supplement the work which the coins have got to do. If Government take the monopoly of minting coins or printing paper currency, it is also up to them to take the monopoly of manufacturing the primary standard weights and measures. All weights need not be manufactured by Government, but only the primary units. I am using the word 'primary' not in the sense in which it is used in the Bill. For example we have got tola, viss, maund, inch, foot and yard. We can declare some of the units as primary units, and, as in the case of coins, we can take the monopoly of manufacturing them. Whatever may be the case with regard to other measures, which may be equated by stamping, etc., I think at least the manufacture of these primary units might be made the monopoly of Government. I know I am not quite absolutely relevant to what is suggested here. But I however thought that this suggestion should be made to the Hon. Minister."

* THE HON. SRI K. MADHAVA MENON:—"Sir, the suggestion made by the hon. Member, Mr. Viswanatham, is a very good one. We will consider whether Government should take the monopoly to themselves or leave it to certain parties, after calling for tenders. It is a very good suggestion, and that has to be done. In fact, I may say that it was the idea of the Government in this matter."

"As regards the amendment of Mr. Varadachari, it only paraphrases clause 5 (1). The clause says 'every recognized weight or measure shall bear the description of the weight or measure'. Mr. Varadachari says that the words 'Every recognized weight or measure' shall be substituted by the words 'Every recognized weight or measure shall be of such shape, size, and specification as prescribed and shall bear the description of the weight or measure'. I submit that is not all that is required, but something more. It is not merely by the shape that it is

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decided. So, a provision is made in clause 21 (2) (b) for the material, mode of composition, form and specification of recognized weights. Government will frame rules for all these. This has already been provided for in the Bill. Every word except 'shape' given in the amendment of Mr. Varadachari is already put in clause 21 (2) (b). That is why this amendment of Mr. Varadachari brought before the Joint Select Committee was not accepted. It is not necessary to accept the amendment now also. I oppose the amendment."

SRI N. S. VARADACHARI:—"I do not press my amendment."

The amendment was, by leave, withdrawn.

Clauses 5 and 6 were separately put and carried.

Clause 7.

* SRI N. S. VARADACHARI:—"Sir, I move—

'Add the following to sub-clause (1) of clause 7:—

"Every Inspector shall verify or re-verify all weights, measure, weighing or measuring instrument presented to him and if the same is found correct, he shall stamp the same in the prescribed manner"."

Sir, the question as to whether the Inspector will verify and re-verify does not find a place here. In a later clause this verification and re-verification are put in. In clause 13, it is provided 'No weight, measure, or weighing or measuring instrument, shall be sold or delivered, unless it has been verified or re-verified in the prescribed manner'. Having provided for that, I ask why not also provide that the Inspectors' duties should include the verification and re-verification of these weights and measures and if the same are found correct, they shall be stamped in the prescribed manner. That is all that I wanted to suggest and if the Hon. Minister thinks that this also can be covered by rules, it is all right. In clause 13 it is provided that no weight, measure, or weighing or measuring instrument, shall be sold or delivered, unless it has been verified or re-verified in the prescribed manner. But the officer appointed for the purpose is not given the power of doing so specifically. Even the implied power is not there. He can only inspect weights and measures within the area of his jurisdiction. Is the power of verifying and re-verifying implied in the word 'inspection'. I do not think it is a point on which I can dwell. In order to make it more explicit I am moving my amendment."

SRI T. VISWANATHAM:—"I second the amendment, Sir."

* THE HON. SRI K. MADHAVA MENON:—"Sir, it is not necessary to provide for this in this clause. Inspection does not mean simply going and seeing. In clause 7 we have provided that the Inspector shall verify the weights and measures within the

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area of his jurisdiction. In clause 21 (b) and (d) Government have taken powers to make rules regarding the material, mode of composition, form and specification of recognized weights and measures and of weighing and measuring instruments and the persons by whom and the number in which they should be made and the procedure for verification and re-verification by persons. Rules will be framed for the verification and re-verification of the weights by the Inspectors."

SRI N. S. VARADACHARI:—"I am not pressing my amendment, Sir."

The amendment was, by leave, withdrawn.

Clause 7 was put and carried.

Clause 8 was put and carried.

Clauses 9, 10 and 11.

SRI K. BHASHYAM:—"Sir, on a point of information. There is a provision for exemption in sub-clause (i) of clause 9. What sort of cases the Hon. Minister contemplates exempting, I would like to know."

* THE HON. SRI K. MADHAVA MENON:—"Sir, in the proviso to sub-clause (1) of clause 5, it is stated 'Provided that the Government may, by notification in the Fort St. George Gazette, exempt any recognized weight or measure from such stamping, if, in their opinion, it is impracticable to stamp such weight or measure owing to its small size.' There may be some weights which it will be impossible to stamp, because of their small size like a mustard seed. It is therefore necessary that they should be exempted. That is what the proviso to clause 5 (1) seeks to do."

SRI K. BHASHYAM:—"I speak of the exemption referred to in clause 5 (2)."

THE HON. SRI K. MADHAVA MENON:—"Sir, there is no exemption under clause 5 (2)."

* SRI T. VISWANATHAM:—"Sir, during the general discussion, we made certain remarks and the Hon. Minister was pleased to say certain things in reply. With reference to sub-clause (iv) of clause 9, it was suggested by some that imprisonment was a more drastic form of punishment than a fine of Rs. 1,000. Sir, sales tax returns will enable us to know as to how many small dealers there are in the Province. Their outturn is not much. Their capital is not much, and they have to get on, because they cannot get employment anywhere else. There is also a tendency in the country now for people to do their independent business, however small it may be. While I concede that the use of fraudulent weight is a bad offence, what really happens in the case of these small traders is that they are actually ruined

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for ever once they are heavily fined. Their properties will be forfeited. Under the ordinary law, if the fine is not paid, an alternative punishment of imprisonment can be imposed, although it is not stated in this clause. Both can be done under the existing law. Therefore, the property of those who do not pay the fine will be sold, and there might be a sentence of imprisonment also. A round of the streets of Madras will enable us to know how many dealers there are who have got to use weights and measures. Instead of fining them and rendering them completely ruined, they may be given the alternative punishment of imprisonment. Leave the discretion to the court to mete out justice according to the circumstances of the case. There will be several people who will be ready to court imprisonment rather than lose all their property. Imprisonment is not a heritable thing to the children and therefore they do not mind suffering imprisonment. Property on the other hand is an inheritable asset, and persons would not like losing it. Fine in some cases would prove a greater punishment not only for the offender but also for the members of his family. That is what I wanted to submit in answer to what was said that fine was a more preferable form of punishment. But still I insist, whether the tradesman is small or big, the law must be uniform and impartial and must be enforced strictly, for, in this country several thousands and lakhs of people are being cheated every day by the use of these false weights and measures. I submit that the law must be hard and it must be strictly enforced. Imprisonment may also be given as an alternative punishment so that the members of the offender's family may not suffer."

3 45 p.m. * SRI K. BHASHYAM:—"Sir, much sympathy has been wasted on the offender by my hon. Friend. As I was looking at sections 9 and 15 simultaneously, I was struck with two things; both these sections specify some punishments. Section 9 contemplates a punishment of one thousand rupees maximum fine, for first offences, and a term of imprisonment which may extend to one year in the case of second and subsequent offences, or fine or both. But section 15 contemplates only a maximum fine of Rs. 300. It is not as if there is no discretion given to the trying Judge or Magistrate. The fine may extend to Rs. 300 or to a sum less than that under Section 15. My only point is that even that punishment is not sufficient, and it ought to be more. As regards my hon. Friend, Mr. Viswanatham's point, that the fine of Rs. 1,000 is rather heavy on poor dealers who might be committing offences under this Act, I would only submit that this thousand rupees fine is only a maximum prescribed under this Act, to keep these people in check, by holding a threat as it were."

THE HON. SRI K. MADHAVA MENON:—"Sir, these are only suggestions, and not amendments. Mr. Viswanatham's point was that if a petty trader is using these false weights and measures and thus commits an offence under this Act, a fine of Rs. 1,000 may ruin him altogether. I must say that we must credit the Judges sitting there with some sense of proportion. Rupees 1,000

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are the maximum fine that is provided. But actually the fine that may be levied may be one rupee or eight annas, or it may be thousand rupees. In these matters, we have to presume that Judges will do the whole thing with a sense of proportion. Certainly it will not be their idea to completely destroy altogether these petty traders."

Clauses 9, 10 and 11 were separately put and carried.

Clause 12.

SRI N. S. VARADACHARI:—"The only satisfactory answer that I seek from the Hon. Minister is whether the word 'counterfeit' covers a case of forgery also. I think there is a slight difference between counterfeiting and forgery. When you say a coin is counterfeit, it means that it is totally different coin manufactured by a different person. In the case of forgery, it is not counterfeit. Only something is foisted on you which does not contain after all the mark. It may be that the mark may be forged, but it need not be counterfeited. Counterfeiting will only arise in the case of a dye or a stamp used for a particular purpose, and then if a person makes it and puts it on the recognized weight or measure, then there is a case of counterfeiting. For instance, a measure may be counterfeited. A measure may be imported from abroad and stamped; a similar measure may be made here or a similar weight may be made here in a counterfeit manner, and then stamped in the same way, and this will become the counterfeit measure or weight. But forging, I think, is slightly different. If the word 'forges' can be added without spoiling the meaning of the section, or its legal consequences, I would ask the Hon. Minister to accept this amendment of mine which reads as follows:—

"For the words 'Whoever counterfeits . . . weight or measure', the following shall be substituted: 'Whoever counterfeits or forges any marks prescribed for stamping or tampers with the same on a recognized weight or measure'."

* SRI K. BHASHYAM:—"Sir, I second this amendment. It will only make the task of Government easier, to sustain a prosecution under this section. There may be learned arguments advanced for saying that counterfeiting does not include forging and therefore I think it is much better if this amendment is accepted by Government."

THE HON. SRI K. MADHAVA MENON:—"My real difficulty is this. It is not because I want to oppose this amendment that I say this. This Bill has been in the agenda for the last four or five days, and if I had got the amendments, earlier, I would have examined them myself and seen their implications. As far as I can see, the only thing that can be forged is the mark or stamp. If a wrong stamp is put, it means that there is counterfeiting. There is no difference that I could see between counterfeiting and forgery. Nor do I see any particular objection to

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accepting the amendment, which enlarges the scope of the Act, but as the Bill has emerged from a Joint Select Committee, and as it has already been passed in the Council, if I were to accept this amendment, I will have to take the Bill as amended here again to the Council for a formal acceptance, and all this would only lead to some delay. Hence I am not accepting this amendment."

SRI N. S. VARADACHARI:—"Sir, I am not pressing the amendment."

The amendment was, by leave, withdrawn.

Clauses 12, 13 and 14 were separately put and carried.

Clause 15.

* SRI N. S. VARADACHARI:—"Sir, I move that after the words 'Whoever in selling any article by weight or measure', the words '*weighing or measuring instruments*' shall be substituted.

"By accepting this amendment, Government will only be widening the scope of the Bill. This is also in keeping with the rest of the Act. I understand the difficulties of the Hon. Minister in accepting amendments at this stage. I shall give the reasons for it. The other House has passed this measure, and a Joint Select Committee has reported on the Bill. And if my amendment were to be accepted here, perhaps it has to go back to the other House, as amended here, just for their formal acceptance. If Government think that acceptance of this amendment will lead to an enlargement of the scope of the Bill, let them do so; if not they will come forward later on to find out the need for this addition."

* SRI K. BHASHYAM:—"Sir, I would like to submit only a few points. Sections 9, 10 and 11, deal with offences done by persons, by way of counterfeiting weights and measures, or unauthorizedly putting marks or stamps on any measure or instrument, and also by way of possession of such counterfeit measures or weights. These are certainly offences, fairly serious, and so, the punishments also should be rather fairly heavy. When a person sells or delivers goods much less than what he ought to do, the offence amounts to cheating poor people who really come to them for purposes of buying articles from them. This maximum punishment of Rs. 300 which has been given, seems to be far too inadequate. This kind of tenderness on the part of Government I do not like at all. I know I am really differing from my hon. Friend, Mr. Viswanatham when I say that there should be a more drastic, a severer and a more condign punishment in respect of these offences. It is not as if we are dealing with a single person and his family. We are contemplating punishment for the purposes of checking dealers from cheating people in general. In cases of such cheating, the general mass of the people must be protected

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against such bad practices of cheating. Therefore it is I am asking the Government to consider whether a higher punishment could not be awarded to offenders under this section."

* THE HON. SRI K. MADHAVA MENON:—"Though my hon. Friend, Mr. Varadachari's amendment has not been seconded, yet I would like to say one thing. One hon. Member says that the punishment is too small, and another says that it is too drastic. This only shows how far opinion differs in this matter of punishment. Supposing a person sells an article, sugar, say, with a false weight or measure, my hon. Friend, Mr. Bhashyam, wants that this Rs. 300 fine is not sufficient, but on the other hand, the fine should be about Rs. 3,000 or there should be an imprisonment of three years, whereas Mr. Viswanatham considers the fine to be very severe and heavy. Therefore I would only say let us see whether this punishment is not enough. If there is need for a greater punishment, we will come to the House once again."

The amendment fell through for want of a seconder.

Clause 15 was put and carried.

New clause 15-A after clause 15.

SRI N. S. VARADACHARI:—"Sir, I move that the following new clause 15-A shall be added:—

'15-A (a) *Whoever sells or causes to deliver articles by the use of wrong denomination other than the recognized ones, shall be punishable with fine which may extend to Rs. 500.*

'(b) *Whoever fraudulently uses any weight, measure, or weighing or measuring instrument shall, on conviction, be punished with imprisonment of either description which may extend to six months or with fine of Rs. 500 or both.*

'(c) *All stamped weights, measure, weighing or measuring instruments stamped under the Act or the rules thereunder, shall be deemed to be correct until its inaccuracy is proved, if it is produced in a court of law by any public servant under the direction of Government.*

I am moving this only with a view to drawing the attention of Government to the need for incorporating this later on at least in this Bill. We have got to provide for punishment for breaches of duty on the part of Inspectors. That must also be provided for, in order to prevent any harassment being caused to the ordinary people. Any weights produced in a Court of Law even by a Government servant should be recognized as correct, unless proved to the contrary. Otherwise, it will produce chaos in the administration of this Act. For instance, an Inspector goes to the market and picks up a number of weights, stamped, etc., and recognized under this Act still he may in order to harass the ordinary dealer, carry away all these weights and put them in a Court of Law. The Court must first deem them to be correct, unless the contrary is

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proved to be the case. This is only a safeguard which must be provided in the rules at least if not in the act itself. That is the object of my moving for a new clause. I hope Government will recognize the need for some such thing to be put under the rules, to safeguard the common people from being harassed by officials of Government."

The amendment fell, for want of a seconder.

Clause 16 was put and carried.

Clause 17.

* SRI T. VISWANATHAM:—"Sir, on clause 17, my hon. Friend Sri D. V. Ramaswami raised a point. I think the Hon. the Law Minister did not quite catch the point exactly. The point is this. Clause 17, sub-clause (2) contemplates the punishment of the parent of a child in case the latter is dealing with false weights or measures. I submit, Sir, that this will be a source of great harassment to several parents. It is not always easy to catch a child and keep him in tight ropes, or strings at home always. May be, by some accident, some false weight or measure may be put in his hands, by some unscrupulous man who may make a tool of the child for his own personal benefit. If the employer is not caught, Government will pursue the parent, or other person who may be having the care and custody of the child.

"I shall tell you only one instance to illustrate the possible harassment. There is I think in the Town Nuisances Act or the Police Act, a provision that if a child is seen uncared for in the street, the parent of the child can be punished. There was once a Police Circle Inspector in Vizagapatam who did not like a good lawyer friend of mine, because the lawyer friend of mine, in some cases, flogged the Circle Inspector in the courts, with the result that the latter got very wild, and wanted to pounce upon this lawyer somehow or other.

4 p.m. "Generally at 2 or 3 o'clock in the afternoon, the streets are empty. The male members are at the courts or at their places of business and the womenfolk doze. The children then just stray in the streets, and go from one side to the other. It was a case like that in the case of the child of this lawyer. Immediately a summons was sent to this lawyer. He was called to appear in court. He appeared, but the policeman did not appear. The Magistrate was generally afraid to proceed with the case in the absence of the policeman, because the magistrate is always afraid of the policeman. The lawyer had to go back. Eight or nine adjournments were granted and the lawyer was put to any amount of harassment. After all, Sir, it is the employer who is the villain of the piece. You should not punish the parent or anybody who has got the custody of the child. I would ask the Hon. the Law Minister to move an amendment to drop the words 'or the parent or other person having the care and custody of the child'. It is enough to include the employer here, for he may have fraudulent intention of using the boy for his profit and benefit. He may have

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malice aforethought. It will be a source of harassment to include parents also. I suppose here only the masculine portion of the parents is intended and that the mother will not be proceeded against. (Interruption.) The Hon. the Law Minister whispers in my ear that it would not be confined to the father alone. I understand his position in these days of equality of treatment. Then it will be a terrible nuisance to the parents. I would therefore request the Hon. Minister to drop these words regarding the parents."

* SRI D. V. RAMASWAMI:—"Mr. Speaker, as my hon. Friend Mr. Viswanatham has pointed out, the object of the Government will be achieved if sub-clause (2) is omitted altogether and sub-clause (1) alone is retained. I therefore appeal to the Hon. Minister Mr. Madhava Menon to delete sub-clause (2), in view of the fact that all these complications are undesirable in an Act of this nature which affects large masses of traders and other people. I suggest, Sir, that sub-clause (2) may be omitted."

* THE HON. SRI K. MADHAVA MENON:—"Sir, this amendment was made only in the Select Committee. It was not in the original Bill. We found that if there was no such provision, the evasion of the Act would be very easy. What is the remedy if a child is employed by an unscrupulous person? (An hon. Member: The man who buys must be punished.) The buyer may be an innocent man. A boy gets into a shop and purchases something thinking that it is correct weight, but the weight is wrong. How can we tackle such a case? The punishment must not be confined to the employer alone. Some remedy must be found for those who allow the child to do this nefarious business. The ingenuity of man knows no bounds and particularly when there is greed, a man may resort to many subterfuges which ordinarily he will not do. I cannot therefore accept the suggestion of the hon. Member."

Clause 17 was put and carried.

Clause 18.

* SRI T. VISWANATHAM:—"Sir, I have once more to lodge my protest against a provision like this. The clause says:—

'No court shall take cognizance of an offence punishable under this Act except upon a complaint made by some person aggrieved by such offence'

Sir, when I go to a shop and buy something, the standard weight and standard measure are there and I get a receipt for the money paid. As regards others, the merchant knows the persons with whom he deals. He cheats them. Then I am not aggrieved really in the sense in which clause 18 says that I must be aggrieved. I am not aggrieved but other people to my knowledge are aggrieved. Suppose, Sir, the clerk of a Collector's office goes to a shop, buys something and when he goes home finds that he has been cheated. He cannot file complaints and be going about the criminal courts.

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If clerks go on filing cases and go to criminal courts, their superiors may say that they are cantankerous and that they may take leave. It will be difficult if you confine the provision to 'aggrieved persons' only. Some dealers systematically deceive innocent persons and others who are in a hurry and who, they know, will not be able to take action against them. Suppose Sir, I go to a shop in Madras. He knows that I am an up-country man. Suppose there is a taxi waiting for me opposite the shop. He knows that I am in a hurry and that I will not be in a position to take criminal proceedings against him. The result is, he immediately cheats me. In that case, it will not be possible to file a complaint against him, if aggrieved persons only can file a complaint. But the aggrieved person can go and tell the Police Inspector that such and such a thing is happening in that shop and ask him to take action. The Inspector or the Deputy Superintendent of Police must have the power to go there and seize the things. Otherwise there is no point in making a provision like this. The Hon. the Law Minister said that the offences which are hitherto made punishable under the Penal Code are different and the two things being different, there was different treatment. The offences under the Penal Code are the following:—

'Section 264—Fraudulent use of false instruments for weighing.

'Section 265—Fraudulent use of false weight or measure.

'Section 266—Being in possession of false weights or measures for fraudulent use.

'Section 267—Making or selling false weights or measures for fraudulent use.

Making or selling is covered by clause 13 of this Bill also. Possession and use come under clause 9 of the Bill. These offences are not cognizable offences even under the Penal Code as the Minister imagines. They are put in the second schedule. As they are not cognizable offences, there is no authority to arrest without a warrant. Although these offences are different from those, when we are tightening the law and covering all the loopholes, it will not be of much use unless these offences are made cognizable. So far as sections 264 to 267 of the Penal Code are concerned, an amending Bill must be brought forward to make the offences mentioned there cognizable. With regard to those things which we are making offences for the first time by this Act, it is up to this Legislature to make them cognizable immediately, otherwise officers who know that certain things are going on will not be in a position to prosecute the offenders.

"Sir, the other persons besides the aggrieved person who can make a complaint are an Inspector or any other officer or person duly empowered by the Government in this behalf. This Inspector is appointed under clause 6 and in clause 19 it is said that there will be no suit against the Government and that no suit or prosecution shall lie against an officer of the Government without the sanction of the Government, which it is so difficult to obtain in

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these cases. Sir, I am afraid these Inspectors will not behave much better than some of the subordinate officers of the Civil Supplies Department who have taken full advantage of the restrictions and controls during these three to five years. With all the security of no prosecution against them, they will do anything they like. They will be more of a harassment than of use for helping to verify and re-verify the weights and measures. Then the other class of people who can file a complaint are 'any other officer or person duly empowered by the Government in this behalf.' The Presidency is very vast, the districts are many and the villages are many more. It will be impossible to authorize several officers for the purpose. Therefore, I suggest that instead of authorizing several officers and giving statutory authority to inspectors alone and saying that only aggrieved persons can pursue the matter before a criminal court, the offence must be made cognizable. The aggrieved persons will not always be in a position to always lodge a complaint as I already said, because it will involve a lot of trouble in going about the criminal courts and their business will be spoiled. If the Hon. the Law Minister is anxious that the law should be implemented with all its implications so that there may be a high standard of honesty in the commercial world of this province, I am afraid that that purpose will not be served at all unless all these offences are made cognizable offences. Using false weights and measures is as bad as tendering counterfeit coins or having machinery for making counterfeit coins. Therefore it must be made cognizable."

* SRI K. BHASHYAM:—"Mr. Speaker, I do not really want to travel over the same ground travelled by the last speaker who has really put the case very strongly for the purpose of widening the scope of the kind of persons who can make a complaint and take the matter to the court. The Hon. Law Minister, by the enactment of this section, is making the position worse than it would be if the section was not there at all. If the section was not there, it is open to any person to make a complaint regarding the use of false weights and measures. Ordinarily, no person will be willing to make a complaint if he should take upon himself all the responsibility of the prosecution. Some public-spirited people may be willing to do so or at least after having lodged a complaint, ask the Government to take up the matter but by the enactment of this clause no person other than the person aggrieved can make the complaint. Only the person cheated must make the complaint.

"Let us take the case of an illiterate and poor person who does not know much about these matters and who does not know even if he has been cheated. How can he make a complaint, unless there is somebody who sees that he is being cheated and makes a complaint? If we want to protect illiterate and poor persons from being cheated by dishonest traders, we must give the widest opportunities to all persons to make a complaint. If we provide that only aggrieved persons can make the complaint, it will not be possible for the poor people to make their complaints

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and push their cases through the courts. Therefore, in the interests of the general well being of the community and also in order to discourage dishonest tradesmen who are out to exploit these poor people, it is necessary that this clause should go away altogether. I am appealing to the Hon. Minister to delete this clause."

* THE HON. SRI K. MADHAVA MENON:—"Sir, I have already answered the point and said that there is no necessity to make this a cognizable offence. The aggrieved persons in these cases are not such people as my hon. Friend Mr. Viswanatham contemplates. Aggrieved persons are those to whom wrong weights or wrong measures or wrong instruments have been sold. They are not such simple persons as not to be able to file a complaint. Then, my hon. Friend referred to 'innocent victims'. Sir, under the provision, the complaint can be made not only by the aggrieved person but also by an Inspector or by any other officer or person duly empowered by the Government in this behalf. Therefore, there is not that danger that my hon. Friend contemplates under this Act."

Clause 18 was put and carried.

Clause 19.

* SRI K. BHASHYAM:—"Sir, once again I raise my voice of protest against the clause which seeks to give immunity to all the officers of the Government in respect of all the actions they may do. We have been talking about this ever so long and on every possible occasion. I have to draw the attention of the Hon. Minister to what the Chief Justice of England said to the effect that the executive acts of the various officers are being protected by the Government nowadays and justice suffers. Therefore without going much further into these matters which I have already explained several times, I oppose this clause."

THE HON. SRI K. MADHAVA MENON:—"Sir, I am accustomed to hearing this argument several times. But I have only to point out that there is no legislation which the hon. Member Mr. Bhashyam brought forward as the Law Minister which has not got this clause. This clause is an exact reproduction of clauses 43 and 44 of the Bombay Act under which the sanction of the Government is required to prosecute an officer who commits a mistake."

Clause 19 was put and carried.

Clause 20.

* SRI K. BHASHYAM:—"This is a most important clause and it will hit a number of transactions which merchants may enter into outside this Province and outside India altogether. One argument which the Hon. Minister may put forward is that the members of the Select Committee and other commercial people did not object to this clause and therefore the commercial

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community will not be affected. Possibly, Sir, if their attention had been drawn to the implications of a clause like this, they would certainly have objected. Perhaps there was no lawyer to advise them in respect of this matter and they did not know it. The clause was allowed to pass unnoticed by the commercial people perhaps because they have such confidence in the Government nowadays and they think that the Government would not do anything to hit or injure them. The fact that the commercial community or the other members of the Select Committee did not take objection to it, is no argument in support of this far-reaching clause which will hit a number of transactions. I request the Hon. Minister to consider the clause on its own merits without being prejudiced by the fact that somebody took objection or did not take objection to it. Let the Hon. Minister think over the meaning of the clause and consider whether the transactions outside the province and outside India will not be hit. This clause provides that such transactions would be void altogether. It is a most drastic step to take for the purpose of enforcing the provisions of the Act. Ultimately our own merchants will be hit. If other provinces also take the same line and have their own weights and measures and if the merchants in Bombay insist upon their own weights and measures and if the merchants in Madras insist upon their own weights and measures, between the two there will be quarrel. I would like the Hon. Minister to consider all these matters calmly, take the opinion of the Advocate-General if possible before to-morrow morning and see whether I am right or wrong. Before the matter goes to the third reading, let him take sound legal advice before he insists on the section being put in the Bill."

* SRI T. VISWANATHAM:—"Sir, this clause affects transactions with the other provinces as Mr. Bhashyam has pointed out. I suggest that this clause be omitted altogether until a uniform legislation is passed by the Central Legislature or until the new Constitution comes into force when all these things will be made a Central subject."

* THE HON. SRI K. MADHAVA MENON:—"Sir, I can only say that the repetition of the arguments by such an eminent lawyer as Mr. Bhashyam, does not make the position anyway easier. Though I may not be an eminent lawyer, I feel there is not that danger which Mr. Bhashyam fears. I already said that without this clause the Bill will be absolutely nugatory. If we are going to allow contracts to take place in this province which are against the spirit of the Bill by having all kinds of weights and measures which are not standard weights and measures provided in the Act, why should we have this Act at all? Clause 20 says:

'Notwithstanding anything contained in any law for the time being in force, every dealing had or contract made in the Province of Madras or any portion thereof after this Act has come into force therein, for any work to be

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done or any goods to be sold or delivered by weight or measure shall be deemed to be had or made according to a recognized weight or measure . . .

Sir, unless there is a provision like that, hundreds of contracts shall emerge with the result that there will arise no need for this Act at all. This is what I feel in this matter."

Clause 20 was put and carried.

Clause 21.

* SRI T. VISWANATHAM:—"Sir, I want to make a suggestion. The other sub-clauses of Clause 21 are not so bad as sub-clause 2 (i). Sub-clause 2 (i) certainly transgresses all notions of good legislation. Now, Sir, clause 19 also has been passed on the ground that the Government must be protected against all citizens. The Hon. Law Minister claims the right of the Government to be above law. Sir, law is made for all. Citizens are bound by it and not the Government! It is really a curious proposition coming from the Law Minister of the Madras Province. This sub-clause (i) is also based on similar grounds. Sub-clause 2 (i) says:

'Any other matter for which there is no provision in this Act and for which provision is, in the opinion of the Government, necessary for giving effect to the purposes of this Act.'

Sir, under this clause the Government take powers to make rules whenever they deem it necessary to do so. I do not understand this position of the Government. The Legislature is existing in this province. We are always willing to come here every time we are summoned. No session has been closed for want of a quorum. Then what is the difficulty for the Hon. Law Minister to come and take the consent of this House whenever any new provisions are found necessary for the successful implementation of the Act. Therefore, I feel that the proposed provision is not a correct one. And notwithstanding the assertion of the Hon. Law Minister that the Government want these powers, I submit that it is not right and he should not ask for them. So I request the Hon. Law Minister to omit this sub-clause 2 (i) from clause 21."

* THE HON. SRI K. MADHAVA MENON:—"Sir, it is to give effect to the purpose of this Act that the power is taken. You cannot expect the Government to be mad-caps. (Interruption.) If they are not, there is no wonder why things have to be done like this. The necessity for giving effect to the purpose of the Act, i.e., to have a regulation of uniform weights and measures, is something that has been omitted and something has to be done immediately. Government should have the power to do it and it has to be done by a notification in the Gazette. If any provision of this Act is improperly used by the authorities

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concerned, it will certainly come up for criticism by this House and therefore there is nothing to urge that the Government are autocratic in this matter."

Clause 21 was put and carried.

Clause 22 was put and carried.

Schedule.

* SRI N. S. VARADACHARI:—"Sir, I wish to say only this about the schedule. Even at the time when the Select Committee considered the Bill, I wanted that, besides clause 3, alternatively the metric system of weights and measures should also be put in. Sir, I am not a visionary. But I suggest this in order that things may be simplified for the future. Of course progress in this direction may be slow but propaganda will have to be carried on before we effect any changes in the existing system. People will have to adjust themselves as changes are effected. This system can easily be tacked on to the existing system of weights.

"For instance, take the viss. It is 120 tolas. But it is only when the palam comes up we find some difficulty. We can easily adapt it to the metric system. There will be no difficulty. We can keep the viss as it is and yet the tolas will be a definite number and they will also fall into line with the metric system. Why should the foot be twelve inches? Contracts are made for so many inches, so many feet and so many square feet of space for whitewashing Government buildings and in some cases so many cubic feet are bought and so on. Contracts are also made on the same basis in the Engineering Department. Thus there are many things which are covered merely by space. Now, in all this the most advantageous thing would be to reduce it to some kind of metric system. Why do the Olympic Races run on 100 Meters and not on any other basis? Because it is always easy to test the margin by which a man wins. It is easy to calculate for the ordinary common man on the basis of decimals. If the coinage system and the system of weights and measures should all change and be made to suit this new system and all the changes are brought into effect by steady and constant propaganda extending throughout the whole province and ultimately throughout the whole of India, I think there will be much to be said in favour of such change. Such a change is welcome and Government will soon see its way to put it through; and along with this, they can undertake the manufacture of these weights and measures, weighing and measuring instruments in the first instance, and not go into competition with other manufacturers and then see that these are popularized so much in the country that we can easily adopt the existing measures like viss, padi and all that and at the same time adapt them to the metric system of calculation."

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* THE HON. SRI K. MADHAVA MENON:—" Mr. Varadachari's suggestion that instead of the standard system, we must adopt the metric system of calculation was also considered by the Select Committee; but at present I do not think the law will permit it because the Standardization Act passed by the Central Legislature has not adopted the metric system and so we cannot adopt something which is not there already in that Standardization Act. The question of metric system for all weights and measures and also the decimal system for coinage is one of controversy, and when the country adopts the metric system, we shall adopt it here also."

The schedule was put and carried.

The preamble was put and carried.

* THE HON. SRI K. MADHAVA MENON:—" Sir, I move—
'that the Bill be passed into law'.

"At the very beginning I said that this is not a case where Government had particular pre-conceived notions about the Bill. It is a highly technical matter, not merely a question of law is involved in it; it involves a considerable knowledge of things that are happening in commerce. I had my own serious difficulties in understanding things myself, because I have nothing to do with commerce. The very important measure, though a short one, which we have been able to pass in the course of a day has far-reaching consequences; and if we are able to work out this measure in the spirit in which we want it to be done, and if we are able to have a sort of uniform weights and measures regulated throughout the province, that is a consummation most devoutly to be wished for and it would certainly add to the commercial importance of our province, it will ease all our commercial transactions to a very great extent and it will also lead to the improvement of commercial morality in the country. The House has been very kind in the matter of making various suggestions. I do not at all say that this is a perfect Bill; various difficulties have been pointed out; the Select Committee sat for days together and thrashed out many difficulties. Still, there are difficulties; criticisms have been levelled, some of which have certainly to be examined and considered. I have not taken the criticisms in any hostile spirit; I know they have been made in a spirit which will improve the Bill and see that hardship is not caused to the public. The object of the Bill is to be secured as smoothly and as speedily as possible, and I know criticisms have been made with that object, and I am grateful for the same. I may assure the House that these criticisms which have been made in such a spirit will be examined in detail, and if in the working of the Act or even before that, it is found on examination that these criticisms warrant any change in this Act, we shall not hesitate to come again before the House."

SRI V. I. MUNISWAMI PILLAY:—" Mr. Speaker, Sir, I cannot start on a speech this evening without an appreciation

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for the Ministry that a wholesome measure of this nature has been brought forward. As I said this morning, this measure is intended more for the benefit of the producers than for the traders. The Hon. Minister when he spoke last evening said that he had consulted all the Trades' Associations on the various provisions of this Bill; but I would like to urge on the Hon. Minister that he should take into account the producers whose weights and measures differ from district to district, so that they may put their case before the authorities concerned, and so that their case may not go by default. With these observations, I support the motion."

* SRI N. S. VARADACHARI:—" Sir, I am glad the Bill is being passed into law and I wish to say now one thing which I had reserved for the third reading. It is admitted by the Minister in charge of the Bill that it requires much persuasion and propaganda before the law is actually enforced throughout the province. The Government have taken six months' time to notify the people that this Bill would become law in due course and they should in the meantime get all their weights and measures and weighing instruments and measuring instruments stamped and recognized by the officers of Government. I would suggest to Government that besides fulfilling their obligation of keeping the primary standards in their offices, secondary standards if they so choose to do after the rule-making is completely done also should be kept if they are convinced that they are necessary. They should keep a proper staff which will from time to time correct and verify the weights and measures and weighing and measuring instruments used in the country. I would suggest to Government that in all public exhibitions there should be a show of these weights and measures duly stamped by the Government, so that the public may get accustomed not merely to the law, but to the actual practice that obtains after the law is enforced. Thus, they will get to know the size, the denomination, the shape and all that, of the weights and measures recognized by the Government. I would also suggest that they should give practical demonstrations at these exhibitions on how these weights can be tampered with, how, for instance in specified cases, particular kinds of tampering can take place; and what the size of error would be when such tamperings take place; so that, the common people might be prevented from becoming victims of fraudulent practice. I am not one of those who believe that all trade is being run by fraudulent means. It is safely assumed in these days that every businessman is a rogue; but I do not believe it; it is in the interests of business and trade to use proper weights and measures and weighing and measuring instruments. We know that standards are improving in the business world from day to-day. For instance, the whole of our export trade would depend upon one factor, viz., that you keep not merely to qualify but keep also to the standards of measuring instruments, weights, etc. If our cloth is to be exported to Australia as is being done at present,

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certainly no consumer there is going to accept your cloth if there is to be any fraudulent measurement; so, I say it is in the interests of trade to see that the weighing and measuring instruments are duly stamped every time. It is easy to ridicule a particular set of people; but at the same time I do not say there is no fraud practised in the country. But in order to avoid such practice, we must undertake all that is humanly possible to acquaint the people with these fraudulent practices, by drawing the attention of the common man at the exhibitions as to how he gets defrauded. For instance the Inspectors that you recruit must be experts at the detection of these frauds. Take the weighing of bullion for instance. The weight may have pieces of lead, and by scooping off the lead, you may lose a lot in the bargain, although the weight may be duly stamped and the balance may be certified as prescribed by the Government. We are all ignorant of many things; for instance, we do not know how an electric meter can be tampered with. A meter becomes a necessity, we see a meter in every house these days and Government themselves buy meters in such large quantities because electricity has become a Government enterprise.

“Secondly, as propaganda is carried on among the people, you must tell them that they must be ready for a change and they must be told in simple terms in what way the change will take place. That is the position in respect of this measure; this is such an important measure. Everything will have to be done carefully and by experts. In appointing officers for this purpose, the Government will have to proceed with extra caution.

“Finally, Sir, a word with regard to the manufacture of weighing and measuring instruments and weights and measures. Mr. Viswanatham just went on the line I was indicating to the Government. Let us start with making, if possible, the new system of weights for which I say the country should be prepared, the metric system of weights; let us introduce it in the cities or in particular specific areas or for specific articles in the first instance, and then we shall extend it to others. Then our roads will have not 220 yards to the furlong but perhaps 200; our foot will not have 12 inches but 10; our whole system of counting will change and things will become so simple and easy for the common man; and the Government also at the other end may not be put to loss on account of miscalculations. There is thus a lot to be done in the way of simplification not only in our ordinary life and in our day-to-day transactions but also in the business of Government. And that is how this measure becomes all the more important. We will start with weights and measures. If the Government do not start a weights and measures factory themselves, let us encourage those who desire to start such industry. Now we are depending solely on foreign supplies in this respect and we get enormous supplies imported from outside the province. Let us train our men to do the job efficiently and then there will come a day when it will be said, as it was said in the case of one or two things, for instance, in the case of

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nationalization of transport, that the whole thing will take root from the south and spread out throughout the Indian Dominion; and it will then be possible for the world to say that we made bold to start a new experiment, that we did it so well that every one was compelled to copy it and adopt it to their own circumstances.”

MR. SPEAKER:—“The question is—

‘that the Madras Weights and Measures Bill, 1948, be passed into law’.”

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

MR. SPEAKER:—“Regarding the agenda for Monday, the 25th October, there is a slight change. After the Libraries Bill, a motion by the Hon. Minister for Public Works will be taken up. The text of the motion will be circulated to the hon. Members to their city address.”

The House then adjourned to meet again at 11 a.m. on Monday, the 25th October 1948.

[23rd October 1948]

APPENDIX I.

[Vide answer to starred question No. 462 asked by the Yuvaraja of Pithapuram at the Legislative Assembly meeting held on 23rd October 1948, page 610 supra.]
Madras Presidency College—Admissions in 1948-49.

Class.	Brahmans.		Non-Brahmans.		Backward.		Indian Christians.		Muslims.		Harijans.		Total number of applications received.	Total number admitted.
	Number of applications received.	Number actually admitted.	Number of applications received.	Number actually admitted.	Number of applications received.	Number actually admitted.	Number of applications received.	Number actually admitted.	Number of applications received.	Number actually admitted.	Number of applications received.	Number actually admitted.		
III B.A. Pass ..	18	18	23	23	10	11*	6	4	4	2	3	1	61	58
III B.Sc. Pass ..	179	78	74	22	42	22	33	18	18	9	3	3	436	206
III B.A. Honours.	75	46	30	4	14	4	13	7	9	3	3	3	172	93
III B.Sc. Honours.	280	17	114	15	24	2	28	6	9	4	1	1	455	44
Post Graduates ..	146	26	86	25	13	4	32	15	1	1	1	1	279	71
Total ..	698	185	441	167	103	43	112	54	41	18	7	5	1,492	472

* NOTE.—A few students, who have applied for admission to Honours course and who were not admitted to it for want of seats, have been admitted to the pass course.

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APPENDIX II.

[Vide answer to starred question No. 464 asked by S. Paramananda Rayar at the Legislative Assembly meeting held on 23rd October 1948 on page 619 supra.]

Statement showing the rates of assessment per acre adopted for the different classes of sources under the Shariatope Anicut System.

Class, sort of soil and taram.	Rate of assessment per acre before reclassification.	Rate of assessment per acre after raising the classification.
	RS. A. P.	RS. A. P.
3-1-2 }	9 8 0	10 6 0
4-2-2 }		
3-2-3 }	8 5 0	9 2 0
4-3-3 }		
5-1-3 }		
7-2-3 }		
8-1-3 }		
12-1-3 }	7 2 0	7 13 0
3-3-4 }		
4-4-4 }		
5-2-4 }		
7-3-4 }		
12-2-4 }	5 15 0	6 8 0
13-1-4 }		
3-4-5 }		
4-5-5 }		
7-4-5 }		
12-3-5 }	5 5 0	5 14 0
3-5-6 }		
13-3-6 }		
14-3-7	4 12 0	5 3 0
4-1-1	10 11 0	11 11 0

THE MADRAS LEGISLATIVE ASSEMBLY.

Monday, the 25th October 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.

Retainers fee for Government Pleaders.

* 470 MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Premier be pleased to state—

(a) whether there is any retainers fee for Government Pleaders; and

(b) whether it is a fact that certain Investigating Officers are conducting prosecutions in certain courts?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—“(a) & (b) The answer is in the affirmative.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“May I know, Sir, whether the Government have not known that the Investigating Officers who are conducting prosecutions are allowed the old procedure still?”

THE HON. SRI B. GOPALA REDDI:—“We are certainly aware of the position, but where it is unimportant and the defence counsel does not object these Investigating Officers conduct prosecutions.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Sir, is it proper to allow this procedure of the Investigating Officer conducting prosecutions and will it not impair the proceedings of the Court?”

THE HON. SRI B. GOPALA REDDI:—“The proceedings of the Court can be questioned if necessary in the High Court, but the High Court never found fault with the way in which they are conducting these prosecutions.”

SRI B. S. MURTHI:—“Sir, as it is not desirable that the Investigating Officers should also be Government Pleaders who are retained by the Government, may I know whether the Government will consider the desirability of seeing that they do not conduct prosecutions?”

THE HON. SRI B. GOPALA REDDI:—“Usually in important cases, it is the Assistant Public Prosecutor who is in charge of the prosecution, but we do not have sufficient number of Assistant Public Prosecutors and therefore in unimportant matters where the defence counsel does not object, then only the Investigating Officer is in charge of the prosecution.”

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Number of fire accidents in the Province.

* 471 Q.—**MOHAMED ABDUL SALAM SAHIB BAHADUR:** Will the Hon. the Premier be pleased to state—

(a) the number of fire accidents that occurred in this Province from June 1947 to June 1948;

(b) the amount of property that has been lost (burnt down) due to fire accidents from June 1947 to June 1948 in our Province; and

(c) the amount of property that has been saved from the fire accidents by the fire services from June 1947 to June 1948?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—“(a) 2,429.

“(b) Rs. 1,09,83,377-8-0.

“(c) Rs. 14,43,95,684-8-0.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Sir, are the Government aware that there are more fire accidents in Andhra than in Tamil Nad and if so, what are the reasons for such fire accidents according to the Government?”

THE HON. SRI B. GOPALA REDDI:—“I am not aware that there are more fire accidents in Andhra and if it is true, perhaps there are some disturbing elements in Andhradesa.” (Laughter.)

SRI P. NATESAN:—“May I know, Sir, how this exact amount has been arrived at in respect of destruction and saving of property?”

THE HON. SRI B. GOPALA REDDI:—“The figures need not be taken as very exact, and they are only approximate.”

SRI R. SUBBA AYYAR:—“May I know, Sir, whether the larger number of fire accidents in Andhra is due to climatic conditions?”

THE HON. SRI B. GOPALA REDDI:—“No, Sir. There are equally hot cities like Tiruchirappalli in the Tamil Nad which compare favourably with Vijayavada in that matter.”

SRI D. V. RAMASWAMI:—“May I know, Sir, whether the figures do not reveal that the Fire Services have got to be strengthened in Andhra area, especially in Kakinada and Vizagapatam?”

THE HON. SRI B. GOPALA REDDI:—“Not only in the Andhra area, but in all other centres as well where finances permit Fire Services ought to be strengthened.”

SRI M. S. PATTABHIRAMIAH:—“May I know, Sir, if the parts of the countryside which are covered by taluks more than the headquarters of a district are served by Fire Services?”

THE HON. SRI B. GOPALA REDDI:—“Wherever a town is important, we have got a Fire station there.”

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M. MUHAMMAD ISMAIL SAHIB BAHADUR (Leader of the Opposition):—“Sir in view of the huge loss sustained by fire accidents do the Government think that the present Fire Service is adequate?”

THE HON. SRI B. GOPALA REDDI:—“Question of adequacy does not arise. Nothing is adequate. But we are trying to strengthen the Fire Service.”

SRI P. NATESAN:—“May I know, Sir, whether these fire accidents occur year after year?”

THE HON. SRI B. GOPALA REDDI:—“Yes, Sir; sometimes even month by month.”

SRI B. S. MURTHI:—“May I know, Sir, whether there has been any loss of life owing to these fire accidents and if so, whether the Government have paid any compensation for that?”

THE HON. SRI B. GOPALA REDDI:—“A separate question might be put, Sir.”

SRI A. VEDARATNAM PILLAI:—“May I ask, Sir, whether the Government have provided any Fire Services in the municipalities?”

THE HON. SRI B. GOPALA REDDI:—“Of course, when I do not have information I have to draw from my imagination. I am not quite sure whether all the municipal towns are provided with fire stations but I know that the head-quarter stations are all provided with fire stations.”

MUHAMMAD RAZA KHAN SAHIB:—“May I ask, Sir, what happened to the proposal which was before the Government to amalgamate the existing separate department of Fire Service with the Fire Services in the Police Department?”

THE HON. SRI B. GOPALA REDDI:—“I am not quite aware of the position and I have not seen any file regarding that.”

SRI L. N. GOPALASWAMI:—“Is it not a fact, Sir, that more of the fire accidents happened in Harijan quarters and if so, what the reasons therefor are?”

THE HON. SRI B. GOPALA REDDI:—“Because they are thatched houses in those quarters.”

MUHAMMAD RAZA KHAN SAHIB:—“Sir, is the Hon. Minister aware that the number of fire accidents which took place in Madras was due to the way in which the films are preserved and if so, what special precautions the Government propose to take in regard to that?”

THE HON. SRI B. GOPALA REDDI:—“Even as the rules stand at present, they have to keep the cinema films in a separate store house, godown or whatever it is, and these rules are being insisted upon so that we may have greater safety.”

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SRI R. V. SWAMINATHAN:—" May I know, Sir, whether the Government have considered the desirability of providing at least one fire engine in every taluk centre in order to serve the villages? "

THE HON. SRI B. GOPALA REDDI:—" While it is quite desirable to have fire stations in every taluk headquarter, on account of the huge cost which it may involve, we have to see also whether considering the financial position it is possible to serve all the taluk headquarters."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—" May I ask the Hon. Leader of the House whether a number of proposals advanced by the Director of Fire Services have been turned down by the Minister in charge of the port folio? "

THE HON. SRI B. GOPALA REDDI:—" Why the proposals of the Director of Fire Services alone, as a matter of fact every head of departments sends several proposals and all of them cannot be accepted by the Government."

SRI T. VISWANATHAM:—" May I ask the Hon. Minister, Sir, whether he knows that the surroundings of the static tanks maintained by the Fire Services in the municipalities are kept very bad and that the Fire Service department pleads want of funds when people complain that they are not kept in a sanitary condition? "

THE HON. SRI B. GOPALA REDDI:—" I am not aware of any such complaints."

SRI P. NATESAN:—" May I know, Sir, what are the major fire accidents due to? "

THE HON. SRI B. GOPALA REDDI:—" Due to accidents, Sir." (Laughter.)

MR. L. C. PAIS:—" Sir, are the Government satisfied that in the instances referred to, the fire was due purely to accident or whether it has got any reference to the activities of particular organizations or bodies? "

THE HON. SRI B. GOPALA REDDI:—" No, Sir. To be fair to everybody, most of the fire accidents are due to accidents alone."

SRI S. PARAMANANDA RAYAR:—" Sir, in view of the answer given by the Hon. Minister that in the case of most of the fire accidents in the villages it was due to accidents, will the Government consider the desirability of supplying the villagers with agricultural implements free of cost to help them in their agricultural operations? "

THE HON. SRI B. GOPALA REDDI:—" The hon. Member may put a separate question to the Hon. Minister for Agriculture."

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SRI S. NAGARAJA MANIGAR:—" Is it not a fact, Sir, that very recently a big fire broke out in Madura in the Tamilnad even when adequate Fire Services are provided there to cope with such accidents? "

THE HON. SRI B. GOPALA REDDI:—" It is quite probable that such a big fire accident occurred in one of the Tamil towns."

SRI D. V. RAMASWAMI:—" May I know, Sir, whether the Retrenchment and Reorganization Committee made any proposal adverting to Fire Services in the Province? "

THE HON. SRI B. GOPALA REDDI:—" I am unable to answer the question just at the moment, but I may tell the hon. Member that a copy of the Report has been circulated to all hon. Members."

SRI S. C. BALAKRISHNAN:—" Is it not a fact, Sir, that very often fire accidents occur in the Madura district in the Harijan quarters? "

THE HON. SRI B. GOPALA REDDI:—" I have no information, Sir."

SRI T. VISWANATHAM:—" May I know, Sir, whether the Hon. Minister will consider the desirability of making a bigger allotment to keep the static tanks of the Fire Service department in a more efficient and sanitary condition? "

THE HON. SRI B. GOPALA REDDI:—" I cannot give an anticipatory assurance pending the final proposals with regard to the Budget for 1949-50."

SRI K. BOKKAI GOWDER:—" May I know, Sir, whether the Government are aware of the fire accident that took place in the Sub-Collector's office, Coonoor, and what was that due to? "

THE HON. SRI B. GOPALA REDDI:—" I cannot answer it off-hand."

SRI M. S. PATTABHIRAMIAH:—" Sir, is it not a fact that the majority of fire accidents occur annually in the mufassal, particularly in the villages, while the fire services and fire engines are kept stationed only in the cities? "

THE HON. SRI B. GOPALA REDDI:—" Sir, if we want to serve all the taluk headquarters or even villages we would require many thousands of fire stations and just now it is not possible to provide so many of them and so we have to confine them to municipal towns and see that they serve the needs of the villages also."

SRI B. S. MURTHI:—" Sir, out of these 2,429 cases of fire accidents, may I know whether there have been any cases of incendiarism? "

THE HON. SRI B. GOPALA REDDI:—" I cannot answer the question off-hand, Sir."

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H. S. HUSSAIN SAHIB BAHADUR:—"Sir, may I ask, whether all the fire stations are manned by trained personnel and if not, what is the arrangement that has been made for giving training to the personnel?"

THE HON. SRI B. GOPALA REDDI:—"I would like to have separate notice in regard to that, Sir."

11-15 a.m. MUHAMMAD RAZA KHAN SAHIB:—"Will the Hon. Leader of the House give an assurance that for the future at least he will be favourably disposed towards the Fire department in sanctioning some of their important proposals?"

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

M. S. ABDUL MAJID SAHIB BAHADUR:—"Is it not a fact, Sir, that the heavy losses owing to fire is due to lack of water facilities and will the Government arrange for proper water-supply in most of those mufassal centres where we have not got fire stations?"

THE HON. SRI B. GOPALA REDDI:—"This again, Sir, is a big question and needs money and we shall see what we can do regarding that."

SRI L. N. GOPALASWAMI:—"May I know, Sir, what is the nature of relief given to the sufferers from fire accidents and whether the relief given by the Government has any bearing to the loss that they have suffered?"

THE HON. SRI B. GOPALA REDDI:—"We have got definite orders in the Board's Standing Orders with regard to the relief to be given wherever there has been a fire accident and wherever a fire occurs, the Collector reports the matter to the Board of Revenue and they also sanction some amount and provide other relief according to orders."

SRI G. RAJAMANNAR CHETTY:—"Are the Government aware of the fact that the employees of the Fire Services department are inadequately paid which is a contributory cause for their apathy in dealing with fire accidents?"

THE HON. SRI B. GOPALA REDDI:—"I do not accept the suggestion that simply because they are not paid properly they are not so enthusiastic in combating fire. As a matter of fact, their salaries have recently been revised."

Police searches in the Province.

* 472 Q.—SRI K. T. KOSALRAM: Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that while searching the compound of Nawab of Arcot, rifles, spears and ammunitions were found out;

(b) whether it is a fact that a letter from Nizam's palace to a Muslim in Perambur was found out;

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(c) in what other places in the Province similar searches were made; and

(d) whether the Government have taken any action in the Province outside Madras City?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—" (a) Yes.

" (b) No.

" (c) The Government have not received any reports of similar searches in other places.

" (d) It is not clear what action the hon. Member refers to."

SRI K. T. KOSALRAM:—"May I ask, Sir, if the Government will take drastic action if similar discoveries are made in future in the interests of the safety of this province?"

THE HON. SRI B. GOPALA REDDI:—"Whatever strong action is needed is being taken by the Government."

MR. P. A. THANGASWAMI:—"Have the Government received any complaint from Tirunelveli district against persons who have raised money for the purpose of sending rifles and fire arms to foreign countries?"

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

SRI D. V. RAMASWAMI:—"Arising out of the answer to clause (c) might I ask, Sir, whether the rifles that were found as a result of the search were licensed weapons?"

THE HON. SRI B. GOPALA REDDI:—"The fact is that the Nawab of Arcot is entitled to keep some fire arms with him but they are all to be registered."

SRI A. VEDARATNAM PILLAI:—"May I ask, Sir, whether any action has been taken against those who were found in possession of arms and if not, whether there is any proposal to take action against them?"

THE HON. SRI B. GOPALA REDDI:—"Wherever unlicensed fire arms are found, immediately they are seized and later on we think of prosecuting them also in certain cases."

SRI B. S. MURTHI:—"May I know, Sir, whether the rifles and ammunition found in the compound of the Nawab of Arcot were in excess of the quantity allowed to be kept with him?"

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

MUHAMMAD RAZA KHAN SAHIB:—"May I know, Sir, whether the Government of Madras felt it necessary to immobilise the Nawab of Arcot in Madras for the successful termination of the Hyderabad question? What was the purpose, Sir?"

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THE HON. SRI B. GOPALA REDDI:—"When news reached the Government that he was in possession of fire arms which were not registered, the Government are entitled to make a search."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Now that the Hyderabad question has been settled, will the Government consider the desirability of re-granting those licences to persons from whom they have been taken away, at any rate will they be given back to some of the prominent people?"

THE HON. SRI B. GOPALA REDDI:—"It will be duly considered."

MUHAMMAD RAZA KHAN SAHIB:—"Is the Hon. Minister aware, Sir, that the searches were conducted not under the order of the Government or the Premier but on the authority of the Commissioner of Police?"

THE HON. SRI B. GOPALA REDDI:—"The Commissioner of Police is entitled to make it whenever he has reason to believe that any person has unlicensed fire arms in his possession."

SRI K. T. KOSALRAM:—"May I know whether the Investigation Department has discovered any conspiracy against the Indian Union after similar searches?"

THE HON. SRI B. GOPALA REDDI:—"I do not know."

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

GOVERNMENT BILL.

II.—THE MADRAS PUBLIC LIBRARIES BILL * (L.A. BILL No. 9 OF 1948) AS AMENDED BY THE JOINT SELECT COMMITTEE.

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Mr. Speaker, I present the Report of the Select Committee on the Madras Public Libraries Bill, 1948, and move—

that the Bill as amended by the Select Committee be taken into consideration.

"The matter of the libraries legislation has been pending in this province for quite a long time. Libraries have had a spasmodic growth and the Government from time to time have been giving some grants to libraries. It is their intention that there must be a properly co-ordinated library movement and with that aim in view library legislation was introduced last year. The Bill was referred to a Select Committee and they have made a few changes in the Bill and they are mainly four in number. One is clause 5 dealing with the constitution of separate local library authorities and clause 8 deals with the simplification of the procedure to be adopted for the spreading of the library movement in

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the Province; the third is clause 12 dealing with the increase of the library cess from 3 pies to 6 pies and the cess to be collected as if the cess were a property or house-tax and in clause 12 (3) it is said that an equal contribution should be made by the Government, an amount equal to the cesses collected by the local library authorities. These are the improvements to the Bill and especially on account of the last amendment the Bill has come back from the Select Committee in a much better form than it had when it went to it. I move, Sir, that the Bill as reported upon be taken into consideration."

MR. SPEAKER:—"Motion moved—

That the Madras Public Libraries Bill as amended by the Select Committee be taken into consideration."

* M. S. ABDUL MAJID SAHIB BAHADUR:—"Mr. Speaker, at the outset, I must congratulate the Select Committee on the pains that they have taken in improving the Bill. You are aware, Sir, that the Bill as it was originally drafted was very disappointing and I should say, it was a half-hearted measure when one considers the great labour and the materials put forward by the library movement in this province. You are aware, Sir, that as early as in 1927 the All India Libraries Conference was held in this province and the result of the conference was the organization of the Madras Library Association. Although the Association had several objects in view, one of its main objects was to urge upon the Government to bring in legislation which would cover this benighted province with a net-work of libraries. Libraries in other countries are the centres from which forces emanate to galvanize a static society and particularly in this province which is very backward educationally and culturally there must be libraries in some of the important centres. I thought, Sir, as a result of that agitation and as soon as popular Ministry came into power, they would take up this question immediately and bring in legislation but it took nearly three years for the Government to bring in legislation which could implement the high ideals and the important objects of the Madras Library Association. Even that Bill, Sir, as I said in my opening remarks, was a half-hearted measure because it did not go to such an extent as to make the libraries become live organizations in the province and I am happy that the Select Committee was able to bring forth very good results and the Bill as it has emerged from the Select Committee contains several new provisions and several of the old provisions have been improved. But I do not mean to suggest that the Bill is an ideal Bill or that it has reached the standard of the Public Libraries Act of England but however the Bill has considerably improved and as a beginning it is some thing good for this province and it could be improved in several ways. The Hon. Minister said that the cess has been increased from 3 to 6 pies; I am not satisfied with that and I would even go to the extent of having one anna in

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a.m.

the rupee for, without proper financial support you cannot create proper libraries and I plead, Sir, that it should become the first charge on our local bodies and they must see that the libraries are properly organized. It means that the local bodies must have sufficient funds to carry on these libraries. There should be co-ordination of public libraries with the educational system; it must be on lines of co-operation and not on lines of subordination. You see, Sir, in the other advanced countries the educational systems have co-operated with the library system and due to that co-ordination they were able to help the development and progress of the library movement. The Bill does not take into consideration the question of the management of libraries in schools. Are these to be managed by the library authority which the Bill proposes to create or are they to be managed by the Director of Public Instruction? The Bill leaves that point vague and again the Bill does not provide for the co-option of members. Although Government take power to nominate members, I feel that the local library authority must be given power to co-opt members. There may be very many people who would be very useful to the local authorities and so, they must be given powers of co-option. Provision has been made for lectures in order to propagate the library movement in this province but they have not empowered the local bodies to become members and pay membership fees to the Association for the study of library science and for paying expenses for sending delegates to the Library conferences which may be held in this and in overseas countries. The Bill must also provide powers to pay the expenses of such delegates. Again, Sir, the Bill has not taken into consideration the question of allocation of expenditure on these libraries. If you are going to leave this question vaguely I feel, Sir, the libraries will be developing in a lopsided manner. If one goes through the Acts in foreign countries he will find that they have allocated the expenditure on them. For instance, they say, that in urban libraries 22 per cent of the expenditure should be spent on books, 5 per cent on newspapers and periodicals and 48 per cent on salaries and wages, and 27 per cent on other items of expenditure. If you are not going to fix your expenditure, libraries will simply increase their periodicals and newspapers, and these libraries will become very weak in books of culture education and science. Therefore Government, when making rules, under the rule-making powers of this Bill, should fix the allocation of expenditure under these items. Again, Sir, I feel that they should put a maximum when organizing these libraries. In foreign countries, you have one book for every man; in some others fifty books for every hundred of the population. In a Province like ours, it should be thirty volumes for every 100 of the population. This would put in libraries sufficient volumes of books, which will make people take interest in libraries. Again, Sir, mere organization of libraries will not do. There must be also provision to see that a substantial proportion of the local population goes to the libraries. In England, you will find that

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when a housewife goes to the bazaar, after making purchases, she also goes to the nearest library and gets books from the library. Similarly we should create an interest by propaganda in this Province, so that people might visit these libraries as constantly as possible, and to carry this, Government should see that funds are provided to carry this propaganda in a proper manner. Again, Sir, we must not leave the question of appointment of librarians vaguely. If Government cannot make any provision for this in this Bill, they can at least make a proper provision for that in the rules. A librarian properly qualified, having library education should be appointed. There is a school for library science in this Province. Government should give scholarship to attract good persons to undergo training in library. Then, Sir, the library should be carried on in the best manner possible, as in other countries. If we are going to simply appoint a higher elementary school teacher or people with no training in library, the library will simply become useless. Therefore when these libraries are organized with a Director of Libraries, we must see that only technically qualified people are appointed for this purpose. For this as I said, scholarship should be awarded to encourage training in librarianship. Again, Sir, trained librarian should be paid properly, as trained teachers. If you are not going to give proper salary you will not attract proper men to man these libraries. Therefore make the profession of librarian no less attractive than that of a teacher or professor. Again, the Government should make a point to secure to the local library all their blue books and literature useful for the social and economic development. In other countries, Government have advised even the Trade Commissioner operating in various countries to get hold of all trade catalogues and books and send them on to them for distribution among public libraries. Again local libraries must be developed to suit local needs. In a centre like Coimbatore, the libraries should be stocked with books on trade and industry, so that people in those areas may gain valuable knowledge from these books and improve and develop their industry. In a purely agricultural centre, libraries must be organized with a view to see that books on agriculture are stocked in them. These are some of the points which I would like to bring to the notice of the Hon. Minister and see if it is possible for him to improve some of the provisions of the Bill in the light of my suggestions. My anxiety is that the cess as assigned in the Bill must be increased at least to one anna in the rupee. Only then you can have proper libraries in the Province. There is a heavy stagnation in the Province; there is heavy relapse into illiteracy in the Province. Therefore if literacy is to be maintained and encouraged, if all the money that you are spending on education is not to be wasted, you must have proper libraries in the Province. The whole country is in the grip of poverty, the whole country is in the grip of plague and cholera due to insanitary conditions. Due to ignorance and poverty the teeming millions almost live from day to day, and if they have survived in spite of

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poverty and plague, it is only to await death. Therefore, to give them a pull up, you must create a net work of libraries, most efficiently organized, so that they may become centres from which forces may emanate to galvanize the downtrodden, static and lethargic people."

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, I am glad to be able to congratulate the Hon. Minister for Education (applause) on this occasion. (A voice: 'You should congratulate the Select Committee.') No, it is not the Select Committee that I have to congratulate, but the Hon. Minister; for the Select Committee could have done nothing if the Minister had not brought forward this measure. I am glad that this Bill which has been long overdue and has been pending for the past twenty years has at last seen the light of day. (The Hon. Sri B. Gopala Reddi: 'For the last thirty years; is it not?') I am referring to the time from when the Madras Library Association started agitation for a measure of this kind which was twenty years ago. Sir our present Education Minister, I must say, is a great enthusiast. He is enthusiastic about education; and works very hard though some times his enthusiasm is not directed towards proper channels (laughter). But with reference to the present Bill his enthusiasm has been rightly placed. (A voice: 'At least once.') I hope this is but the beginning of his attention being directed towards necessary schemes and his enthusiasm being usefully canalized.

"The reason why a Bill of this nature is a welcome measure is because it tackles the appalling problem of mass illiteracy in two ways, namely, by furthering the cause of elementary education and also promoting adult education. Sir, I am not able to proceed with my speech on account of the noise behind me."

MR. SPEAKER:—"Order, order."

BEGUM SULTAN MIR AMIRUDDIN:—"In the first place the Bill aims to prevent children from relapsing into illiteracy after they have finished their course of compulsory elementary education by providing them opportunities for reading. Secondly, the Bill aims to help in the liquidation of adult illiteracy. When adult franchise is looming large on the horizon, it is very essential that the adult population should be rendered literate, or at least educated, so that they may be in a position to utilize their franchise in such a manner as would be conducive to the well-being of the nation. Otherwise the danger is that they would cast their votes in favour of such persons who are not competent to be the masters of the nation's destiny.

11-45 a.m. "Sir, in the Select Committee certain important changes have been made. One of these is that the cess of three pies, in the rupee in the form of a surcharge on the property tax or house-tax has been raised to six pies. But, as the previous speaker Mr. Abdul

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Majid has rightly pointed out, even this increase is hardly sufficient. No doubt it will afford an opportunity for a beginning to be made in regard to the promotion of the library movement, but the question cannot be tackled in a comprehensive manner; we shall be able just to touch the fringe of the problem. I wish the cess had been raised to one anna. But the Hon. Minister feared that there might be opposition from the public. In the past the public have come forward to support the cause of the library movement; this support has been in evidence in particular in Andhradesa. Such being the case, I am inclined to believe that, even if the cess had been raised to one anna, there would be no opposition, when the purpose for which the amount was to be utilized was specified. I hope in the course of a few months, when the Government find that the public support this measure, they will come forward with an amendment to raise the cess from six pies to one anna.

"Another important change that has been made in this Bill is that the Government have specified the amount of their contribution. When the Bill was first introduced in the House, there was a lacuna in it and that was that the Government had not specified the amount they were going to contribute. This defect has now been rectified as it is mentioned in the Bill that the Government will contribute to the library fund maintained by the appropriate local authority a sum not less than that which is collected by way of cess by local bodies for the maintenance of libraries. But I regret very much that the Hon. Minister has excluded Madras City from the scope of the contribution mentioned in the present Bill. No doubt, the metropolis is richer than the mufassal, but the commitments of the city are also much greater. The Government should not have drawn any invidious distinction between the city and the mufassal. So far as the Madras Corporation is concerned, I may inform the House that it is not at all overflowing with funds. As a matter of fact, it is very much handicapped for lack of finances even for furthering the cause of elementary education. Such being the case, it is a matter of regret that the Hon. Minister has excluded the City of Madras from the scope of the Government contribution. This Bill is different from the Elementary Education Act and there was no necessity to proceed on the analogy of that Act with reference to Government contribution to the Madras Corporation for furthering the library movement. I hope the Government will bring forward an amendment so that the City of Madras may receive the same contribution as that provided for the mufassal areas. The city is the nerve-centre of culture and enlightenment for the entire Province and it is from the city that the mufassal areas mainly draw their inspiration. It is not sufficient to have a Connemara Public Library and the University Library in the city; the city needs many more such libraries. I therefore hope the Hon. Minister will revise his opinion on this matter.

"A change effected in this Bill by the Select Committee has come in for criticism and that is that whereas in the original Bill

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the library authorities to be constituted were to be the local bodies themselves, in the Bill before us now, separate library authorities are to be constituted on which the local bodies are to be duly represented. The alteration, however, is wholesome for in these days when the hands of the local bodies are too full with other matters, in regard to the library movement which is a question that should be dealt with by experts it is better to have separate library authorities instead of investing the local bodies themselves with the discharge of the duty of maintaining libraries. In the past the local bodies have not been able to discharge efficiently many of the functions entrusted to them. Hence it is not desirable to overburden them with further duties, particularly with reference to a technical subject.

"But, Sir, there is a defect in the Bill which we have to acknowledge and that is that the Bill confers on the Government enormous powers. The Director of Public Libraries is to be an individual wielding tremendous powers. He is not merely to manage the Central Library and superintend and direct all matters pertaining to all public libraries, but is also the authority for appointing the members to be nominated by the Government. That such vast powers should be wielded and such responsibilities conferred on a single individual, however, well-equipped he may be, I feel, is not desirable, particularly in these days of democracy. But, Sir, it is very difficult to bring home to the present Government the necessity of judicious decentralization, for the Ministers of this Government are obsessed with the desire to appropriate to themselves and to their underlings totalitarian powers in as many matters as possible. While we did feel that the Government were be taking upon themselves enormous powers, we were helpless and could not induce them to modify the provisions of the Bill in this respect. As was pointed out by the previous speaker, no mention has been made in the Bill about the allocation of funds. But this is a question which can be settled when the Government frame the rules. The Government can allocate the funds, as is done in the Western countries so that the amount raised may not be spent particularly in the rural areas merely on magazines and literature pertaining to politics, but should also be utilized for the purchase of suitable books.

"Sir, I should like to draw the attention of the Government to one important matter with reference to this Bill. Now that they have assumed large powers, I should like to utter a note of caution with reference to the selection of the personnel of the library authorities. The members who are nominated should be men and women with expert knowledge, and political considerations should not at all weigh with the Government in making nominations to these bodies. There are spheres from which politics should be eschewed in this country. By politics, I mean party politics. Of course matters pertaining to food clothing and economic welfare which also come within the scope of politics are bound to be discussed by people. Therefore, when I refer to politics, I mean party politics which

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give rise to disputes, dissensions and misunderstandings. Our libraries should become the centres for the dissemination of knowledge, for the radiation of the light of learning and for inculcating in the people a broad outlook and a spirit of understanding and harmony. I hope the Government will do their best to see that party politics do not mar the healthy atmosphere of libraries.

"Another matter to which I should like to advert is the need for having a large body of well-trained librarians. It is not sufficient to pass this Bill and ask the local bodies to collect the cess of six pies in the rupee. After the passing of this measure the Government should equip the Province with a large body of trained librarians who would be able to instruct and guide people as regards the selection of suitable books. Without a trained librarian even if a whole building were to be filled with books, the purpose of the library would be lost; for people would have to grope in the dark. Just as in the Connemara Library, there is a trained librarian who is able to direct people in the matter of the selection of books, similarly, in the village libraries, we should have trained librarians to guide the people. In order to get these trained librarians, the Government must give the necessary encouragement by fixing a suitable scale of salaries for librarians. I hope the Hon. Finance Minister will bear this point in mind and help the Hon. Education Minister in paying adequate salaries to the librarians who are to be appointed. I may inform the House that this is a field in which women would be very suitable. Therefore women also should be encouraged to get trained as librarians. As a matter of fact, there are some women who recently qualified themselves for this purpose by taking the library diploma course. Their services should be duly availed of. I should like the Hon. Minister to see that separate libraries for women are established in the villages for in the rural areas women may not be interested in all types of books. Books pertaining to mothercraft and child welfare should be kept in the rural libraries and distributed to women, as is done in western countries, particularly America. Moving vans should also be attached to these libraries. The Government must provide funds for this purpose in addition to their contribution because the contribution is to be a meagre one which will not be sufficient for the vast undertaking in the villages.

"With these words, I have great pleasure in extending my wholehearted support to this Bill."

* SRI L. N. GOPALASWAMI:—"Mr. Speaker, Sir, if I rise to say anything against this Bill, let me not be misunderstood as in any way trying to detract from the necessity for a Bill of this kind. I quite realize that such a Bill is necessary and that it should be placed on the Statute Book as early as possible. My only grievance is that, in trying to do something for the education of our people, we are still following the same old policy of taxing the

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villager and educating the rich and the already educated persons. I understand that, under the present rules, the libraries can be located only in big towns. We are doing so many things in the name of village uplift. We set apart funds for roads and communications, but in the end what do we see? We see tarred roads in the City and municipal towns, while the villager still suffers for want of proper roads and communications.

12 noon. "Even in the matter of medical help to the people, the Government are taxing the people in the villages and spending crores of rupees, but who are they that get the benefit out of it? It is again the townsmen. Though the preamble to this Bill says that this is a Bill to provide for the establishment of public libraries and the organization of a comprehensive rural and urban library service in the Province of Madras, except perhaps in the section dealing with taxation, nowhere else in this Bill does the rural area find a place, nor has any attempt been made to establish these libraries in any of the rural areas in the Province. Section 9 of this Bill which is the only section which deals with the establishment of local libraries states that a local library may provide suitable lands, buildings, furniture, stock of books, and all other things connected therewith, but I ask, whom are these libraries going to benefit? Only the educated men will be benefited by these libraries. If any real benefit is to go to the villagers, these should be in the form of touring libraries. Unless a provision is made in this Bill for touring libraries in rural areas, this Bill will be of no use for the villagers.

"Then Sir, if these libraries are going to be established, what are they going to be stuffed with? They are going to be stuffed with English books which after all may not be of any use to the villager. The Government should see that vernacular books are also provided in these libraries. I do not see any attempt in this direction made in this Bill. If the libraries are not meant for the spread of education among the people in the villages, then I do not see any necessity for these libraries at all. If education is going to be of the proper type, it should go to the villager who is famished and illiterate and who has no facilities for getting education. If we really want to educate him, we must carry education to him in his own place and not ask him to come to an urban area or a town to get his education there.

"While we forget this side of the question, we have been careful to include him for the purpose of taxation. Not only panchayat boards, but even areas not covered by panchayat boards come under taxation. Why should these people owning some little house-property and living in small villages be taxed for the benefit of the townsmen by the organization of these libraries? My hon. Friend who spoke before me wanted the tax to be raised from 6 pies in the rupee of the property tax to even one anna. That shows his anxiety for education among the urban population. But if a man in Madras wants, not one Connemara Library, but a hundred libraries like that, let him raise the necessary money from

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the City, and let it not be done at the cost of the poor villager. We know only how to impose taxes on houses and lands in the villages. Under the clause dealing with taxation, any area in a district not included within the jurisdiction of a municipal council or a panchayat, can be brought within the provisions of this Act and be levied a library cess in the form of a surcharge on the property tax or house tax by the district board. By no stretch of imagination could anybody think that these poor people in the villages would ever be able to get the advantages of the library movement. Why then should we tax all these villagers for the benefit of the town-dwellers? If the people in the municipal towns and in the City want to have libraries in their places, why not levy a cess from the people living there, who want to get educated? Why do you want to tax the village for everything and not tax those who are better off and who can afford it? I only want to point this out to the Hon. Minister for Education, so that he can at least exempt these poor villagers who are neither residing within a municipal or a panchayat area, from this taxation.

"Another point that I should like to make is that in addition to these libraries being provided in the villages themselves, provision should also be made for taking books in travelling vans and carriages to these villages every fortnight or every week, so that they may be distributed to the villagers free of cost and thereby the villagers may be benefited.

"Again, Sir, let me come to the question of the nature of books that will really benefit the villagers. The types of books that we have got at present are not suitable for educating the villager. Most of them are written in English and books written in local languages are few and far between. Therefore proper arrangements should be made to stock books which will be useful and suitable to the villagers, and distributed to them, so that at least those who have the fortune to be lettered may derive benefit by reading them. Encouragement should also be given by libraries to prepare books in local languages which will be very useful to the villagers and which will also suit them best. I therefore submit that the scope of clause 9 of this Bill should be so extended as to include the starting of touring libraries in rural areas, and to provide them with all the facilities contemplated in the Bill in respect of all other libraries. On no account should the poor villager be asked to go to the nearest town to take a library book.

"Then again, Sir, so far as taxation is concerned, I should like to point out that it is absolutely wrong to tax the poor villagers to benefit these rich people in the towns. If in a municipality people want to have the benefit of a library, let every man pay a poll-tax or some other tax like that, and let every man's tax be based on the land tax or house tax he pays to the municipality.

"Again, Sir, I should like to bring in the analogy of medical aid rendered to the people by the Government in this connexion.

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Sir, the other day, the Hon. Minister for Public Health in reply to a question said that he was not able to find any medical practitioners who are willing to go and practice in villages. The same will be the case in the case of this library movement also. Therefore unless the Government start libraries in rural areas to begin with we are not going to develop this library movement in a proper manner.

With these remarks, Sir, I request the Hon. Minister for Education to see whether he can do anything to relieve these poor villagers at least from this burden of taxation, if he cannot help them to get themselves educated through libraries."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I have great pleasure in supporting the Bill which has been brought before the House by the Hon. Minister for Education and I congratulate him on bringing it to its present stage. In doing so, I should like to make a few suggestions and I hope he will be good enough to give full consideration to them. I do not know whether any Chairman of a Municipality was put in as a member of the Select Committee."

THE HON. SRI B. GOPALA REDDI:—"No municipal chairman was functioning at the time when the Select Committee was formed, Sir."

* SRI T. VISWANATHAM:—"I am very glad that the Hon. Leader of the House has come in for a timely rescue but I am doubtful."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Although there were actually no Chairman of any municipality which was functioning, yet there were some ex-Chairmen of some important municipalities in the Select Committee, Sir."

* SRI T. VISWANATHAM:—"When both the Hon. Ministers have stood up to refute me, it is not very easy to face them. But let me state this Sir. While the interests of district boards and panchayats have not been forgotten the interests of municipalities have been totally neglected in this Bill and not only that, the municipalities themselves are placed in a very awkward position. I shall explain what I mean.

"If you take for example clause 5 of this Bill dealing with the constitution of Local Library Authorities, you find in sub-clause (2) there is a Local Library Authority for the City of Madras.

"In sub-clause (3) provision is made for the constitution of the District Local Authorities. Each District Local Authority shall consist of 10 members nominated by the Director and one member elected by the District Board, and in the case of two District Boards in a district, two members.

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"Sub-clause (c) of clause 5 (3) states such number of members as may be elected by the presidents of the panchayats in the district, the presidents of the panchayats in each taluk electing one member.

"Under sub-clause (d), we shall have as many members as we have municipal councils in the district, each municipal council electing one or more members in accordance with the scale prescribed.

"Sir, I am trying to work out the position of the municipalities with reference to my own district, viz., Vizagapatam. Under the provisions made in all these sub-clauses, we shall have about 35 members in all of which 20 members will be represented by the panchayats, 11 by members of the district boards and 4 by the municipalities. So Vizagapatam which has got a population of over a lakh will be represented by only one member in this Committee consisting of 35 members. I ask, Sir, whether the interests of the municipalities where there is a very high percentage of literacy and where the cultural activities of the district will be more or less concentrated, have been well-served and whether it is proper to have such a poor representation in a Committee of 35 members. Although the figures may vary, I believe similar injustice is being done in the matter of representation for municipalities in these Committees in the other districts also. If the Hon. Minister for Education and the Select Committee had thought that these municipalities deserve no better treatment, they would have done well to omit the representation of municipalities altogether in these committees. Why should they bring in even one representative from the municipalities and make him sit in a huge committee of 35? But they are not content with it; they also impose certain responsibilities on these municipalities. For the great and magnificent representation which they have given to these municipalities, they have asked them under clause 12 to collect the library cess. Why should the municipalities which have practically no voice in the affairs of the library committees be burdened with this work of collecting the library cess? The library and its properties will be vested in the Library Committees. Their management will be in the hands of the Director and a huge committee and ultimately under the Government themselves. I submit, Sir, without giving proper and adequate representation, the municipalities should not be burdened with this thankless task of collecting the library cess. I am not offering this criticism just to shirk that responsibility. I am only suggesting to the Hon. Minister for Education to see that if he cannot give a more effective voice and adequate representation to the municipalities in these committees, to separate the municipalities altogether from the panchayats, so that there may be three kinds of authorities, namely, the Local Library Authority

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for the City, the authority representing various panchayats in the district and each municipality to be its own local library authority.

12-15 p.m. "If this is not done we will be doing no good to the municipalities. The municipalities are already getting the odium of collecting heavy taxes without being enabled by the Government to do any effective and real service to the people of the place. It is so because they are hemmed in with hundred and hundreds of Government orders restricting their capacity to do any work effectively or quickly or in time to meet the requirements of the people of the place. I submit that this is an unnecessary burden.

"I am now coming to the levy of library cess. The cess is six pies in the rupee. Some hon. Members have suggested that it should be raised to one anna. I would not have any objection even if it is raised to eight annas provided the municipalities are not asked to collect it. In the municipalities we are already greatly worried. We are not given any adequate powers to do any work. Every time we want to do a thing, there is obstruction from one department or the other whether it is the Education Department or the Public Health Department or the Local Administration Department. References to Government are never answered quickly. Items of expenditure are not sanctioned quickly and properly. The pay of the municipal establishment is not attractive as compared with the pay offered by Government. In all departments, for example, Public Health, Education and Engineering, we are at a great disadvantage. Added to all this, if Government should ask the municipalities to collect a library cess, it will make the municipal authorities much more unpopular than they can afford to be. Whether it is six pies or eight annas, it does not matter to me much, provided the local library authority, which is a separate entity by itself, is asked to collect this cess. But so long as the municipalities are asked to collect the amount, the municipalities must be in a position to say to their people what they propose to offer them in return. If I am asked to collect from the people of Vizagapatam six pies in the rupee, what is the answer which I am to give them as regards the utilization of the cess? With only one member in a committee of thirty-five, it will be almost impossible to promise anything. The only possibility will be that the municipality incurs a greater amount of odium. Therefore, Sir, I submit that the municipalities should not be burdened with this function of collecting the cess. Government have created a distinct local library authority. Government have vested all the powers in the local library authority. There is a separate Director altogether who is the liaison officer between the various committees and Government. In the face of these, why should the municipalities be compelled to pass a resolution imposing a cess of six pies or one anna in the rupee. If the interests of the library movement are to be furthered, some hon. Members have

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said that the library cess of six pies in the rupee is not enough. I agree with them. But there is this point also for consideration. Whatever Government may collect, they are only burdening those who pay property-tax. Sir, why should all those who pay profession-tax and not property-tax be exempt from payment of this library cess? There are many persons getting Rs. 1,500, Rs. 1,000, Rs. 800, and so on living in cities like Vizagapatam and owning no land or house property. There are many persons who get very high monthly salaries, but they do not own houses. All these people are already adding to the problems of the municipalities. Now-a-days they are concentrating in cities, and particularly in growing cities like Vizagapatam. If we should start libraries for the benefit of all the persons, why should we ask only those who pay property-tax to bear all the burden of the library cess? Those who pay profession-tax also should be asked to pay—possibly at a higher rate than those who pay property-tax. So far as the profession-tax is concerned, for the last six or seven years, there is the upper limit fixed. Whatever may be the outturn, they have not to pay much. I suppose the Hon. Education Minister knows that profession tax is sometimes correlated to the income-tax which people pay but not correlated to the outturn. The result is that people who carry on trade and whose outturn is more than 2 lakhs or 3 lakhs of rupees, escape by paying only eight annas or a rupee of profession-tax. That is a great difficulty experienced after the Government of India Act was amended with regard to profession-tax. Those who pay profession-tax therefore must be asked to pay a cess at a higher rate. In the first instance they should be asked to pay the library cess, and then they should be asked to pay a higher rate than the one that is paid by those who pay property tax. Already we are collecting a heavy rate of property-tax. Sometimes, it amounts to 21½ per cent in a great number of municipalities. Therefore, some kind of relief must be given to those who pay property-tax. I do not mean to say that they should be exempt from this library cess, but those who pay profession-tax should also be asked to pay this tax, and they should also be brought within the purview of this Bill by suitable amendments to this Bill.

"The other suggestion that I make is that absolute representation should be given to municipalities—representation proportionate to the importance which the municipalities in this Province hold, proportionate to their population and the education level in the respective municipalities. These people should be given a greater amount of representation in the library committees. If that cannot be done, they must be made distinct from the local library authority, as the original Bill wanted them to be. I would submit this view at this stage for the consideration of the Hon. Education Minister."

SRI K. A. NACHIAPPA GOUNDER:—"Mr. Speaker, Sir, I am happy to see that a measure like this has come before us now.

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The Hon. Education Minister deserves all congratulations for bringing in a measure like this. I feel, Sir, that for the administration of a measure like this, no separate institution is necessary. As a matter of fact, we find that in the British administration, they created a number of institutions to attend to each and every item. These institutions have been fighting with one another. The result was that we had fight and fight and we did not achieve much results. I am one of those who feel that there ought to be some sort of comprehensive authority to deal with all these matters. When there is an Education Department existing in the province to deal with educational matters, I do not think a separate authority of this kind is necessary. I feel that there should be one institution in the district to control all the affairs of the whole district. Government may have the advice of that authority and carry on the administration easily and smoothly without allowing much of controversies between one another. With that point in view, I suggest to Government to devise ways and means of allowing the existing authorities to undertake this work instead of allowing it to a separate authority.

“With regard to finance, Sir, I find that Government are levying a surcharge on the property-tax and house-tax. In the matter of taxation, I find the tendency of Government is often-times to tax the poor rather than the rich. There may be small owners of properties, and they too have to pay the tax under this Bill. Rich people, who have got much money to spare, and from whom we can legitimately take a lot of money, are not paying adequately. Even though they can pay proportionately, I may say that they are not paying their share of the tax for the public welfare. Now-a-days owners of buses, as public carriers, owners of cinema houses and owners of hotels are earning a lot of money. All the money is contributed by the public. In running the trade for about a year, these people earn lakhs and lakhs of rupees. They keep the same to themselves without giving them to public utility purposes. I have always made the suggestion that these earnings of individuals should not be allowed to be earned by the mere issue of a licence to carry on the trade, but that these men should be asked to carry on their trade in competition amongst themselves. A great portion of the money earned in such trades should go to Government. This would help Government not only to get money from those who earn a lot, but also help them (Government) to get out of the odium of taxing the poor and middle-class people who cannot afford to pay anything. So, Sir, my sincere advice to Government is that they should not resort to piecemeal taxation in this way. Let them try to earn money from those who knock out lot of money from the public. Take the mill-owners for example. They are getting lot of money. Government will have to collect taxes from people like these and utilise that money for such useful purposes as that contemplated in this Bill.

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“Then, Sir, with regard to the levy of cess, I have a doubt to be cleared. In clause 12 (1) (a) it is said:—

“Every Local Library Authority shall levy in its area a library cess in the form of a surcharge on the property-tax or house-tax levied in such area under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as the case may be, at the rate of six pies for every whole rupee in the property-tax or house-tax so levied.”

“In clause 12 (2) (d) it is stated:—

“in an area in a district not included within the jurisdiction of a municipal council or a panchayat, by the district board.”

“Reading one with the other, it makes me doubt whether the property-tax would mean land-tax also. If it is a matter of land-tax, and any additional cess is to be collected on land-tax, I will have to raise my strong objection to it. Because, already the agriculturists are put to great hardship and the food problem has made their position still worse. They are not paid adequately for the produce they grow. In times such as this, if they are to be taxed, it will mean a great hardship to them. I want that this point should be clarified. I would request the Hon. Minister to clear that doubt by incorporating suitable amendments in the Bill.

“With these words, Sir, I strongly support the Bill.”

* SRI N. S. VARADACHARI:—“Mr. Speaker, Sir, I am glad 12-30 p.m. that this Bill has been amended in material particulars by the Select Committee. One very good amendment made was the setting up of autonomous authorities for control and administration of these libraries. If libraries are to function as the centres of cultural influence as such, then, I say, the object of the Bill would be secured, as it seeks to do now, by the setting up of these autonomous authorities. Of course, Sir, for the City of Madras, one arrangement is suggested and for other areas, another arrangement is suggested. But, the principle in both these arrangements remains more or less the same. Co-ordination between the authority collecting the tax and the authorities who can offer expert advice in the management of these libraries is really aimed at. I am glad it is so. But, I would ask Government to do one thing which, more than anything else, will really render these bodies autonomous authorities. Sir, there is a tendency these days for a few, to capture every kind of authority—to run co-operative for a few, to capture every kind of authority, to run co-operative societies, to run district boards, to run the transport system and every other authority created by Acts, or under Statutes—and something like the American business oligarchy is being built up every day. Sir, I would like this Province to be free from such an influence. In fact, in a country like this, there should be room for every kind of talent and there should be room for men who

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can devote their full time and attention to render real service to these most beneficial bodies. What I would ask them is to devote their full time and attention to the work of one body and not to do things in a perfunctory manner even if they are forced to work in that manner.

"Then, Sir, the second point is this. It is no use starting a library without aiding it with finances which are necessary for the maintenance of the library. Sir, a library, as I conceive it, is not a mere collection of books but it is a place of culture which will radiate its influence all round the neighbourhood. It should also present to the public the cleanest appearance in the locality. Then, Sir, it should be in possession of such information as may be useful to the public and the public should be able to get therefrom such knowledge as a school or the expert guidance of a professional teacher can impart. The librarian no doubt will have to be an expert and he will have to put the common man in possession of all the knowledge that he has and all the knowledge that can be gathered from the library and which is available in the library. He must discharge his work in a most skilful manner and must analyse what he finds round him in the villages and must stock such books in the library as he thinks are necessary for the spread of knowledge in the locality. Then, he must also be a man of pleasant manners. Such a librarian, I believe, will be able to give the education that is necessary—the type of education that the people in the locality call for. Sir, that is the object of a library and that is the obligation on a librarian. I would like to have libraries of this kind and librarians of this type. If I have them, then, I say the Bill is worth its cost.

"Then, Sir, coming to the cess what is the cess that is levied? After all, we must be prepared in this country for increased taxation, increased taxation for specific purposes which may be explained to the public who pay the tax. Sir, a tax like this is not very much to be resented either in the rural areas or in the urban areas. But, Sir, I would ask the Hon. the Minister to see if there is any provision restricting or at least conditioning the expenditure on establishment charges. Supposing you set up a local library and all the money that is collected from the neighbourhood and all the money that is collected by the local library authority, etc., or a substantial portion of it goes towards maintaining the establishment. If that is so, then the object of the Bill is defeated. Government should, in the rules that they make, prescribe that the local authorities should on no account go on expending these amounts, beyond a percentage without getting the special sanction of the Government, on the establishment. Sir, the establishment charges ought not to exceed ten per cent of the cess that is collected in the district or in the local area. That is a very wise rule. This rule would exercise a sort of control so that the major portion of the collections would go for the maintenance and upkeep of these libraries.

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"Then, Sir, the library authorities should hold classes and should arrange for adult education. They should almost function as the media for the adults to train themselves in the arts of living. But in the course of a year's administration, if you find that the charges you incur for the maintenance of these libraries, or the payment of the staff on these libraries are very high, then I say it would defeat the entire purpose of the Act. Then, Sir, we should not raise this difference between city libraries and village libraries. The city libraries will be of a different character altogether and the rural libraries will have different type of books altogether to benefit the rural people. For instance, we expect the village library to contain maps of villages or the taluks, information about the kinds of grain that are grown in the village or taluk or perhaps some data on the soil of the area or of the particular locality. It should also contain descriptions of local flora and fauna. After having provided all these things in the village library, you have to appoint a competent librarian. You must be careful in selecting the librarian and not select this or that man. You must give him a decent salary. At the same time, you must see that he is a man who knows something of the countryside and whose general knowledge is of a very high degree. Above all, he must be a man who will go about his work with care and who will be able to handle adult education which is one of the most important things in these days. Sir, I believe in the efficient maintenance of these libraries because libraries are so intimately connected with the cultural life of our people.

"Sir, libraries should be kept free of course from party politics. One hon. Member has already urged that libraries should as far as possible try to cover at least 90 per cent of the life which is not covered by what we mean by politics. But, to-day, Sir, unfortunately, there is no life other than political life. Sir, we expect life in every reformed country to be expansive and to be far beyond the small circumscribed sphere called politics. It really means a better management of the household; it means better management of rural sanitation; it means a better upkeep of life and prevention of disease; it means a better knowledge and upkeep of the cattle and production of more food, because, Sir, the village library should contain information about all these things, about the cattle in the locality and about the food crops that are grown in that area. Then only the rural library will serve its object.

"Then, Sir, one hon. Member raised a protest saying that the Government are trying to take money from the rural areas and to spend it on towns. Sir, let us not indulge in such talk hereafter as village and town. Both have got to live influencing one another's life. The urban areas have got to be ruralized and the rural areas have got to be urbanized. I would like people not to dwell in small huts with a number of holes in the top with rain leaking through. On the other hand, I would also like people to dwell in small modest dwellings suitable for occupation in the

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villages to which the people of even the rich urban area can go out and live the full community life. Again, Sir, I would like that all these slums should be cleared and wiped out."

MR. SPEAKER:—"Let the hon. Member come to the subject."

* SRI N. S. VARADACHARI:—"Sir, I say that information about all these matters should be contained in the library, and the library must be the centre of influence in the village. Sir, I say, the librarian, the teacher and the policeman, these three constitute the soul of the countryside. The Policeman should not be a man with the mere stick or the baton, but a man who by his active influence helps the maintenance of law and order, not by the use of force but by the use of cultural substitutes. I expect that day very soon to come. You may call me an idealist. Sir, I expect the ordinary policeman to be like that. I tell him repeatedly again and again on the floor of the House and from outside to be like that. If possible, Sir, the policeman and the teacher should be one and the same person in rural areas. If we cannot get that done, at least let us have the teacher aiding the policeman not to hunt out those who have committed no offences or for the purpose of gathering false evidence against honest people but to assist the policeman in the maintenance of that higher law and order on which alone true civilization can rest.

"Then, Sir, another point is this. The librarian must be a man who should help the people who seek help the needy people who are less educated and who cannot perhaps afford to go through their education at school, and who have spent most part of their lives not in their huts, but outside in the fields. When they come back to their homes, they must have some kind of recreation. For that purpose, the libraries should be made attractive. If you like, you can give him a cup of tea in those libraries and make him come to this place at least to see the pictorial display which will adorn rural libraries."

SRI P. KANDASWAMI PILLAI:—"Mr. Speaker, Sir, I want to know whether a Member can speak about policeman and teachers and other things when he is speaking on the Library Bill."

MR. SPEAKER:—"The hon. Member is speaking about the librarian."

* SRI N. S. VARADACHARI:—"Sir, I have come almost to the end and my appeal is only this. The librarian should not appear as a sort of sickly-looking, semi-cultural being but he should be a man with a stout heart and patient wisdom; he should be a man of wide general knowledge and culture, who can radiate influence in the village and make people realize that politics is after all but one-tenth or one-hundredth of the normal life of every citizen and that life should be spread from one field of progress to another. That is my conception of the Libraries Bill. I hope the Government will assist the opening of these cultural tracts with such suitable personnel and make them render wise and patient service to the rural areas."

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* SRI K. BHASHYAM:—"Mr. Speaker, Sir, after the eloquent plea made by the previous speaker as to the radiating influence of libraries, and the influence that the Library Movement may exert upon the villagers, I am afraid it is impossible for me to continue in the same strain. I do believe that in this Library Movement there is a great future before us. For that purpose, it is necessary that some separate local authority must be constituted, which must be charged with the duty of creating libraries everywhere, and conducting them properly. For long, we have been looking to the municipalities and the district boards for the spread of education on these lines. Of course, they have been charged with the duty of opening up new schools, but still we are far from reaching the ideal of perfect adult literacy. In some respects we have retrograded also, because Government have come to the conclusion that the spread of education which was left to these bodies, has not been properly carried on, and therefore they are taking all these various institutions run by the district boards, into their own hands. Therefore I feel that if the purpose in view is left to either the municipalities or the district boards, or other local authorities the aim that we have got to achieve may not be achieved at all in a measurable distance of time. Therefore it is that I welcome this measure, constituting a separate authority charged with the duty of spreading the Library Movement.

"I think it is also part of a big programme which the Department of Education have got in view. It is the question of adult education. Therefore as a part of this scheme which the Government have in view, this Library Movement is once again an absolute necessity. Not only should libraries exist in all the villages and towns, but there must be libraries that will be moving from place to place, i.e., itinerant libraries. The local authorities must arrange in their scheme of work, to take books to villages where no library exists, and lend them to the people, and periodically take the books back from them, after the villagers have studied them. I believe that this will be necessary for some time to come, i.e., till such time when each village will have its own library. I quite understand it will be difficult to get the personnel for the purpose, because the librarian that may be placed in charge of any library in a rural area may not be paid adequate salary at all and he may be paid a small sum, for a job like this. But the job must be undertaken by persons who have a taste for libraries, and a taste for public service for promoting the welfare of the people at large. I suggest in the first instance, that the Education Department should rope in all the retired Educational Officers for the purpose of being employed in this cause. I mention this particularly because the fund at the disposal of the Library Movement and with the local library authority, will not be very much. The present cess of six pies in a rupee will hardly bring three or four lakhs of rupees; of course Government will also pay an amount equal to that collected by the local library authority. This sum of Rs. 8 lakhs is not at all a big one for the purpose we have in view. I expect, however, that following the example set up by the Government for the purpose of promoting

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the Library Movement, other charitable and philanthropic gentlemen will come forward to establish these libraries themselves, by making free gifts of their books to these libraries that will be established or have been established, or by contributing their labour for the purpose of expanding this Library Movement. So far as this is concerned, I think this is a very useful measure, and a beneficial one too, undertaken by the Government at a right and profitable moment.

"Then, I wish to make one or two points, with regard to the details of the Bill. The Select Committee have really made a very great change, in that they did not want to entrust this to the local authorities, i.e., the municipalities and the district boards. We know, as I have already referred to, from experience, what they have accomplished as regards the education left in their charge. Therefore, we thought this Library Movement need not be one on which these local bodies would have to spend their money. Moreover, there are other claims on their purse, such as the claims of health, water-supply and so on. Therefore, the Committee thought that unless there is a separate body constituted for the promotion of this Library Movement, and funds devoted to that purpose solely, the cause of the movement may not advance at all. While, at one time, I thought these local bodies could be entrusted with this movement I thought on further consideration that there must be a separate body altogether for the purpose of the Library Movement.

"As regards the point made by one or two of the previous speakers that while these municipalities are charged with the duty of collecting the library cess of six pies in a rupee, for the purpose of spending it in the cause of the Library Movement in its area, they have not been given sufficient representation on the local authorities constituted for the purpose in view—I did not know particularly the unfortunate instance of Vizagapatam—we know, as a matter of fact, in the southern districts, there are municipalities with a population of about five lakhs per district, and in some cases about two lakhs. Therefore, in the Select Committee—we did not particularly have this Vizagapatam in view—we took a general view of the whole of the Province, and came to the conclusion that the municipalities should be sufficiently represented, not overpoweringly, but sufficiently enough to make their voice heard in respect of any matters pertaining to these libraries. We thought also that these local bodies, such as the municipalities, panchayats and district boards should be charged with a special duty in this connection. Moreover, complaints there have been, that all the money is given to the urban areas, and none of it goes down to the rural areas at all. It is rightly for the purpose of spending a portion of that money to meet the needs of the villagers in the rural areas also, that we have made these municipalities responsible for the collection of the library cess. I see nothing wrong in that. However, if we had known the particular case of Vizagapatam, we would possibly have evolved a formula giving greater representation for Vizagapatam and other

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places which may not have sufficient representation. I do not know whether it cannot be done even now. Apart from this, the point is that the rural population should be represented better than the urban population, because it is the former that has got to be educated, and therefore it must have greater representation. We thought that it should be so, because our real aim is to make those people more interested in the working of this Library Movement, which is very beneficial to them.

"One thing that I would like to criticize in this Bill is this. While everywhere the local authorities are given the power to utilize the collection of the library cess, the Madras City alone suffers a distinction. I do not know why it is so. There was a discussion about it in the Select Committee itself. But the Government stuck up to the idea that the Madras City does not stand in need of any help, because there are a number of libraries in the city, and many people have come forward with munificent gifts for private libraries also, and therefore there may not be any need at all for funds being collected in the form of library cess in the City of Madras. There may be one justification for that. But I would like to point out that in such a case as that the City has to set an example for the rural centres where libraries should be established.

"I do not find anything else to be objected to in this Bill. And I must congratulate Government on the measure they have undertaken and I hope they will make it a success.

"One other point I would like to deal with. I submit once again these four or five lakhs of rupees that we shall be getting by way of the library cess, will not at all be enough for the advancement of the cause of the Library Movement. Government must look forward to other sources of revenue for augmenting the funds available for these local authorities. The one suggestion that has been made is that there may be a surcharge on the profession-tax. But I think it may not amount to much. Anyhow, persons who have been earning a lot of money by means of their education, and carrying on good professions, certainly owe a duty to the people who are less favoured than they. Therefore, I welcome this proposed surcharge on the profession-tax. There is one other suggestion that has not yet been given effect to in this Bill. And that is the question of taxing somehow, newspapers and periodicals. This also may not bring in any large amount of money. All the same, it will be a very good idea if a tax is levied upon the newspapers sold, and the periodicals published from time to time. Of course, we have got to see that this should not stifle the progress of the newly started newspapers or periodicals. Therefore, a certain limit may be prescribed, and it may be said that newspapers which have a circulation of more than about 10,000 copies may be taxed, in some way."

THE HON. SRI B. GOPALA REDDI:—"Sir, we are levying already a sales tax on every newspaper that is sold."

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* SRI K. BHASHYAM:—“ It is in addition to this, that I want a further tax on newspapers. After all, these newspapers are making a lot of money, especially the top-ranking newspapers in the Province. There is also a justification for this, because as more and more people begin to read newspapers the circulation also increases, resulting in greater income for these newspapers. And as more funds are collected for the Library Movement, the spread of education takes place over a wider field, and the whole thing therefore looks like a chain reaction. Thus a primary duty will rest upon these newspapers also to push on the purpose in view, and they can exercise their influence in expanding this Library Movement. I suggest this for the consideration of the Government, if not now, at least later on.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ Mr. Speaker, Sir, I have got only one or two points to raise in connexion with the Bill now before us. And I have got the pleasure to say, that I support the measure that is the subject-matter of discussion in this House.

1 p.m. “ I find in this Bill provisions which say how local library authorities are to be constituted. Though the character of these local library authorities does not smack much of democracy, yet there is some provision. But there is one important lacuna. The Bill does not give any indication as to how the Provincial Library Committee will be constituted. Clause 3 simply says that the Committee shall be constituted in such manner, and shall exercise and perform such other powers and duties as may be prescribed by the Government. It is the right of the House to know how the Government intend to constitute this important authority called the Provincial Library Committee.

“ Sir, this Provincial Library Committee which is constituted for the whole Province and is to control and guide the Library movement in the whole Province does not seem to have much power. The Committee is to advise the Government on such matters relating to libraries as they may refer to it. It has not got even the right *suo motu* to advise the Government on any matter it thinks fit. I request the Government, when they make rules to see that this Committee is made as representative as possible so that all possible views regarding the Library Movement in this Province may be represented and also that the Committee is given the right to advise the Government on its own initiative.

“ Then, Sir, the exclusion of Madras City from the contribution which the Government are making to other local library authorities was referred to by other speakers. The Government simply say that the City of Madras shall not have any contribution. But they do not say what sort of a contribution they propose to make to the City of Madras. Clause 13 mentions ‘ special grants which the Government may make for any specific purpose connected with libraries’. Perhaps the Madras Library Authority may come in for some such special grant at the hands of the

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Government. The Government ought to make this clear, especially in view of the importance of the movement in Madras City, the metropolis of the whole Presidency. The movement must first of all be strengthened in the metropolitan City of Madras and the library authority in Madras will require all the assistance the Government can give. With these words, I support the Bill.”

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—“ Sir, I am grateful to the hon. Members who have taken part in this debate and given many constructive suggestions in the matter. I promise them that all these suggestions will be considered by the Government at the time the rules are made. I am glad, Sir, that there has been a general acceptance of the Bill. I shall proceed to clear up one or two matters about which there seems to be some misunderstanding. Two hon. Members asked whether this property-tax referred to land-cess also. I may make a categorical statement that it does not refer to land-cess at all. Another suggestion was made that people who pay profession-tax may be asked to pay the cess. Such a provision has not been made in the Bill. The Government will consider the matter at a later stage if it is necessary.

“ Sir, with regard to the villages and towns, the point made by Mr. Gopalaswami, who is just now not here, is not really true, because the representation given to the villages and the rural areas in these library committees is really very much. My hon. Friend Mr. Viswanatham made certain references to his own district. His district seems to be peculiarly situated. In a normal district there are three or four municipalities. In Coimbatore there are six municipalities. In Madura, Madura alone has a population of over four lakhs. In such cases, municipalities do get good representation. But the position of Vizagapatam seems to be extraordinary. Even for the purpose of administration, Vizagapatam is regarded as two districts. If it is necessary, we may make similar arrangements in this matter also. The Government will bear this in mind and see what can be done. I understand that there are five municipalities in Vizagapatam which will get representation. Therefore, the representation for municipalities will be considerable. I do not think there will be any reason for grievance. With regard to other matters referred to by hon. Members and which they suggested should be considered at the time the rules are made, the Government will give them due consideration. I am glad of the support the Bill has received and I move that it be taken into consideration.”

MR. SPEAKER:—“ The question is:

“ That the Madras Public Libraries Bill, as amended by Select Committee, be taken into consideration.”

The motion was carried.

Clauses 1, 2 and 3.

Clauses 1, 2 and 3 were separately put and carried.

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Clause 4.

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

“Sir, I move the following amendment to sub-clause (c):—

‘For the words “as central library” and “as a central library,” substitute “as the central library.”’

This is merely a verbal amendment to make the meaning clear.”

MR. SPEAKER:—“The question is:

‘That for the words “as central library” and “as a central library” in sub-clause (a) of clause 4, substitute “as the central library.”’

The amendment was carried.

MR. SPEAKER:—“The question is:

‘That clause 4, as amended, stand part of the Bill.’”

SRI T. VISWANATHAM:—“Sir, the clause says that the Government shall appoint a Director of Public Libraries for the Province.”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—“On a point of order, Sir. The hon. Member can speak only on the amendment.”

MR. SPEAKER:—“He can speak on the clause as amended.”

* SRI T. VISWANATHAM:—“Sir, the Province is very vast and it is more or less two big units combined for general purposes. There are really three units. I suggest there may be two Directors appointed instead of one to facilitate the work. I do not know whether the Hon. Minister would agree to have an amendment moved to that effect even now or whether he would consider the matter in the rule-making stage. At any rate as there are two linguistic units and as libraries are essentially going to consist of language books, I think it is better we have two Directors, one for the north and one for the south.”

* SRI K. BHASHYAM:—“Sir, the suggestion given by the previous speaker is an excellent one. But the funds at the hands of the authorities will be only Rs. 8 lakhs. Two Directors will be too heavy a burden on the fund at present. If the Library Movement advances and expands, there will be time enough for thinking of appointing an Assistant Director or a Joint Director. That can be done later on when more experience is gained and when more funds are available and when the work also increases.”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—“Sir, the matter will be considered along with other things when separate things for separate linguistic provinces are considered.”

Clause 4, as amended, was put and carried.

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Clause 5.

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

“Sir, I beg to move the following amendment to sub-clause (3) (b):—

‘For the words “in case” substitute the word “where.”’

This is merely a verbal amendment.”

MR. SPEAKER:—“Amendment moved:

‘That for the words “in case” substitute “where” in sub-clause (3) (b) of clause 5.’”

SRI S. NAGARAJA MANIGAR:—“Sir, it is this Legislature which passes this measure and that shows that we legislators are very much interested in the creation and maintenance of these libraries. I want to know whether the legislators will have any representation on these library committees. I request the Hon. Minister to move an amendment providing for the representation of this House on these authorities or let him at least give an assurance that this House will be represented there.”

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

“Sir, the intention of the Government is to give representation to the legislature on the Provincial Library Committee. But in the case of local library authorities it may not be possible to do that. It is quite possible that some members who are interested in education or who represent the libraries may find a place on the local committees, but it is not possible to give hon. Members representation as such on the local committees. The Government contemplate giving representation to the legislators on the Provincial Library Committees.”

The amendment was put and carried.

MR. SPEAKER:—“The question is:

‘That clause 5, as amended, stand part of the Bill.’”

* SRI T. VISWANATHAM:—“Sir, I submit that the reply of the Hon. Minister to a certain general point I raised at an earlier stage in the discussion is, if I may use a very mild phrase, very unsatisfactory. First of all he said that Vizagapatam district is a very peculiar district. Yes, Sir, certain districts are peculiar as certain men are peculiar. (Laughter.) Certain districts are big and they cannot help it. Whether the number of taluks is 7 or 8 on an average for each district, or whether it is 20, it does not make much difference, although in a big district like Vizagapatam, it makes much difference. Let us see what the strength of a local library authority will be according to clause 8. Under sub-clause (a) of clause 8, there will be ten members, under sub-clause (b) there will be about two members, under sub-clause (c) there will be about nine members and under

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sub-clause (d) there will be about four or five members. In all, a local authority will have about 24 or 25 members. The municipalities referred to in sub-clause (d) will have only one-fifth of the total strength on the local library authority. After all these municipalities which are the real centres of culture are quite inadequately represented as they have only five members in a committee of 25. I can only say that the Hon. Minister is not alive to the realities of the present position which the municipalities and the citizens of the municipalities occupy in the life of the district.

1:15 p.m. "Sir, besides, these municipalities are not craving for membership in a committee or representation in this local authority merely for the sake of representation. They are charged with a real duty and they carry out that duty. Municipalities are created for a specific purpose under another Act. They are asked to collect funds and spend the money within the municipality for authorised purposes within the meaning of that Act and for the citizens within the local municipal limits. It is that kind of institution that is to-day asked to do something more. It is asked to collect cess which will not be spent only in the municipality but anywhere in the district. This is the point which the Hon. Minister must appreciate instead of lightly brushing it aside. That is the real difficulty for the municipalities although there is a provision here, I believe, that the municipality will be asked to pass a resolution—as a matter of fact—imposing or agreeing to impose under the directions of a Government Order, a cess of six pies. And the municipality must be in a position to render a proper account to the people with regard to the money it is asked to collect. Every municipality has one-fifth representation and it may be, in the case of my district, one-seventh or one-eighth representation."

MR. SPEAKER:—"How many minutes does the hon. Member want to finish his speech?"

* SRI T. VISWANATHAM:—"I will finish it in a few minutes, Sir."

"As the matter stands, the municipality is burdened with a thankless task which the Hon. Minister must know and therefore I want him to exclude the municipalities altogether from the operation of this Bill and empower the municipalities by amending the District Municipalities Act to impose a library cess of an equal amount or even of a greater amount. Then only we will be in a position to know where we are and we will collect and control the amount. Of course, the Government have statutory control over it as it falls into line with the administration of the libraries according to the provisions laid down in this Bill. As they are specially created statutory bodies they must not be burdened with the task of collecting money to be spent elsewhere.

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I once again stress that they should be excluded from the operation of this Bill and that the municipalities are unwilling to bear the burden. Some of them have already come forward to start libraries in their areas and in my own municipality we are making arrangements to start a library even out of the existing amount available. Therefore, I submit, please do not involve us into certain other bodies in which they do not have adequate representation and compel us to collect money over which we have no control. That is my real point.

"Sir, another point is that no Municipal Chairman was taken into the Select Committee which dealt with this Bill. Municipalities were in existence then but an ex-Chairman was preferred. The Bill was published on 9th December 1947. The Select Committee came into existence on the 21st February 1948 and the municipalities had started functioning on 2nd October 1947. The denial of the Minister at an earlier stage is apparently incorrect. Therefore, I submit, that it would have been much better and more useful if the Hon. Education Minister had included a Chairman of a municipality. Many municipalities are involved not for the purpose of representation but as the collecting agency under this particular legislation. Municipalities were not even consulted, let alone having representation. Sir, these are some of the considerations which the Hon. Education Minister must go into at least at the time of the rule-making stage or if possible, he may exclude the municipalities by an amendment at the time when it comes up for discussion in the Council."

* M. S. ABDUL MAJID SAHIB BAHADUR:—"Mr. Speaker, Sir, the Public Libraries Act of other countries have always provided powers to the local library authorities with regard to the co-option of members. But unfortunately, Sir, in the constitution of the local library authority for the City of Madras or in the Constitution of the library authority for each district, there is no provision made for co-option. It is always a good principle to give this power to the local authority in order that they may take technical people who are really useful to them. Therefore, I would request the Hon. Minister to see if he could not provide that power here or at least consider it at the stage of rule-making."

* SRI K. BHASHYAM:—"Sir, suggestions have been made that the municipalities must be excluded from the scope of the Bill. I do not agree to that proposition at all. This Library Movement is for the purpose of the whole country including municipalities and the rural parts and the panchayats and district boards. To say that the municipalities have a great burden put on them to collect certain cesses, is I think, an uncharitable view of the position which the municipalities enjoy in this country. Municipalities take loans and grants from the Government. These loans and grants are all made from public funds and these public funds come mostly from the rural parts. In return for it, they will have to do something for the rural parts which are going to

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benefit mostly by this Library Bill. Therefore, I think, the suggestion that municipalities are overburdened with this duty and have nothing in return, comes with ill-grace from the hon. Member."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Sir, two points have been raised in the discussion of this Bill. One point is with regard to the co-option of members to the local library authority. The Government will consider the point.

"The other point is that the scheme of the Bill has not been properly formulated. Sir, the library organization for a whole district must be an integrated one. They want the library unit to be framed both for the rural and urban areas. They want travelling libraries to be formed for this purpose. In taking this into consideration, we must take the district as a whole and if we are to take the district, we must appoint a committee with the district as unit and that is why the committee is connected with a district. I am sure, Government would give 50 per cent of the amount for this purpose so that the rural parts may be served. Therefore, when my hon. Friend accepts the scheme of the Library Authority, I think he will have no objection.

"Sir, with regard to the Select Committee, I may say that Mr. N. M. R. Subbaraman was a member of the committee. He was an ex-Chairman of the Madura Municipality, which is the biggest municipality after Madras. There was also Rajah Sir Muthiah Chettiyar of Chettinad, an ex-Mayor of Madras, and two others who are rendering distinguished services to the municipalities. Therefore, it is not right to say that municipalities had not been represented in the Select Committee."

Clause 5, as amended, was put and carried.

Clauses 6, 7 and 8 were separately put and carried.

Clause 9.

SRI T. VISWANATHAM:—"Clause 9 begins with the words 'A local library.' Does the Hon. Minister mean that it is 'a Local Library Authority?'"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"It is an omission. I move that—

"the word 'authority' be inserted after the words 'Local Library' in line 1'."

MR. SPEAKER:—"The question is—

"That the word 'authority' be inserted after 'Local Library' in clause 9'."

The amendment was carried.

Clause 9, as amended, was put and carried.

Clauses 10 and 11 were separately put and carried.

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Clause 12.

SRI T. VISWANATHAM:—"Sir, on this point, I have been attacked from two sides, one from the Hon. Education Minister and the other from my hon. Friend Mr. Bhashyam. Mr. Bhashyam apparently had got something to do with the Select Committee and with reference to what I said, he has advanced arguments. He also said that . . ."

MR. SPEAKER:—"Shall we sit for five more minutes?"

SRI T. VISWANATHAM:—"Yes, Sir.

"He said that it comes with ill-grace from me to plead for the municipalities. I really did not understand what is meant by 'ill-grace'. It is said that by having libraries in the district we are serving rural areas. And that is why I am justified when I say that the municipalities may be classified as separate entities and that the District Municipalities Act may be amended so that they can levy a library cess. I did not say that they should be excluded from the purview of the legislation altogether. The functions of the municipality are of a different character. The nature of the libraries for the municipal areas is different from the nature of the libraries—which will have to be numbered and circulated—in rural areas. The argument advanced by the Hon. Education Minister that the municipalities have been properly represented, does not convince anybody who has followed him. He cited to me the names of those who were once Chairmen and who have just now not connected with it. Not that they do not realize it; they may realize it generally. But my hon. Friend, Mr. Bhashyam, said they are well represented. It would not be personal, I think, if I said this: since he has ceased to be the Law Member, I want to know how much interest he has been taking in legal drafting. When once a man is out of office, naturally, his mind will not be compelled to address itself to various details and difficulties. That is what I was submitting; I never cast any reflection on other Members who were once Chairman. A functioning man, whether Minister or Chairman, it is he that realizes the difficulties, and therefore, I am not convinced by the answer given by the Hon. the Education Minister or by the able support and explanation hereafter to be given by Mr. Bhashyam."

* SRI K. BHASHYAM:—"I am sorry, Sir, my name has been dragged into the discussion here. I want to say a word in this connexion. I have sufficiently realized the arguments of my learned Friend so as to reiterate what I have stated, that is to say, it came with ill-grace from the municipalities to say that they have to collect the funds which are going to be utilized not only for the municipalities but also for the rural parts. It is that, that I mentioned as coming with ill-grace. Municipalities have always had and have the benefit of the public funds. Moreover as persons taking part in the administration of the municipalities and as persons who are better educated than others in the

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rural parts and more public-spirited, they have to show their public spirit in making propaganda for the spread of this Library movement in the rural parts and I think it is a duty which they owe to the people."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"Sir, the one has spoken and the other has answered; and so, I have nothing to say on this in reply."

MR. SPEAKER:—"The question is:

'That clause 12 stand part of the Bill.'"

Clause 12 was carried.

Clause 13.

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

'that in clause 13 (3), for the words "Provincial Government" the word "Government" be substituted.'

"This is a mere formal amendment, Sir."

MR. SPEAKER:—"The question is:

'That in clause 13 (3), for the words "Provincial Government" the word "Government" be substituted.'"

The amendment was carried.

MR. SPEAKER:—"The question is:

'That clause 13, as amended, stand part of the Bill.'"

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, I drew the attention of the House to the exemption to which the Madras City authority has been subjected in the matter of contribution to its funds; but the Minister has not told us anything about it. It may be said that the collection from cess in the City of Madras may be large, but the requirements of the libraries in the City also will be large, and it is only reasonable that this contribution which is being given to the other library authorities should be given also to the library authority in the City. I do not know whether the Government propose to make any special grants so far as the City is concerned, and it is that, that I want to know now from the Minister."

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"Sir, the reason why the Madras City was excluded is this: In the districts, direct cesses are raised mainly in panchayat areas and municipalities in the shape of house-tax, and that money is going to be utilized for the rural areas also; and in order to provide for sufficient funds for being utilized for the rural areas, the Government have come forward with a contribution equal to the sum collected. Secondly, the whole thing is to be run entirely by the Government; and thirdly there is the Grant-in-Aid Code and very many libraries may not take grants under that Code, while the libraries in the City do and will get the benefit of the

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Grant-in-Aid Code. For these reasons, Sir, the Government do not think that an amendment on the lines suggested by my hon. Friend is necessary."

Clause 13, as amended, was put and carried.

Clause 14 was put and carried.

Clause 14-A.

* SRI K. BHASHYAM:—"Sir I move—

'that after clause 14, the following be added as clause 14-A:—

"Notwithstanding any provision in the Act, the Government may, in cases where they think it is necessary to do so, supersede or reconstitute any Library Authorities constituted under the Act:

"Provided, however, the Government shall give notice to the Authority concerned, together with the grounds on which they propose to supersede or reconstitute and shall consider any explanations that may be offered by any such Authority."

This is only for the purpose of providing for cases where any local authority which has been constituted under the Bill is not working well and has to be superseded. There are cases where many municipalities are not doing well and Government have to go to their help. When new authorities like this are coming into existence, there must be some power somewhere for either superseding or reconstituting the authorities to ensure better working wherever they are not working well. The members of the committee will be there for three years from the date of nomination, and so, when superseded, nothing will happen. Since there is an omission in the Bill itself and no power is given to the Government to go to the aid of the authority which is not working properly, I thought it would be better to see that it is reconstituted. That is my suggestion, and therefore, I am putting forward this amendment."

SRI T. VISWANATHAM:—"What is the life of the local library authorities under this Bill, may I know, Sir?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"I think this is a provision on the lines of the Local Boards Act and the District Municipalities Act and it is quite necessary. I accept the amendment."

MR. SPEAKER:—"The question is:

'that after clause 14, the following be added as clause 14-A:—

"Notwithstanding any provision in the Act, the Government may, in cases where they think it is necessary to do so, supersede or reconstitute any Library Authorities constituted under the Act:

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"Provided, however, the Government shall give notice to the Authority concerned, together with the grounds on which they propose to supersede or reconstitute and shall consider any explanations that may be offered by any such Authority."

New clause 14-A was carried.

Clauses 15, 16, 17 and 18 were separately put and carried.

The Preamble was put and carried.

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"Sir, I now move *'that the Bill, as amended, be passed into law.'* I hope, Sir, that this will inaugurate a new era in which we will have good and efficient libraries throughout the Province and also that this will inaugurate a new era of adult education by spreading libraries throughout the Province."

MR. SPEAKER:—"Motion moved:

'That the Madras Public Libraries Bill, 1948, as amended, be passed into law.'"

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, I congratulate the Hon. Education Minister in having this Bill passed and that in so short a time as this. In this connexion, I only want to again refer to a matter which I referred to, to which the Hon. Minister has not yet given any reply. That is, under clause 3, a Provincial Library Committee is being established. We find from the provisions of the Bill that no liaison or connexion is established between this committee and the local library authorities; we do not also see clearly the function assigned to the Provincial Library Committee. It is stated they are expected to advise the Government. Then it is printed in bold type: 'on such matters relating to libraries as they may refer to it.' This seems to have been included by the Select Committee; I do not understand the meaning of it. Why should not this committee be empowered to advise the Government on its own initiative as well? Moreover, we are not given any idea as to the constitution or composition of this committee. It is a very important matter, and as such the House must have some idea about it."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"With regard to clause 3, this matter was gone into; the point referred to by the Leader of the Opposition was also considered by the Select Committee and after a good deal of discussion, the Select Committee agreed that the clause must be as it is. It was thought that if important matters were referred to it by the Government, the committee would concentrate attention on major issues rather than that it should bring forward *suo moto* any matters which may not be of vital importance. That was the reason why it was considered necessary to confine its advice to matters referred to it. As regards its constitution, it is left to the rules. That is what I said some time back when my hon. Friend, Mr. Manigar, raised the point whether the Legislature

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would be given representation on that committee; I said then it would be given representation, and so, this matter will be taken up under the rules."

MR. SPEAKER:—"The question is:

'that the Madras Public Libraries Bill, 1948, as amended, be passed into law.'"

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

The House then adjourned for lunch.

(After lunch—2-30 p.m.)

GOVERNMENT RESOLUTION.

III.—RECENT ENACTMENT OF THE CEYLON CITIZENSHIP AND IMMIGRANTS AND EMIGRANTS ACTS.

THE HON. SRI M. BHAKTAVATSALAM:—"Mr. Speaker, Sir, I beg to move the following resolution:—

"That this Assembly recommends to the Government to convey to the Hon. Prime Minister of India its apprehension at the recent enactment of the Ceylon Citizenship and Immigrants and Emigrants Act before the question of citizenship rights for Indians in Ceylon had been settled and requests him to ensure that the proposed Indo-Ceylon agreement is based on the following fundamental principles:—

(1) *that Indians resident in Ceylon continuously for five years who declare their intention of permanently settling down in Ceylon should be granted rights of full citizenship and that there should be no distinction for any purpose between citizens by registration and citizens by descent;*

(2) *that in view of the fact that the great majority of the Indians in Ceylon are ignorant workers, the procedure for the acquisition of citizenship should be simple and inexpensive;*

(3) *that no large numbers of Indians who have made or desire to make Ceylon their home should be left without citizenship rights; and*

(4) *that suitable provisions be made for continuance of essential human ties between the Indians settled in Ceylon and their relations and dependents in India by the grant of facilities for easy movement of persons and funds between the two countries, at least for this purpose.*

"Sir, immigration and emigration are Central subjects and it is the responsibility of the Government of India to see that the rights of Indians in countries such as Ceylon to which emigration had been permitted by the Government of India are adequately safeguarded. The bulk of Indians in Ceylon happen to belong to this Province and that is the justification for this resolution, Sir.

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"I may briefly give the background of this vexed question. Leaving aside ancient times, there has been constant emigration from South India to Ceylon, mainly of estate labour, for over a century. Planting commenced in Ceylon about 1830 and was then entirely confined to coffee, and later on tea replaced coffee and rubber was planted at lower altitudes. From almost the earliest days of the plantations, there was a keen demand for labour from the Madras Presidency and the Indian Government allowed this movement after satisfying itself that conditions in the island would be satisfactory and that the emigrants would have a status in no way inferior to that of other subjects of the Crown. When during Lord Hardinge's Viceroyalty there was an agitation against the conditions of Indian emigrant labour in various British Colonies, the Government of India abolished the system of indentured labour and a few years later took powers under the Indian Emigration Act, 1922, to forbid emigration for the purpose of unskilled work 'except to such countries and on such terms and conditions as the Governor-General-in-Council by notification in the *Gazette of India* may specify.' In the next year, 1923, a notification was issued authorizing the emigration of unskilled labour to Ceylon. This was done only after specific assurances had been given by the Government of Ceylon. To quote Mr. Wodeman, the Chief Secretary, on the occasion of a debate in the State Council on the Immigration Bill in 1941, 'it is only after the Government of India had been given the assurance that Indians in Ceylon enjoyed the same political rights as other classes of His Majesty's subjects that they approved the notification of 1923 permitting emigration to Ceylon.' Recruitment of workers by the Ceylon Commissioner of Labour and his staff in the districts of this Province was also generally accompanied by similar assurances of equal rights, good pay and good treatment on the estates. There can, therefore, be no doubt that Indian labour was invited by Ceylon and allowed by this country only after very definite undertakings had been given. The general economic prosperity of Ceylon, which is considerably higher than the Asian average, is largely due to the planting industry and the labour employed in this industry has been overwhelmingly Indian. The Indian case for fair treatment and a just solution of the question of citizenship therefore rests on very strong moral grounds.

"Broadly speaking, the 'Indian Problem' in Ceylon began about 1928 when the Donoughmore Commission on Constitutional Reform was faced with the question of widening the franchise. Certain Ceylonese circles then began to have apprehensions that a large-scale admission of the Indian community to the electoral rolls would have far-reaching effects. The Commission recommended adult franchise and this was introduced under the Constitution of 1931. On the recommendation of the Commission, a qualification of five years' residence was, however, introduced in order that the privilege of voting should be confined to those who had an 'abiding interest' in the country or who may be regarded

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as 'permanently settled' in the island. The principle enunciated by the Commission met with general acceptance but the method of its application caused acute controversy and there was a demand from the Sinhalese to tighten up the regulations.

"There are over 8 lakhs of Indians in Ceylon in a population of over 60 lakhs. The great majority of them are no doubt estate labourers but there are numerous others engaged in other forms of labour, business and the professions. There has been a regular trend of discrimination against the community in various administrative measures, the justification being that only sons of the soil or Ceylonese having domicile of origin should be considered in matters like recruitment to Government service, land development schemes, fisheries, eligibility for membership of village committees, etc. The question of equal political and administrative rights has long exercised the minds of Ceylon Indians and has caused strong feelings in India. In 1939, the Ceylon Government began a policy of discontinuance of non-Ceylonese daily paid labour, which had been employed in Government departments, with a view to Ceylonise the labour force and relieve unemployment. This step had immediate repercussions in India and the Government of India revoked the notification of 1923 thereby placing a ban on the emigration of all unskilled labour to Ceylon. This ban has continued in force since 1939 with only a partial relaxation sanctioned in 1942 so as to permit the return to Ceylon of labourers then in the island who might wish to visit their homes in India for social and domestic reasons. In 1940 a conference was held in Delhi between representatives of the two Governments to settle outstanding differences but it broke down on the question of the status of the Indian immigrants then in Ceylon. A second conference took place in Colombo in September 1941, when the Bajpai delegation reached an agreement on all points with the Ceylon representatives. The agreement was, however, unacceptable to the Ceylon Indians and to public opinion in India and in February 1943, the Government of India informed Ceylon that negotiations will have to be resumed again on a fresh basis.

"Coming to the most recent events, a new Constitution has come into force in Ceylon and the country has attained Dominion Status in February 1948. Unfortunately, the status of Indians is still unsettled and the Ceylon Ministers would not agree to reopen discussions till the new Parliament had been elected. In December 1947, the two Prime Ministers of India and Ceylon announced their agreement on the broad fundamental principles which should govern the settlement of this question. Detailed negotiations have been going on since but no agreement has been announced as yet. While general principles such as the right of Ceylon to determine the future composition of her people and the need to grant full rights to those Indians who really wish to become unqualified nationals of Ceylon without retaining their Indian citizenship have been accepted on all sides, there have been difficulties in implementing these principles in agreed legislative measures. Meanwhile, much apprehension has been caused

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among Ceylon Indians on account of the action of the Ceylon Government in passing two Acts through Parliament called the Citizenship Act and the Immigrants and Emigrants Act. The original idea appears to have been to pass these two Acts together with a third one called the Indian Residents (Citizenship) Act but this last named is still in the drafting stage and even the Bill has not yet been published, though the newspaper 'Ceylon Daily News' of the 15th September 1948 published what purported to be its draft provisions. The clauses of this Indian Residents (Citizenship) Bill appear to be still under negotiation with the Government of India.

"The Citizenship Act makes provision for citizenship of Ceylon and matters connected therewith. Under it a person shall be, or become entitled to the status of a citizen of Ceylon either by right of descent or by virtue of registration. A distinction is drawn between 'a citizen by descent' and 'a citizen by registration'. To be a citizen by descent a person must not only be born in Ceylon before the appointed date, but his father too must have been born there, or in the alternative, his paternal grandfather and paternal great-grandfather. A person born outside can claim citizenship by descent only if two of his three immediate ancestors in the paternal line were born in Ceylon. In other words two births in Ceylon are necessary to establish right of descent and what is more important, it is birth before the appointed date that counts. A person born on or after the appointed date shall have the status of a Ceylon citizen only if his father is a citizen at the time of his birth. If a person is not a citizen of Ceylon by descent he may apply for citizenship by registration but not more than 25 persons should be registered in any year in this manner. There are no doubt additional provisions for registration of persons who claim citizenship through mother, husband or wife but they do not affect more than a small number of persons. Though it has been announced that separate provision is being made in another Bill for Indian residents to become citizens by registration, what is noteworthy is that this Act has for the present put out of the pale of citizenship the overwhelming mass of the Indian population other than those who can claim two consecutive births in the male line in Ceylon. Even among this small minority numerous anomalies may arise. For instance an Indian born in Ceylon may not be a citizen because none of his paternal ancestors were born there but his children born in Ceylon before the appointed day will be citizens while his children born in Ceylon after the appointed day will not be citizens because their father was not a citizen on the day of their birth! Families will be sundered in this respect and it will not be possible for them to apply for registration either, because not more than 25 will be registered annually.

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"Simultaneously, under the Immigrants and Emigrants Act the Ceylon Government has taken powers for controlling the entry into Ceylon of persons other than citizens of Ceylon, for regulating the departure from Ceylon of citizens and persons other than citizens of Ceylon, for removing from Ceylon undesirable persons who are not citizens of Ceylon and for other matters

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incidental to or connected with the matters aforesaid. This official description of the scope of the Act when it was in the Bill stage clearly shows that the great majority of the Indian population not being citizens now, can be dealt with under its wide provisions. A non-citizen will not be able to enter Ceylon without a passport containing the necessary endorsements or visas or a residence permit, temporary or permanent. A person who has lived for five years or more in Ceylon cannot claim a permanent residence permit as of right but only a temporary one. Wide powers have been left to executive discretion in the matter of regulating entry, control over movements and associations of non-citizens within Ceylon and for expulsion, if necessary, of non-citizens. Thus although it is officially claimed by Ceylon that the citizenship of Indians has yet to be regulated, the passing of these two Acts has left the community legally in a defenceless position.

Though the Indian Residents Citizenship Bill has not yet been published, some of its features if correctly reported in the Ceylon Press, are disquieting. It is stated that the date 1st January 1946 will be the appointed date under the Act and to be eligible for registration, Indians, if married, should have had uninterrupted residence for seven years prior to that date, exclusive of temporary absence, and uninterrupted residence from that date to the date of application. In the case of unmarried persons the period of residence required prior to the appointed date will be ten years. This is not the only qualification required; the applicant should be possessed of an assured income of a reasonable amount or some suitable employment, he should have by some specific act or his way of life generally manifested his intention to settle down permanently in Ceylon, he should be free from any disability or incapacity which may render it difficult or impossible for him to thrive in Ceylon according to the laws of Ceylon and he should clearly understand that in the event of his registration he will be deemed in law to have renounced any civil or political status he would have had in India. To take concrete illustrations a dependent will thus be ineligible for citizenship, a poor labourer may not be able to satisfy the authorities that he has suitable employment or an assured income and the application of a man with two wives or of a man married to his niece will be rejected on the ground of his not being in a position to live according to the laws of Ceylon. Applications for registration will be decided only after exhaustive enquiry and inviting objections and an appeal from the Commissioner's decision will lie only to the Supreme Court. The procedure proposed appears to be too complicated and expensive for estate labourers in particular. Even if the application goes through, the applicant will become only a citizen by registration and from a statement of the Prime Minister in the House of Representatives it would appear that such citizens will not enjoy equality of rights with the citizens by descent. Thus even if some Indians succeed in getting themselves registered as citizens, they may still be liable to discrimination in various fields as hitherto, such as in the services, land colonization, etc.

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"Lately there have been some restrictions on remittances from Indians in Ceylon to their dependents or relations in India due to currency regulations. In practice, estate labourers are permitted to remit only small sums after making a formal application for permission on a form which contains a declaration to the effect that the applicant is not a permanent resident of India and hence wishes to send remittances abroad. Apart from the inconvenience caused, the remitter also is made more or less virtually to sign off his claim to citizenship through the formality which he has to follow. It is necessary that the importance and claims of human ties should be recognized and due allowance made for them.

"It is, therefore, clear that the entire future of Indians in Ceylon is at stake at present and the success or failure of the current negotiations will have far-reaching results. Unless important modifications in their plans are agreed to by the Ceylon Government, large numbers, perhaps the majority of the Indians in the country, will be without citizenship rights. It was pointed out by the Soulbury Commission in 1945 that on account of the ban imposed by the Government of India in 1939 few of the Indian unskilled workers in Ceylon could have been resident there for less than five years. In 1948, this is even more true than three years ago. Most of these Indians belong to Ceylon for all practical purposes and have only social ties with their old homes in India. It should not be difficult for Ceylon to assimilate them. There is danger that under the Ceylon legislation both already enacted and proposed so many will be deprived of citizenship rights in the country of their adoption or birth. Generous, unambiguous and simple provisions of law and procedure are necessary to do justice to a community which has given of its best to Ceylon for a century and which cannot, in the very nature of things, be a danger, as is sometimes unreasonably suspected, to the permanent population of the Island. The resolution now before the Assembly sets forth the basic principles of justice and equity on which the future of these people, who have gone forth to Ceylon largely from this Province, should be assured. The five-year residence period mentioned in the resolution is the period prescribed in the 1931 Constitution which was in force till last year."

MR. SPEAKER:—"Motion moved:

"That this Assembly recommends to the Government to convey to the Hon. Prime Minister of India its apprehension at the recent enactment of the Ceylon Citizenship and Immigrants and Emigrants Act before the question of citizenship rights for Indians in Ceylon had been settled and requests him to ensure that the proposed Indo-Ceylon agreement is based on the following fundamental principles:—

- (1) *that Indians resident in Ceylon continuously for five years who declare their intention of permanently settling*

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down in Ceylon should be granted rights of full citizenship and that there should be no distinction for any purpose between citizens by registration and citizens by descent;

- (2) *that in view of the fact that the great majority of the Indians in Ceylon are ignorant workers the procedure for the acquisition of citizenship should be simple and inexpensive;*

- (3) *that no large numbers of Indians who have made or desire to make Ceylon their home should be left without citizenship rights; and*

- (4) *that suitable provisions be made for continuance of essential human ties between the Indians settled in Ceylon and their relations and dependents in India by the grant of facilities for easy movement of persons and funds between the two countries, at least for this purpose."*

M. MUHAMMAD ISMAIL SAHIB BAHADUR (Leader of the Opposition):—"Mr. Speaker, seconding the resolution is not only my duty but it also gives me pleasure. The resolution is very moderate and modest in form and it is reasonable in its request considering the feelings of the people of the Province in the matter. The Hon. Minister in sponsoring the resolution has made the subject lucid and clear and he has combined reasonableness with lucidity. Even after this plea on our part, it will be very unreasonable for anybody who wants to be reasonable and be on cordial relations with others to refuse the request. As it is a Central subject, we are making the request to the Prime Minister of India. The Prime Minister as well as the Central Government know what they have to do in the matter but, however, we particularly have taken up this matter as most of the people in Ceylon are drawn from this Province. In this connexion a statement has been placed in my hands only this morning and it is a statement issued by the Ceylon Indian Congress. It puts the history of the case in a very clear way and in a very reasonable and logical way. I would very much like this document to go in as an appendix to my speech but I know, Sir, you, Mr. Speaker, will not allow it. I have, therefore, to commend this statement of the Ceylon Indian Congress along with the speech of the Hon. Minister for Public Works to the attention of the Government of India as well as to the leaders and the public and people of Ceylon. After all what is it that we want? We want our people who have contributed very greatly towards the prosperity of that island to be treated as human beings according to modern ideas and conception of things. Our people were required there at the time when the Ceylonese themselves, I am putting it without any offence to anybody, were not able to help themselves. At that time, the Government as well as the leaders of the Ceylonese people gave us all sorts of undertakings; they assured us that our people will be given a status as any other people resident there and even indentured

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labourers were given that assurance; it was said that after their contract period was over, they were free either to settle there or come away to this country; if they settled there, they would be treated on a footing of equality with any other people resident in that island. It was on that understanding, Sir, assurances repeatedly given by the Government of the island as well as the leaders of the people of that island that our people went there and our Government too allowed our people to go there and it is very unfair on the part of that country which has all along lived on the friendliest terms with this country to take up this attitude and to go ahead with measures which would be very detrimental to the people of this country who had gone there, especially is it so when negotiations are pending, when negotiations between the Government of this great country and the Government of the island have not yet reached any conclusion. Just at that time, our friends on the other side might have waited to see what is going to come out of these negotiations. I do not know why, even without exercising so much patience, they have thought it fit to put on the Statute Book such measures as those which deny the elemental and fundamental rights to a people who have helped the people of that island to a very great extent and who have helped them, I may say without any exaggeration, to their present level of prosperity which the island has attained. Sir, we have been given the historic background by the Hon. Minister. Even so late as 1947 the present Prime Minister of Ceylon, the Hon. Mr. D. S. Senanayake, stated that they do not want to differentiate—they do not want to discriminate—that they do not consider Indians as aliens and that they might become their citizens and that the Ceylonese will welcome them. This is exactly the position we are asking for and we do not ask for any impossible conditions. At the same time, we are asking that no impossible conditions should be placed on our people becoming citizens of that island. That is what we want and that is what the Hon. Mr. Senanayake said as early as 1947. To have come forward with such a Bill is very unfair. Now the whole world is thinking in terms of internationalism and in terms of closer ties between the nations of the world. Just at that time to place such obstacles on people who have been moving on the friendliest of terms, who have helped each other is unthinkable. That is why we are requesting the Prime Minister of India to take up the matter with the Government and leaders of the people of Ceylon to see that justice—sheer justice—is done to our people. As has been explained by the Leader of the House and also by the statement that I have referred to, it will be impossible under the present conditions for anybody to fulfil the conditions and become a citizen. They say that it must be proved that the grandfather and the great-grandfather of certain categories of persons were born in Ceylon. First of all, it is very difficult to produce birth certificates and I am told that with regard to the immigrant community in Ceylon only five years' records are being maintained and even about their continuous stay for a period of five years, it is difficult to obtain records in proof. As has been pointed out, most

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of the people are labourers and such poor people to be put to such conditions is just like telling them that they will not be given a right to live there with any self-respect.

“That is what these conditions amount to. Therefore, what 3 p.m. we are asking in this resolution is very reasonable. I think under the modern conditions of the world that condition will be accepted as reasonable for the citizenship of any country, unless it be that people are moved by unseeing and unthinking prejudice against another set of people. With these words, Sir, I have got much pleasure in commending the resolution to the unanimous acceptance of the House.”

* **SRI A. S. SAHAJANANDAM** :—“கனம் தலைவர் அவர்களே, இப்பொழுது சிலோனில் எட்டு லக்ஷம் இந்தியர்கள் இருக்கிறார்கள். அவர்களில் ஏழு லட்சம் ஜனங்கள் ஹரிஜனங்கள்: அவர்களையெல்லாம் 1700-ம் வருஷம் டச்சுக்காரர்கள் அங்கே அரசாங்கம் நடத்திய காலத்தில் அழைத்துச் சென்றார்கள். சிலோனிலுள்ள நிலங்களை பண்படுத்தி பதம்படுத்தவும் ரப்பர், தேயிலை, தென்னை, முதலிய தோட்டங்கள் போடவும் இந்தியர்களை யும் இன்னும் மற்றவர்களையும் அங்கே அழைத்துச் சென்றார்கள். அப்படியும் அழைத்துப்போனவர்களில் இப்பொழுது எட்டு லட்சம் ஜனங்களிருக்கிறார்கள். இந்த மாதிரி சென்ற இந்தியர்கள் அங்கே ஐந்து தலைமுறையாக குடியிருந்து வருகிறார்கள். ஆகையால் அவர்களுக்கு அங்கே பிரஜா உரிமை வேண்டுமென்று சொல்வது ரொம்பவும் நியாயம். சிலோனைப் பண்படுத்தி சீர்திருத்தம் செய்தது இந்தியர்களை தவிர மற்றவர்கள் இல்லை. எவ்வளவோ சிறப்பான வேலைகளையும், ரப்பர் தோட்டங்களையும் தேயிலை தோட்டங்களையும் போட்டிருக்கிறார்கள். சிலோனை இன்னும் குப்பைப் பட்டணமாக்கியுமிருக்கிறார்கள். அங்கே இருந்துகொண்டு வேலை செய்து வரும் இந்தியர்களுக்கும், ஹரிஜனங்களுக்கும் பிரதிநிதித்துவம் கிடைக்க வசதி இல்லாமலிருக்கிறது. அவர்களுக்கு பிரஜா உரிமை வேண்டும் என்று கொண்டு வந்திருக்கும் தீர்மானத்தை நான் ஆமோதிக்கிறேன்.”

* **M. S. ABDUL MAJID SAHIB BAHADUR** :—“Mr. Speaker, Sir, I have great pleasure in supporting the resolution so ably moved by the Hon. Minister. Sir, at some time in April of this year I was in Ceylon and I tried to understand the problem of our Indians living in Ceylon. Our people are there as labourers, our people are there as traders and our people are there as industrialists. As the Leader of the Opposition has said, we Indians have contributed very largely to the economic, industrial and commercial progress of that beautiful island. Sir, to-day, Ceylon is an independent sovereign State and forms part of the comity of the Commonwealth of Nations. As a sovereign State, I wonder whether we could question their rights and liberties; but at the same time, Sir, because Indians, particularly from this part of the country, have been to that island and have contributed very largely to their economic prosperity, we have a right to say certain things, and so to-day we are saying that on the floor of this House. We are not doing that in a way to antagonise the sovereignty of the Ceylonese or the Government of Ceylon. We are not saying that in a spirit of rivalry; but we are putting it before the Ceylon Government so that they can revise their policy and see that the people who have helped them to come up are treated properly. Till the advent of Bournemouth Constitution, Indians

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in Ceylon enjoyed equal political rights. But the conferring of wider powers under the Constitution has resulted in the domination of the Sinhalese and brought about a complete change in the outlook of the administration. This has happened almost overnight. Years before, we were invited to that island, our capital was invited, our labour was invited, and we went there to labour, sweat and toil for the people of that island in order they may become economically better. To-day, after the attainment of independence of that country, they have forgotten what we have done and they are trying to override the rights and privileges of Indians there. The Indian community there is mainly composed of workers in the plantations voiceless and illiterate men, forming nearly 15 per cent of the island's population, permanently settled, having lost their protection under the Immigration Act of 1922 from the Government of India; after a stay for five years in this country they came to be knocked out to make up for the sins of omission and commission of the Ministry in power. The history, progress and economic development of this island is intimately connected, as I have already elaborated with the ceaseless efforts of the members of this community for over a century. Sir, I need not elaborate on the several aspects of the problem connected with the citizenship right. But, I think, Sir, I may be allowed to place before you a catalogue of the difficulties and disabilities of the Indians, whether they are labourers or whether they are traders in that country, so that the people here and hon. Members of this House and the people of this Province may understand what their people are undergoing. First, Indians do not enjoy equal political rights with the rest of the population. They do not have equal civil rights and as a result of these difficulties, equal economic rights are denied to them. The future of the Indian community is such that they do not enjoy right of colonization which is provided to the rest of the population. They have to live under slave conditions, right of free access to their homes being denied to their friends and relatives; they have no voice in the shaping of the policy of the local bodies; and they are unrepresented in the local bodies. Educational facilities are not similar to those provided for the rest of the population; the age-limit for each child on an estate fixed for purposes of education is six to ten years of age instead of five to fourteen provided for non-estate children. Service conditions are such that the inherent rights of the labourers to move freely is restricted. From the cradle to the grave he has to toil in the estates whether he likes or not. They are subject to the most inhuman of laws, namely, criminal trespass provisions, which impose double punishment of dismissal from work and eviction from home. They have no effective voice in the administration of the country. They are victims of the blacklist, or starring, as it is called, which makes them slaves to a particular type of employment in a particular place. Loss of Indian domicile and privileges of employment under the State under provincial laws, if repatriated after a period of five years, denial of employment under the Government of Ceylon; lack of amenities of an accepted standard, which ensured a better standard of living;

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absence of old age pensions; absence of unemployment insurance; lack of employment due to ill-health, old age or depression necessitates eviction from estate which brings them under the Vagrancy Act, so that they are thrown into jail and forcibly repatriated to India, even though they may have lost contact with India. Though these people have been working there for years and years, because they have lost their employment, they are at once brought under the Vagrancy Act, and they are simply repatriated to a country with which they have almost lost all contact. To continue the catalogue of disabilities, the following are some of them:— Non-application in practice of the poor law legislation administered by the municipalities at present; lack of recreation facilities; lack of opportunities for assimilation; heavy indebtedness due to want of facilities like thrift societies; repudiation of undertakings given prior to the immigration on various occasions by the Government; and enactment of discriminative legislations. To this catalogue can be added other disabilities, if only some one of us goes there and stays for some time and study the conditions there. To-day the conditions there are such that the Indian community has to choose between two alternatives, an honourable existence or extinction. The former is an inalienable right of human beings as a recognition of the valuable contribution it has made to the development of the island. So, Sir, it is only right and proper that we should bring to the notice of our Government, particularly to our great Prime Minister, Pandit Nehru, the disabilities which we are suffering to-day in that island. Fortunately, Sir, the two Prime Ministers of these two countries, I mean Pandit Nehru and Hon. Mr. D. S. Senanayake are to-day in London, and I hope and trust that these two Prime Ministers would have consulted, and I am sure, when Mr. Senanayake returns to his island home, he will see that these repressive and inhuman laws are at once given up and that the Indians in that country are given equal citizenship rights as are given to the people of the island. Sir, the following epitaph written on the grave of a labourer in Kallathura district will be interesting, if I read it out:—

*'It is not for us to question why
It is for us to starve and die.'*

That sums up the position of the Indian labourer. They are consigned to the forgotten corners of that island to toil day-in and day-out, exposed to sun and rain, exposed to the diseases of that island, and when we ask them that they should be treated as human beings, the Ministers of that island said, 'there is vast disparity between the Indian standard of living and the Sinhalese standard of living.' I put it to you, Sir, this is an insult to the very dignity and honour of this country. No doubt, the standard of life of Indians in Ceylon is low, but it is bound to rise. On that score, the Government of Ceylon cannot say that the Indians must always live in that standard and that they should not be given any political or economical rights in that island.

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"Sir, as I said in the beginning, I am not saying these things in a spirit of antagonism or in a spirit of rivalry. I am putting it to the Government of an independent sovereign State that they must consider the minority as part of their own subjects and treat them as equals. They must give all rights and privileges to that minority because it is that minority which, as I have already said, has contributed largely to the progress of that island in the economic, financial, industrial and other fields."

SRI N. ANNAMALAI PILLAI:—"கனம் தலைவர் அவர்களே, சிலோன் பிரஜா உரிமையைப்பற்றி பேசுகிற இந்த தீர்மானத்தின்மீது நான் பேசுவதற்கு மிகவும் மகிழ்ச்சியடைகின்றேன். தென்னிந்தியாவிலிருந்து ஏராளமான ஜனங்கள் சிலோனுக்குச் சென்றார்கள். சிலோன் தேசத்தை பொன்மயமாக செய்தவர்கள் தென்னிந்தியர்கள்தான். தென்னிந்தியர்கள் இல்லாமலிருந்தால் இன்றைய தினம் சிலோன் ஒரு நரகமாக இருந்திருக்கும். சிலோனை சீர்திருத்தி, மேடு பள்ளங்களை சமப்படுத்தி, அந்த நாட்டை செழிப்புறச் செய்து, செல்வமும் சிறப்பும் செழிந்தோங்கச் செய்து வந்த அந்நாட்டிலிருக்கும் இந்திய மக்களுக்கு பிரஜா உரிமை இல்லை என்று சிலோன் சர்க்கார் சொல்வது துரோகம் செய்ததாகும். அது ஒரு நேர்மையற்ற செயலுமாகும். அந்த நாட்டை தற்போதுள்ள செல்வ நிலைக்கு கொண்டு வந்ததற்கு சிலோன் வாசிகள் இந்தியர்களுக்கு நன்றி செலுத்தவேண்டும், அவர்கள் இந்தியர்களை பூசிக்கவும் கடமைப்பட்டிருக்கிறார்கள். அதை மறந்துவிட்டு இந்தியர்களுக்கு இன்றைய தினம் பிரஜா உரிமைகூட இல்லை என்று சொல்லத் துணிந்து விட்டார்கள் என்றால் அவர்கள் காலசக்கரம் சுழண்டு வருவதை அறியவில்லை என்று தான் சொல்லவேண்டும். அதிக பலம் படைத்த பிரிட்டிஷ் சாம்ராஜ்யம் கூட இந்தியாவை விட்டு வெளியே போய்விட்டது என்பதை சிலோனிலுள்ள சர்க்கார் இன்னும் கவனித்துப் பார்க்கவில்லை. அவர்கள் சரியாக இந்தியர்களை கவனித்திருப்பார்களானால் இவ்வளவு தூரம் கீழ்த்தரமான நடவடிக்கையில் இறங்கி இருக்கமாட்டார்கள். நான் சொல்லுகிறேன் சிலோன் சர்க்காருக்கு ஒரு விஷயம். என் வீட்டிலிருந்து எட்டுப் பேர்களை நான் சிலோனுக்காக பலி கொடுத்திருக்கிறேன். அதை நினைக்கும்போது கண்களில் நீர் ததும்புகிறது. எங்கள் வீட்டிலிருந்து சென்ற எட்டுப் பேர்களுமும் நான் இன்னமும் பார்க்கவில்லை. சுமார் 70 வருஷங்களுக்கு முன்பு எனது அம்மான், அப்பாசாமி நாயக்கரும் அவருடைய மனைவி அழகாயியும், எனது சிறிய தாயார் சுந்திரம்மாளும் நான்கு பிள்ளைகளுடன் சிலோனுக்குச் சென்றார்கள். அவர்களெல்லாம் அந்த பிரதேசத்திலிருந்து மீண்டும் இங்கு திரும்பி வரவே இல்லை. சிறிது நாட்கள் என் அம்மான் அப்பாசாமி நாயக்கர் மாத்திரம் இங்கு வந்துகொண்டிருந்தார். பிறகு அவரும் காணப்படவில்லை. இந்த நாட்டு மக்கள் அங்கேயே குடியிருந்து அந்நாட்டை செழிப்புறச் செய்வதற்கு பல மக்களை பலி கொடுத்திருக்கிறது என்றால் சிலோன் சர்க்கார் இந்திய மக்களை பாதுகாத்துக்கொள்ளக் கடமைப்பட்டிருக்கிறார்கள். மற்றொன்று சொல்லுகிறேன். இன்றைய தினம் சிலோன் சர்க்கார் நேர்மையாகவும், நியாயமாகவும் நடக்கவில்லை யானால் சிலோன் சர்க்கார் இன்னும் சில வருஷங்களில் இல்லாமலே போய் விடும் என்பதில் சந்தேகமில்லை. அது இந்தியாவுடன் சேர்ந்துவிடும் என்பதிலும் சந்தேகம் இல்லை. இயற்கை தெய்வம் சிலோனை 24 மைல் தூரத்தில் வைத்திருக்கின்றது. ஒரு பூகம்பம் சம்பவித்தால் இந்தியாவும் சிலோனும் ஒன்றாகப் போய்விடும் என்பது அங்கே இருக்கிற பிரதம மந்திரி சேனா நாயக்கருக்கும் கதா நாயக்கருக்கும், சபா நாயக்கருக்கும் (நம் சபாநாயகர் இல்லை) மற்றும் அங்குள்ள அனைவருக்கும் தெரியவில்லை. சமுத்திரம் இன்றைய தினம் சென்னையில் ஹைகோர்ட்டிலிருந்ததானது ஒரு மைல் தூரம் கிழக்கே சென்றுவிட்டது. மற்றொருபுறம் இராயபுரத்தில் உள்ளே ஒரு மைல் வந்திருக்கின்றது. இந்த நிலைமை இந்தியாவிற்கும் சிலோனுக்கும் வர வெகுநேரமாகாது. பகவான் சற்று நிமிர்ந்து பார்த்தால் பீகாருக்கு ஏற்பட்ட பூகம்பத்தைப்போல் வந்தால் சிலோன் ஜலப்பிரளய

25th October 1948] [Sri N. Annamalai Pillai]

மாகிவிடும். அப்படி வராது, அப்படி நடக்காது என்று இப்பொழுது நினைக்கலாம். நாம் செய்த தியாகம், நாம் செய்த உதவி, நாம் அந்நாட்டிற்கு உழைத்த உழைப்பு இவைகளுக்கு அந்நாட்டினர் ஜாதி ஜாதி என்று துரோகம் செய்வார்களானால்

'என்னென்றி கொன்றார்க்கும் உய்வுண்டு உய்வில்லை
செய்தன்றி கொன்ற மகர்க்கு, என்றும்'

"எழைகள் அழுத கண்ணீர் கூறியவாளை ஒக்கும்." என்பதுபோலாகிவிடும். இந்தியர்களுக்கு துரோகம் செய்து பிரஜா உரிமைகூட இல்லாமல் அவர்கள் இந்தியர்களை வெளியே விரட்டவேண்டுமென்று நினைத்தால் என்னவாகும்? ஜனங்களுடைய கோபத்திற்கும் தாபத்திற்கும் 'நாடோடி நாடி முறை செய்யா மன்னவன் நாடேடு நாடு கெடும்' என்பதாகும். ஜனங்களுடைய நன்மையைக் கோராத இராஜ்யம் நிர்நூனியாகிவிடும். ஆகையால் சிலோன் சர்க்கார் நியாயமாகவும் நேர்மையாகவும் நடந்து கொள்ளவேண்டும். நாம் சிலோனை சீர்திருத்தம் செய்வதற்காக அநேகம் பிள்ளைகளை அர்ப்பணம் செய்திருக்கிறோம். என் வீட்டிலிருந்து எட்டு பிள்ளைகளை நான் பலி கொடுத்திருக்கின்றேன். எனக்கும் உரிமை இருக்கிறது. இன்று சிலோன் சர்க்காரிடம் கடுமையான வார்த்தையை நான் பிரயோகிப்பது அவர்கள் நேர்மையாக நடந்துகொள்ளாததால்தான். நேர்மையாக நடந்துகொண்டால்தான் போற்றவேண்டும். தாழ்வாக நடந்து கொண்டால் ஆட்சி செய்வதே போகும்படியான கடமையைச் செய்து முடிப்போம். இந்திய சர்க்கார் இந்தியர்களைக் காப்பாற்றக் கடமைப்பட்டிருக்கிறார்கள். இந்தியர்களுடைய பிரஜா உரிமையை அங்கே நிலைநாட்டுவார்கள் என்பதில் சந்தேகமில்லை என்பதை தெரிவித்துக்கொண்டு என்னுடைய வார்த்தையை நிறுத்திக்கொள்கிறேன்."

MR. SPEAKER:—"A number of members want to take part in the debate. So I fix seven minutes as the time-limit for each speaker."

MUHAMMAD RAZA KHAN SAHIB:—"Mr. Speaker, Sir, I entirely support the views expressed by the Hon. Minister in the resolution. As for the views expressed in the course of the speeches on the resolution, I have to speak with a certain amount of reserve and therefore I do not wish to say anything about them. The resolution was ably seconded by the Leader of the Opposition and was supported very ably by my esteemed friend Mr. Abdul Majid."

"While I entirely appreciate the motive of the Hon. Minister for Public Works in moving the resolution, I wonder whether the *modus operandi* that is adopted is the best in the circumstances. Whatever might be our interests, we cannot forget the fact that this is a matter entirely within the Province of the Government of India. Because most of the Indians in Ceylon belong to this Province, all that can be done in the circumstances is for the Government of Madras to communicate on behalf of the people of this Province their strong feelings in the matter to the Government of India, so that they may take up the matter with the Government of Ceylon."

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

"After all, the disabilities of Indians is not an isolated problem in Ceylon only. We have got this problem in Burma, Far East, South Africa, and other colonies. It really stands to the credit of the Government of India, particularly of our Prime Minister who

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incidentally is also the Foreign Minister, that they are doing their best in the matter. On this occasion it is but right and proper and we appreciate the great and meritorious work which is being done by the India's Representative in Ceylon, the Honourable Mr. V.V. Giri, who was once a member of this house and also a Minister. He has got the real interests of the people of this province at heart. From the talks some of us have had with him during his recent visit to Madras, we found that he was taking the keenest interest and therefore we can depend upon him to do his very best in the matter.

"Whatever the disabilities of Indians might be, by goodwill and co-operation, we may be able to find a way out. It really pays even to the Government of Ceylon to maintain friendly relationship with such an important neighbouring country as India. My friend the honourable Mr. Abdul Majid drew attention to the cordial personal relationship which exists between our Prime Minister and the Prime Minister of Ceylon. While reading the pamphlet 'Indians in Ceylon' to which reference was made by the Leader of the Opposition, I found that there was the following extract of a speech of the Hon. Mr. Senanayake, Prime Minister of Ceylon:—

'As far as India is concerned, our affection for her is known to all Indians. The pity of it is that some people doubt it and believe that we have some snobbish ideas that Indians are not wanted here. We have no such ideas. We respect the Indians, we love the Indians. We admire them. If you live here, we will embrace you.'

The sentiments are quite good on record. We hope and trust that the Prime Minister of Ceylon will put them into actual practice instead of merely keeping them on record. It will really pay the Government of Ceylon if they put them into practice. We do not want to interfere with the internal affairs of Ceylon. Is it too much for us Indians here to ask the Government of Ceylon to treat our Indian nationals there as any civilized Government should treat? Madam, Deputy Speaker, I believe that any country which calls itself civilized and which wants to be leading in the comity of nations must give just treatment to the minorities, and I hope that Ceylon will treat all sections of its people justly and give them their legitimate rights. I believe that Ceylon and India have got a message to the rest of the world. By culture and tradition we have been one for centuries past. Cannot Ceylon take up a cue from the Government of our country and treat all minorities justly, as that would be a real sign of the greatness of that country?

"I do not want to expatiate in any detail because it is quite likely that in our enthusiasm we might talk of so many things, which will surely prejudice but not advance our cause. It would have been much better if this resolution had been passed without any speeches, because in speeches we are likely to talk about things which are not strictly relevant to the issue. We can

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safely entrust the matter to our Prime Minister, our Representative in Ceylon, and the Government of India. After our Prime Minister returns to India, I am sure he will take up the matter with the authorities in Ceylon and see that justice is done to our nationals there. I do not wish to add anything to what has been said by the previous speakers, except to say that I have got full confidence in the ability of our leaders who are running the administration and that the Government of India will do their job to the satisfaction of all concerned. They will surely take up the cause of safeguarding the rights of Indian nationals in Ceylon, and I am sure that the statesmen of Ceylon will not lag behind in responding to our very reasonable demand."

SRI A. SUBRAHMANYAM :—"கனம் தலைவர் அவர்களே இத் தீர்மானத்தின்மீது எனக்கு பேசும்படி சந்தர்ப்பம் கொடுத்ததைப்பற்றி நான் சந்தோஷமடைகிறேன். எட்டு லட்சம் இந்திய தொழிலாளர்கள் நிறைந்தது சிலோன். சிலோன் தீவில் இந்தியர்கள் பரம் கஷ்டங்களைக் குறித்து இத்தீர்மானம் கொண்டுவரப்பட்டிருக்கிறது. அதை கவனித்து அவர்களுக்கு பரிசாரம் தேடித் தரவேண்டியது இச்சபையின் பொறுப்பாகும். அவர்களுக்கு பிரஜா உரிமை வழங்கப்படவேண்டுமென்ற கருத்துடன் இத்தீர்மானம் பிரேரேபிக்கப்படுவதைக் கண்டு யார்தான் வரவேற்கமாட்டார்கள். சரித்திர காலம் தொடரும் இராஜ இராஜ வர்மா அவர்களுடைய அரசாங்க காலம் தொடரும் சிலோனுக்கும் நமக்கும் பெரிய நெருங்கிய தொடர்பு ஏற்பட்டிருக்கிறது என்பதை யாரும் மறக்கமுடியாது. அது மாதிரமல்ல பாரதியார்—

‘சிங்கைத் தீவினுக்கோர் பாலமமைப்போம்.
சேதுவை மேடுதிருத்தி வீதி அமைப்போம்.’

என்று அவர் கூறினதுபோல் வெகு காலத்திற்கு முன்பாகவே சிலோனுக்கும் நமக்கும் தொடர்பு ஏற்பட்டிருக்கிறது என்பது சரித்திரத்தின் மூலம் தெரியவருகிறது. அங்கு தென்னிந்தியாவிலிருந்துதான் அநேகம் பேர்கள் குடியேறியிருக்கிறார்கள். அப்படி அங்கு குடியேறியிருக்கும் ஜனங்கள் யார்—என்று கவனித்தால் இந்த தேசத்திலிருந்து பெருவாரியான ஹரிஜனங்களும், பிற்போக்கு சமுதாயத்தைச் சேர்ந்தவர்களும் தான். அவர்கள் யாவரும் பரம் ஏழைகளாவார்கள் என்பதை இச்சந்தர்ப்பத்தில் எடுத்துக் காட்ட விரும்புகிறேன். குறிப்பாக சேலம், திருச்சி, தென் ஆற்காடு இந்த ஜில்லாக்களிலிருந்துதான் லட்சக் கணக்கானவர்கள் அங்கே குடியேறியிருக்கின்றார்கள். அவர்களுடைய கதி அங்கே நிரந்தரமாக இருக்கிறது என்பதை 1937-ம் வருஷத்தில் அங்கே நடந்த நான் தெரிவித்துக்கொள்ளுகிறேன். 1937-ம் வருஷத்தில் ஒரு மாதகாலம் பார்லிமெண்ட் தேர்தலை முன்னிட்டு நான் சிலோனில் ஒரு மாதகாலம் சுற்றுப்பிரயாணம் செய்திருக்கிறேன். அங்கு இருக்கும் தொழிலாளர்களையும் தொழிலாள தலைவர்களையும் நேரில் கண்டு அவர்களுடைய குறைகளை தெரிந்திருக்கின்றேன். தொழிலாள இந்திய பிரதிநிதிகளுடன் கடுமையாகப் போட்டிப்போட்டு வெள்ளைக்காரர்கள் புரியும் கொடுமைகளையும் பார்த்தேன். அப்படி பார்த்தபொழுது நமது ஜனங்கள் தங்களுடைய நன்மைகள் வெகுவாக பாதிக்கப்பட்டு மிகவும் கஷ்டமான நிலைமையுடனிருந்தார்கள் என்பதையும் தெரிவித்துக்கொள்ள விரும்புகிறேன். சிலோன் என்பது ஒரு பெரிய மலைப் பிரதேசம், மலையும் காடும் நிறைந்த பிரதேசம். மலையையும், காடுகளையும் சமப்படுத்தி அதை சீர்திருத்தி அநேக அழகான தோட்டங்களையும், தேயிலை தோட்டங்களையும், ரப்பர் தோட்டங்களையும் ஏற்படுத்தி இன்னும் இதர நல்ல பலன் தரக்கூடிய வயல்களையும் உண்டாக்கி பல திட்டங்களையும் வகுத்து வேலைசெய்து நல்ல நிலைமைக்குகொண்டுவந்தவர்கள் இந்தியர்கள்தான் என்பதை யாரும் மறக்கவோ, மறுக்கவோ முடியாது. அதனால் அங்கு இருக்கும் சிங்களவர்கள் சோம்பேரிகள் என்றோ அல்லது வேலைசெய்ய சக்தியற்றவர்களென்றோ நான்

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குறை கூறவில்லை. ஆனால் அவர்களெல்லாம் நன்றாய் சுகமாய் இருந்தால் போதும் என்று இந்திய தொழிலாளர்கள் இருந்தார்கள். அந்த நாட்டைச் சீர்திருத்தி அதை ஒரு குபேர பட்டணமாக்கியவர்கள் இந்தியர்கள்தான். அங்கு மக்களுக்கு சந்தோஷத்தையும் நல்ல நாகரீகத்தையும் உண்டாக்கி பலவிதமான திட்டங்களை வகுத்து நல்ல வருமானம் வரும்படியாக செய்தவர்கள் இந்தியர்கள்தான் என்பதை சிங்களவர்களும் மற்றவர்களும் மறக்கக்கூடாதென்பதை இந்த சந்தர்ப்பத்தில் எடுத்துக்காட்ட விரும்புகிறேன். எனவே இம்மாதிரியான பெரிய திட்டங்களை வகுத்து பலவிதமான கஷ்ட நஷ்டங்களுக்குள்ளாகி வந்த தொழிலாளர்கள் மீது கடுமையான சட்டங்களை ஏற்படுத்தி உரிமையற்றவர்களாகச் செய்யலாமா? நன்றியை மறந்து நீதிக்கு விரோதமான செயலைப் புரியலாமா? என்பதைத் தெரிவிக்க ஆசைப்படுகிறேன். ஏனென்றால் அங்கே இருக்கக்கூடிய இந்தியர்களுக்கு பிரஜா உரிமை அளிக்கப்படுவது இல்லை. அவர்கள் இனிமேல் அங்கே படிப்பதற்கும் குடியிருப்பதற்கும் வசிப்பதற்கும் நல்ல சந்தர்ப்பம் அளிக்கப்படுவதில்லை. இதனால் இந்தியர்கள் மிகவும் பாதிக்கப்படுகிறார்கள். இன்னும் அங்கே இருக்கக்கூடிய தொழிலாளர்கள் தாங்கள் சம்பாதித்த சொல்ப பணத்திலிருந்து இந்தியாவிலுள்ள அவர்களுடைய மூதாதையர்களுக்கும் பங்காளிகளுக்கும் கொஞ்சம் பணம் அனுப்பவேண்டுமென்றால் அவர்கள் அனுப்பக்கூடாது என்பதாகக்கூட கட்டாயப்படுத்தி வற்புறுத்துகிறார்கள். இவ்விதம் செய்வதால் இந்தியாவிற்கும் சிலோனிற்கும் ஏற்பட்ட ஒப்பந்தம்கூட தடைபட்டுப்போய்விடும் என்பதை எச்சரிக்கை செய்கிறேன். சிலோனும் இந்தியாவும் ஒன்று. இந்தியா சிலோனுக்குத் தந்தையும் தாயுமான நாடு. சிலோன் ஒரு சிறிய நாடு. இந்தியா மிகமிகப் பெரிய தேசம், அங்கிருக்கும் ஜனத்தொகை 70 லட்சம். இந்தியாவின் ஜனத்தொகை 40 கோடி. அதிலும் குறிப்பாக தமிழ் நாட்டிலிருந்தே சிலோனுக்கு 8 லட்சம் ஜனங்கள் சென்றிருக்கிறார்கள் என்பதை இந்த சந்தர்ப்பத்தில் எடுத்துக்காட்ட விரும்புகிறேன். இவைகளை சிங்களவர்கள் கொஞ்சம் மனதில் வைத்துப்பார்க்கவேண்டும். இந்தியர்களுக்குக் கட்டாயம் உரிமைகளை அளிக்கப்பட வேண்டும், மறுக்கவே கூடாது. இந்தியர்களுக்கு உதவி செய்வதால் அவர்களுக்கு பாதகம் ஏற்படாது, கெடுதல் ஏற்படாது, பெருமைதான் ஏற்படும், கௌரவமும் ஏற்படும். பெரிய பலம் படைத்த இந்தியா அவர்களுக்கு துணையாக இருக்கிறது என்று மற்றநாடுகளும் நினைத்திருக்கும் என்பதை அங்குள்ள பிரதமர் கனம் சேனாநாயகர் உணர்ந்து உடனடியாக இந்தியர்கள் குடியிருக்கும்படி இந்தியர்களுக்கு உரிமைகளை அளிக்க முன்வரவேண்டும். பிரஜா உரிமை அளிக்கப்பட்டு இந்தியர்களுக்கு எந்த கெடுதலும் உண்டாகாமல் பார்த்துக்கொள்ள வேண்டுமென்று சொல்லிக்கொண்டு இத்தீர்மானத்தை பரிபூர்ணமாக ஆதரிக்கிறேன்.

* MR. P. A. THANGASWAMI:—"Madam, Deputy Speaker, I have great pleasure in supporting the resolution moved by the Hon. Minister for Public Works. In connexion with this matter, the House as a whole is indebted to the hon. Mr. Majid for the valuable information he has placed before the House as regards the numerous difficulties and disabilities under which our brothers in Ceylon are suffering. I am sure that the House has certainly taken note of his statements and his speech and that it will find some other occasions to consider the matter again in detail and decide what steps should be taken to have these grievances redressed. I also wholeheartedly agree with the hon. Leader of the Opposition when he simply stated that all our grievances have been detailed in the little pamphlet which some Ceylon friends have placed in our hands and if it is possible and if the rules permit, I will join with him in asking that this little pamphlet may be also appended to our proceedings of to-day.

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"Madam, coming as I do from Tinnevely, I know that a very large number of people belonging to all castes, creeds and communities have migrated from that district to Ceylon and have settled down there and are working for the uplift of that Island and I should like to place before this House one or two disabilities which I feel are definitely affecting those people at present. Their general civil and legal disabilities have been well explained by the previous speakers. I will only refer to one or two practical difficulties of a very serious nature under which our friends in Ceylon are suffering just at present. I refer, in this connexion, to the recommendation contained in paragraph (4) of the Resolution moved by the Hon. Minister with regard to the free passage of funds from this country to Ceylon and back. The restrictions that are imposed are only recent. People have worked, toiled and sweated for many long years in Ceylon and have put by some moneys which they desire to send to their native country, not for the sake of pleasure, but for the support of their own families and friends. But they have been prevented from doing so. Recently, I know, some cases in which some friends, because they were not able to send the necessary remittances from Ceylon to this country. They have taken their entire family from India and have gone there to live permanently. It is indeed a pity; but there are too many restrictions in this matter of remittances and there are practically no exceptions to this rule. Even funds collected in the Island for the purpose of charity are not allowed to be remitted. I know a number of merchants in the Tinnevely district who have been trading both in India and in Ceylon and on their recent remittances from Ceylon they have been taxed a very high percentage by the income-tax authorities in Ceylon. They pleaded with the authorities in Ceylon for special permission to have their properties in Ceylon sold and remitted to India for the purpose of clearing these income-tax demands. But that request also was refused and from the Indian point of view, they have practically become bankrupt. I am sure the Hon. Prime Minister of India will very soon pay his attention to these serious difficulties under which our friends in Ceylon are suffering and I can only ask the House to join with the Hon. Minister for Public Works in wholeheartedly supporting him in this resolution."

* SRI K. BHASHYAM:—"Madam, Deputy Speaker, it is a bit too late now, but it is better late than never, when a resolution of this kind is moved on the floor of this House. Though at the time and even now negotiations are going on between the Government of India and the Government of Ceylon on this matter, yet the Government of Ceylon have thought it fit to put on the Statute Book two Acts which vitally affect Indians in Ceylon. I do not know how the Indian Government view these Acts of the Government of Ceylon, but I think there is a promise made and it is still to be kept up, that there will be a further legislation to be undertaken by the Ceylon Government after the negotiations with the Government of India are over. When that is going to

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happen, and what the provisions of that Bill is going to be are things which it is not possible now to discern. But from the way in which things have been handled so far and from the manner in which the two Acts have been passed, I think, the position is not very clear and indeed I should say it is somewhat hopeless. Under these Acts, no person can acquire citizenship in Ceylon unless he was himself born there and his father was born, or that his paternal grandfather and paternal great-grandfather were born in Ceylon. That is to say, it goes back to two generations apart from the person concerned being born in that Island. Therefore, if a person who has settled in Ceylon wants to become a citizen of that country, he has to prove that not only he was born there, but that his father was born there, and if that is not possible, he must prove that his grandfather and his great-grandfather were born there. I do not see how it is possible for him to prove all those things. If a similar legislation is to be passed in India, there would be a lot of complaints and a great deal of agitation would take place in this country. The Act compels the registration of births in the Island and one must prove that he was born there by producing the birth registry. But I am told that the enactment regarding the compulsory registration of births and deaths came into force only in 1895. Even taking, that people had been careful to register the births of their children since that time, it is very difficult now to say how they can be made available in courts to prove that these people were born in that country, at this distant date. Moreover, compulsory registration was not enforced in those days and I do not see how it can be proved now. Therefore the conditions of citizenship under the Act are hedged in by all sorts of conditions which are practically impossible of fulfilment, or of being proved before a court of law. Power is given to courts to accept or not to accept the evidences placed before them for the purpose of proving their domicile or citizenship in Ceylon.

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“Apart from these, Madam, there is also the fact that a large number of people have gone there and settled themselves down and they now want to make it their home. They have benefited by living there, they have prospered as traders and labourers and they have made close contacts with the natives of Ceylon and some of them have got themselves married with the Ceylonese and have also children born to them. Under such circumstances, they want to settle in that country. How can they acquire any citizenship at all under these Acts? In such a case how are they to acquire full citizenship? Are they going to have citizenship rights by registration? Sir, it is not as if every person applying for registration will have citizenship rights. Anybody saying that he has stayed there for a definite period of years or that he has decided to settle in Ceylon will not be accepted by the Ceylon Government. The number which can be registered is limited to 25 per annum. Citizenship rights are limited to persons who, having been married to Ceylonese, have resided there for years. These are all conditions which may be very difficult of

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fulfilment by Indians who are in Ceylon. All these things are being done by the Ceylon Government when negotiations are going on between the Government of India and the Government of Ceylon. I ask then, Sir, is it possible to persuade Ceylon to take a lenient view in this matter? I have recently returned from Ceylon. I contacted Ceylon Indian leaders while I was there and I also met some of the Government Members. I can tell you that the feelings of Indians are very strong about citizenship. Unless some drastic steps are taken by the Indian Government, it is impossible to satisfy those people who clamour for citizenship. As an argument, I tell you that the Ceylon Government should treat the Indian minority there with generosity.

“Sir, I was surprised to learn that Ceylon, which is not more than eight districts of our Province in size—one-third or one-fourth of this Province—is getting an annual income of Rs. 66 crores. It is getting some six crores of rupees more than what this Province is getting. Two-thirds of this income is from tea and rubber. The tea plantations and rubber plantations though owned by other persons are all brought to the present condition of prosperity only by Indian labour. (Hear, hear.) If there is prosperity in the Island now, it is not because that Ceylon was prosperous even before, but it is because the Indians who went there in large numbers as labourers made that Island become prosperous and also made the Island yield a revenue of Rs. 66 crores. At least for this, the Ceylon Government should be grateful to India. I want to point out to a much more important thing. Ceylon Independence was not gained in a day. Ceylon independence would not have been possible if India had not attained independence. It is the fight put up in India for Indian Independence that has accelerated, if not completely contributed to, the Independence of Ceylon. Ceylon would not have got independence but for Indian independence. At least on this score, they should feel grateful to India and should show greater consideration for Ceylon Indians than they have been showing hitherto.

“The new Immigration Act which is passed really makes it very difficult for even a person in Ceylon, who has settled there for a number of years, to get a permanent residence permit. He is not either practically entitled to, or it is left to the whims and fancies of the officers concerned.

“I want to say one more word. It is said that if a person is really a Ceylonese or if a person domiciled in Ceylon has a son born in Ceylon before the appointed date, that son may get citizenship rights by showing that his father or grandfather was born in Ceylon. But his brother born after the appointed date cannot get it. While the father may not get it, one of the sons may get it. This is the position to which they are driven to. If we look into the Act carefully, we will find out that the family is divided—some as Ceylonese and others as non-Ceylonese. There

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is a certain absurdity. Also there is the other fact. Suppose child is in the womb at the time of the appointed date, is that child to be reckoned as born there or not? This has to be decided by courts of law. There are several difficulties like this.

“One more point, Madam, and I will sit down. This problem is a problem which affects South Indians most. It is the Tamil South Indians (who went there as labourers mostly) who are responsible and who have contributed to the wealth and prosperity of the Island. It is therefore the primary concern of this Government that they take drastic action for the purpose of looking after the welfare of the Tamil Indians in Ceylon. What is happening now is this. The Central Government are now engrossed with Kashmir and various other international questions. They are unable to understand the seriousness of the situation in Ceylon as the Tamils would expect them to. Therefore, Sir, on the floor of this House, I want this Government to take up this question strongly with the Ceylon Government. The fate of the Tamils in Ceylon must be decided by the Madras Ministry and not by the Central Ministry. It is only then this problem can be satisfactorily solved. It cannot be solved by Mr. Senanayake going over to Delhi and talking to Pandit Jawaharlal Nehru and then coming to a settlement across the dinner table. That settlement will not solve the problem of the Tamils in Ceylon. This problem must be settled with the advice of the present members of the Madras Ministry. Then only the problem will be solved satisfactorily. If not, it will always be unsatisfactory and it will lead to a great deal of discontent among the South Indians in Ceylon. Therefore, I should like to point out that this must be settled soon and satisfactorily too. Indians who were there for five years and more and who promise to make Ceylon their own home should be allowed to become Ceylonese. With these words, Madam, I resume my seat.”

SRI K. T. KOSALRAM:—“Madam, Deputy Speaker, நம் அரசாங்கம் இந்த நிலைமையிலாவது சரியான ஒரு சந்தர்ப்பத்தில் இதீரீமானத்தைக் கொண்டுவந்ததற்காக பாராட்டுகிறேன். தவிர இந்த இலங்கையைப்பற்றி பழைய சரித்திரத்தை விட்டு விட்டு இப்போதைய, சமீப காலத்திய சரித்திரத்தை கொஞ்சம் நினைப்பூட்ட விரும்புகிறேன். இலங்கைத்தீவு ஆதியில் டச்சுக்காரர்களால் பிடிக்கப்பட்டு அவர்களுடைய ஆட்சியில் இருந்தது. அவர்களிடமிருந்து பிரிட்டிஷர்கள் இலங்கையைப் பிடித்து அதை சென்னை கவர்னரின் ஆளுகைக்கு உட்பட்டிருக்கும்படி செய்தார்கள் என்பதை இச்சமயம் ஞாபகமூட்ட விரும்புகிறேன். எனது நண்பர் கனம் அண்ணாமலைப் பிள்ளை அவர்கள் சொன்னார்கள் நம்முடைய இந்திய டொமினியனோடு இலங்கையை சேர்க்கப்படவேண்டியதாக இருக்கும் என்று. இலங்கை சென்னை கவர்னரின் ஆட்சியின் கீழ் இருந்தது என்பதை அவர் மறந்துவிட்டார். அப்படி இருக்கும்போது இலங்கையை இந்திய டொமினியனோடு புதிதாக சேர்க்கவேண்டியதவசியமில்லை என்பதைச் சொல்ல விரும்புகிறேன். இது சம்பந்தமாக சரித்திர மூலமாகவும் ரிக்கார்டு மூலமாகவும் தகவல் நமது அரசாங்கத்தில் இருக்கிறது என்பதை அவருக்கு ஞாபகமூட்ட விரும்புகிறேன். இன்னும் இலங்கை, சென்னை கவர்னரின் ஆட்சியின்கீழ் இருந்தபோது அங்கே காப்பித் தோட்டம் இருந்தது. முதல் முதலில் டச்சுக்காரர்கள் காலத்தில் அங்கே காப்பித் தோட்டங்களை பயிரிட்டார்கள். பிறகு சென்னை

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கவர்னரின் ஆட்சியின் கீழ் வந்தவுடன் இலங்கையில் தேயிலை, ரப்பர் முதலியவைகளை பயிரிடவேண்டும், அதன் மூலம்தான் இலங்கையை பொருளாதாரத்தில் முன்னுக்குக்கொண்டு வரமுடியுமென்றும் ஒவ்வொரு ஊரி லிருந்தும் தொழிலாளர்களையும் அந்த வேலைகளில் சக்தி வாய்ந்தவர்களையும் அனுப்பிவைத்தார்கள். அப்படி அனுப்பி வைத்து தேயிலை, ரப்பர் முதலிய தோட்டங்களை விருத்தி செய்து இலங்கையை குபேர பட்டணமாக்கியது நமது சென்னை அரசாங்கம்தான். அப்பொழுது சென்னையும் இலங்கை நமது சென்னை அரசாங்கம்தான். இந்த இந்தியர்கள்தான் இலங்கைக்கு அளவுக்கு அதிகமாக வந்தார்கள். இந்த இந்தியர்கள் இந்நாட்டை விட்டு இலங்கைக்கு சென்றார்கள் என்றால் ஆட்சி செய்ய இவர்கள் அங்கே போகவில்லை. அந்த நாட்டை சபிட்சமாகச் செய்யத்தான் போனார்கள். சபிட்சமாகச் செய்து இலங்கையை குபேரபட்டணமாக்கியது நம் இந்தியர்கள்தான் என்பதை இலங்கைவாசிகள் மறந்துவிடக்கூடாது. அந்த நிலைமையில்தான் இப்பொழுது இந்தியர்கள் இருக்கிறார்கள். நான் குறிப்பாக தூத்துக்குடி தொகுதியிலிருந்து வந்து இங்கே பிரதிநிதித்துவம் வகிக்கிறேன். தூத்துக்குடி தொகுதியிலுள்ள ஜனங்களில் பெரும்பாலும் இலங்கையிலிருக்கிறார்கள். நான் சமீபத்தில் இலங்கைக்குச் சென்றபோது அங்கிருக்கும் இலங்கை அரசாங்கமும் இலங்கை மக்களும் நம் இந்தியர்களை ரொம்பவும் கேவலமாக நடத்துகிறார்கள் என்பதை பொதுக்கூட்டத்தில் எனக்கு சொன்னார்கள். அது உண்மையென்றே நினைக்கிறேன். மனித சபாவம் இருக்குமானால் இந்தியர்களை அவ்விதம் நடத்தமாட்டார்கள் என்பதை நான் சொல்லவிரும்புகிறேன். அவர்களுக்கு வெகு சமீபத்தில் தான் சுதந்திரம் கிடைத்தது. இலங்கை சுதந்திரம் அடைவதற்கு இந்தியர்கள்தான் பாடுபட்டார்கள். அதற்காகவே இலங்கையிலுள்ள இந்தியர்களும் இந்தியாவும் பாடுபட்டு தியாகம் செய்து சுதந்திரம் வாங்கி வைத்தார்கள். இவைகளை மறந்துவிட்டு சிங்களவர்கள் இந்தியர்களை கேவலமாக நடத்த முன் வந்திருக்கிறார்கள் என்பதை சொல்ல விரும்புகிறேன். இது விஷயமாக இலங்கை சர்க்காரை எச்சரிக்கை செய்யவும் விரும்புகிறேன். இலங்கை விடுதலையடைவதற்கு பொறுப்புள்ளவர்கள் இந்தியர்கள்தான். இலங்கை மீண்டும் பிடிக்கவேண்டுமென்றால் அது வெகு நேரமாகி விடாது. அதற்கு கஷ்டமும் இல்லை என்பதை நான் இலங்கைக்கு ஞாபகப்படுத்த விரும்புகிறேன். ஆனால் அந்த நோக்கம் நம்மிடத்தில் இல்லை என்பதைச் சொல்லுகிறேன். இந்த நிலைமையில் இந்த இலங்கையின் வருமானத்தைப்பற்றி கனம் பாஷ்யம் வெகு தெளிவாகச் சொன்னார்கள். சென்னை மாகாணத்திலுள்ளவர்கள்தான் இலங்கையிலிருக்கிறார்கள் என்பதைக் குறிப்பிடவேண்டும். வட இந்தியாவிலிருந்து ஒரு சிலர்தான் இருக்கிறார்கள். சென்னை மாகாணத்திலிருந்தும் குறிப்பாக தமிழர்கள் பெரும்பாலும் அங்கே இருக்கிறார்கள். ஆனால் பண்டித ஜவஹர்லால் சிவ வரவுகளுக்கு முன் அங்கு போய் இருக்கும்போது இந்திய மக்களுக்கு எந்த தீமை செய்வதையும் சகித்துக்கொண்டிருக்கமாட்டோம் என்று சொல்லி வந்தார்கள். அந்த நாட்டில் என்ன என்னென்ன கஷ்டங்களை அனுபவிக்கிறார்கள் என்பதும் தமிழர்கள் அங்கே என்னென்ன கஷ்டங்களை நேருக்கு அதிகம் தெரியமுடியாது. இந்த நிலைமையில் சென்னை மாகாண அரசாங்கமும் பண்டித ஜவஹர்லால் நேருவும் கலந்து பேசி, தமிழர்கள் படும் கஷ்ட நஷ்டங்களைக்கண்டு கலந்து பேசி இந்த அரசாங்கமும் இலங்கை அரசாங்கமும் ஒரு முடிவுக்கு வருவதற்கு பேசவேண்டும். அதன் பிறகு சரியான ஒரு முடிவுக்கு வருவதற்கு பேசவேண்டும். இதைத்தவிர இன்னும் மற்ற நண்பர்கள் அங்கு வரவேண்டும். இதைக் கொண்டு வர முடியவில்லை என்றும் அங்கே இருப்பவர்கள் தங்களுடைய குழந்தைகளுக்கு இங்கே பணம் அனுப்ப முடியவில்லை என்றும் சொன்னார்கள். அதற்காக இலங்கை அரசாங்கம் தடை செய்வதாகவும் சொன்னார்கள். இதைப்பற்றி நான் இலங்கை சென்ற போது விசாரித்ததில் அது உண்மைதான் என்று தெரியவந்தது. அதைப் பற்றி அங்கே விசாரித்ததில் இந்தியாவிலிருந்து இலங்கைக்குக் கொண்டு போகும் பணத்தை இந்திய அரசாங்கம் restrict பண்ணி இருக்கிறார்கள்

[Sri K. T. Kosalram] [25th October 1948]

என்றும் ஒரு மணிதன் இவ்வளவு ரூபாய்தான் கொண்டுபோகலாமென்றும் இந்திய சர்க்கார் தடை செய்திருக்கிறார்கள் என்றும் அந்தத் தடையைத் தான் தாங்களும் திருப்பிப் போட்டிருக்கிறோம் என்றும் புதிதாக வேறு ஒன்றும் போடவில்லை என்றும் அங்கே சொன்னார்கள். அதிலும் சற்று உண்மை இருக்கிறது. இந்திய அரசாங்கம் போட்டதைத்தான் அவர்கள் திருப்பிப்போட்டிருக்கிறார்கள் என்று சொன்னார்கள். ஆகையால் இந்திய அரசாங்கம் அந்தத் தடையை மாற்றியமைக்கவேண்டும். அந்தத் தடையையும் நீக்க வேண்டும். இதைப்பற்றி சென்னை அரசாங்கம் இந்திய அரசாங்கத்திடம் சிபார்சு செய்யவேண்டும். நமது கனம் மந்திரி பக்தவத்சலம் அவர்களும் 31-ந்தேதி டில்லிக்குப் போவதாக சொன்னார்கள். அவர்கள் அங்கே போகும் போது இந்தத் தீர்மானத்தைப் பற்றியும் இந்தியர்கள் படும் கஷ்டங்களைப் பற்றியும் இந்த சபையில் இன்று மெம்பர்கள் சொல்லிய அபிப்பிராயத்தைப் பற்றியும் தெளிவாகச் சொல்லவேண்டும். அப்படி சொல்வதோடு கூட இந்திய அரசாங்கம் போட்டிருக்கும் தடையைக்கூட நீக்கவேண்டுமென்று அவர்களிடம் சொல்லவேண்டுமென்று கனம் மந்திரி பக்தவத்சலம் அவர்களைக் கேட்டுக்கொள்ளுகிறேன். இந்தியர்களை அங்கே கண்ட இடங்களிலெல்லாம் சிங்களவர்களும் மந்திரிகளும் ரொம்பவும் கேவலமாகவும் அவமரியாதையாகவும் பேசுகிறார்கள். தெருக்களில் போகும்போதெல்லாம் ரொம்பவும் கேவலமாகப் பேசுகிறார்கள். இவ்விதம் பேசாமலிருக்கும்படி இந்திய அரசாங்கம் இலங்கை அரசாங்கத்திற்கு எச்சரிக்கை செய்யவேண்டுமென்று நம் அரசாங்கம் இந்திய அரசாங்கத்திற்கு சொல்லவேண்டும். இலங்கையும் அதிக தூரத்தில் இல்லை. அங்கே இரண்டு மணி நேரத்தில் போய்விடலாம். இலங்கை மக்களும் இந்தியர்களும் ஒன்றாக இருந்து வாழ்ந்து வரும்படி ஏற்பாடு செய்யவேண்டும். ஒரு தேசத்தில் ஒரே இடத்தில் வசிக்கிறவர்களுக்குள் ஒருவரை ஒருவர் கேவலமாக பேசுவதை அவர்கள் நிறுத்திவிட வேண்டும் என்பதை அவர்களுக்கு எச்சரிக்கை செய்யவேண்டும். அதற்குத் தகுந்த நடவடிக்கைகள் எடுத்துக்கொள்ளவேண்டுமென்று கனம் மந்திரியவர்களைக் கேட்டுக்கொண்டு நான் முடித்துக்கொள்கிறேன்.”

4 p.m. * Mr. L. C. PAIS:—“Madam Deputy Speaker, I support the resolution moved by the Hon. Minister, Mr. Bhaktavatsalam. In doing so, I wish to submit a few words. Madam, we are concerned with the progress, the welfare and the well-being of at least seven lakhs of Indians who happen to be in Ceylon for various reasons. Some are engaged in various trades; some others are working in tea and rubber estates and as the hon. Member, Mr. Bhashyam, has pointed out, by their being in Ceylon to-day they are able to secure to the Ceylon Government, a comfortable income to the tune of so many crores. Madam, the future of these people who are mostly poor, depends upon the manner in which the Ceylon Government is able to afford them certain facilities, facilities for their advancement, socially, culturally and politically. Madam, it is well-known that the progress of these people on the lines indicated is absolutely impossible unless and until they are given full citizenship rights.

“Madam, we know that Ceylon has now become independent. It has become a Dominion in February 1948 and it is certainly open to them to deal with their internal problems in the way they think best. It is certainly open to the Ceylon Government to bring in any legislation which they think proper but it is necessary that when they do bring in legislation like the Citizenship Bill and Immigration and Emigration Ordinances, considerations of equity, good conscience and justice are not ignored.

25th October 1948] [Mr. L. C. Pais]

Madam, I do not want on this occasion, to go into details about the injustice that is meted out to the Indians in Ceylon. Suffice it to say that on account of the recent Citizenship Bill and the Immigration and Emigration Ordinances, our people down in Ceylon are put to immense and untold hardships. From the pamphlet which was circulated to us this morning, we are able to gather a good deal. I submit that in any new legislation that may be introduced in Ceylon touching citizenship and other rights it should be made clear that principles of justice, equity and good conscience are observed and are not ignored. With these few remarks, I would strongly support the resolution that has been moved by the Hon. Minister.”

* SRI L. N. GOPALASWAMI:—“Madam, Deputy Speaker, if I raise to speak on this resolution, it is only to support the resolution so ably moved by the Hon. Minister. Madam, I would be failing in my duty, if, as representing one of the districts which have contributed so much to the prosperity and the wealth of Ceylon—even to-day, we are sending a large number of labourers from my part of the Province—I do not contribute my humble mite to support this resolution. Madam, in my part of the country, Ceylon is not treated as a foreign dominion at all. These people feel as if they are moving from Trichinopoly into the neighbouring districts of Tanjore. Those who are going to Ceylon treat Ceylon only as a neighbouring district and never feel that the Ceylonese are a different people belonging to a different Dominion altogether. Under such circumstances, I see no reason why these people who have been of so much help to that country and who have continued to live in that country for quite a long time, should be denied these citizenship rights, to which they are entitled to.

“Madam, Deputy Speaker, I also want to point out the great difficulties that are placed in the way of these people who have toiled and made some money in those foreign parts. Madam, apart from the difficulty of getting passport every now and then to come back to this country, to see their own people and to meet their relations on happy occasions, they are also unable to get back the money which they have earned by hard labour and which they have accumulated from their small savings. Therefore, Madam, it is but right that we, as the representatives of the Southern districts of this great country should voice forth our grievances to the Central Government so that the unanimous support of this resolution might open the eyes of the representatives of the Ceylonese Parliament and make them do justice to these people. With these words, Madam, I have great pleasure in supporting this resolution.”

* SRI R. V. SWAMINATHAN:—“Madam, Deputy Speaker, I have great pleasure in supporting the resolution moved by the Hon. Minister, Mr. Bhaktavatsalam. The Indians in Ceylon

[Sri R. V. Swaminathan] [25th October 1948]

who are in distress will also be happy and they will be grateful to the Government of Madras and particularly to the Hon. Minister, Mr. Bhaktavatsalam, for bringing in this resolution. Though it is pointed out by some hon. Members that it is already too late, I feel there is yet time and by moving a resolution like this and by making the Government of India aware of the true situation, we can still help those Indians who are now in Ceylon.

“Madam, so far as the relationship between the Indians and the Singhalese in Ceylon is concerned, it was very cordial and it is cordial even now. Madam, I have visited Ceylon two or three times and I know the cordial friendship that is being maintained between the Indians and the Singhalese. That is what also the common man in Ceylon feels. But, the trouble, Madam, is only with the political leaders. I cannot understand why these political leaders of Ceylon are trying to give this kind of treatment to Indians in Ceylon. So far as the problems facing our Indians in Ceylon are concerned, they have been elaborately dealt with by the Hon. Minister while making his introductory speech in moving this resolution. But, I want to point out this thing. While speaking on this resolution, Sri Annamalai Pillai said something and it has also been approved by Sri K. T. Kosalam. I am sorry I cannot agree with the view expressed by both those hon. Members. Of course, Madam, we have no ambition to conquer Ceylon or any other country. In this connexion, I want to remind those two hon. Members that even when Rama defeated Ravana, he never took Lanka as his own territory but gave it to Vibheeshana. Therefore, Madam, even in those days, the principle of democracy was being observed by those Indians and it was nothing new. Similarly, though we have defeated other Kings, we have not taken their countries. We have never said to those conquered people that we would treat them as slaves. But, to-day, Madam, let us see the trouble that is facing our Indians in Ceylon. They are not given any economic freedom. Added to that, they are now worried about the citizenship rights which are being denied to them. Even according to the two Bills which have now been passed in Ceylon which have become Acts, they have denied citizenship rights to Indians. They have defined two classes of citizenship: (1) Citizenship will be given by descent and (2) by registration. According to the first, if a man was born in Ceylon or his father or his grandfather was born in Ceylon, then he would get the citizenship right. But, if a person is not able to prove that his grandfather was born in Ceylon or his great-grandfather was born in Ceylon, then that person is denied citizenship right. Madam, is it possible to prove all these things? According to this, I understand, almost all Indian population, who are not able to prove that himself and his father or grandfather born in Ceylon will be denied citizenship right. Madam, in this connexion, I want to point out one thing. I understand there are about seven Indian members in the Ceylon

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Parliament. One of those members was born in Ceylon. He has not even seen the Indian shore will be denied citizenship. Madam, in that country, the birth registration document is not properly maintained. Compulsory registration of birth was introduced only in the year 1895. According to the recent legislation, if such a restriction as the definition contemplates is insisted upon, then, I am afraid and I also doubt very much that even Mr. Senanayake, the Prime Minister of Ceylon, will not get his citizenship. He himself cannot prove by any document whether he was born in Ceylon or not. That being the case, I cannot understand why such a restriction should be imposed.

“Madam, Deputy Speaker, there is one point which I want to refer to in this connexion. Besides this Citizenship Bill, there is Immigrants and Emigrants Bill which the Ceylon Government have passed by which they can prevent anybody, even an Indian who was born in Ceylon and who has been living there for generations, from being a citizen and can immediately send him out. They can forcibly emigrate him. That being the case, how can we tolerate if citizenship to a man, which is his birthright, is not given? According to modern conceptions of democracy in the civilized world to-day, the citizenship right is the birthright of every man who is born in a country and if the Ceylon Government impose such a restriction on the citizenship right, it is indeed a great obstacle in the way of their progress.

“Madam, I want to quote one other instance. The hon. the Senate Member and ex-Minister of Ceylon, Mr. Perisundaram, who made a speech recently in the House of Parliament in Ceylon has referred to one important thing and that has not been dealt with by other members who spoke before me, and therefore, I want to say a few words. It is this. Recently, the Ceylon Government have passed the Exchange Control Order. According to that, a town worker is entitled to send only Rs. 25 a month to his dependants in India and the labourer who resides in the estates in that country can send only Rs. 20 per month and that too, with the consent of his Estate Manager. They have also put such a restriction that those persons in the estates who want to send money must declare themselves as temporary citizens and not as permanent citizens and then only permission will be given to them for sending money home to their dependants. Madam, supposing a labourer who is now in Ceylon and who has some dependants who have emigrated and settled down here and if that man wants to send some money to his dependants here, unless he declares himself as a temporary citizen, he would not be allowed to send the money. Madam, I only want to point out that they want to get such declarations by force. The Indian labourers who are in that country are illiterate and ignorant of the implications of these laws and they will be denied these citizenship rights. As it has also been pointed out by hon. Mr. Bhashyam, I also wish to point out that it is not the case only in Ceylon. It is a problem for all our Indians in

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overseas. Madam, I get alarming news because I have connexions in Malaya, Burma and such other places, and even their very existence is threatened by their Governments and they are treated as foreigners. Therefore, Madam, I submit that the Government of India should come forward to help these overseas Indians. One thing, Madam, some people may ask why this Madras Government should come forward with this resolution for benefiting the overseas Indians. I say, Madam, it is but right, because the problem of Indians in overseas is a Madras problem because ninety per cent of the Indians in overseas are Madrasis. If you go to those colonies, you will find that most of them are Madrasis. Therefore, it is but right that the Madras Government should treat this problem as their own problem, and take up this matter. Of course, Madam, this is a matter concerning the Central Government. I have got a very great respect for the Central Government and the Nehru Government but I am sorry to point out in this House that the Department which is dealing with Indians overseas is very weak and I understand that they are not dealing with that problem properly. I want to point out that, in these matters, they should take up a strong action."

DEPUTY SPEAKER:—"The hon. Member's time is up."

SRI R. V. SWAMINATHAN:—"I want only one minute more, Madam."

DEPUTY SPEAKER:—"I have already given plenty of time to the hon. Member. Mr. Viswanatham will now speak."

4-15 p.m. * SRI T. VISWANATHAM:—"I am very glad to be able to second the resolution so ably moved by the Hon. Minister for Public Works. Some are imagining that this is entirely a South Indian problem. And hon. Mr. Bhashyam went even so far as to say that this is essentially a Tamil problem. I submit, in my view, it is an all-India Problem, although it may be that the vast majority of persons affected happen to be Tamilians in this particular case. The rights of citizenship of Indians in other countries, and particularly the other dominions which have got membership in the British Commonwealth of Nations, as it is called, are called into question. I submit, Madam, Deputy Speaker, recently at a Conference of the Dominion Prime Ministers, the Prime Minister of England stated, while welcoming the Dominion Prime Ministers, that the members of the Commonwealth of Nations are practising democracy, that they want to practice democracy, they believe in democracy, and not in a mere cloak or perversion of democracy. That is what the Prime Minister of England has said while addressing the Dominion Prime Ministers, among whom the Prime Minister of Ceylon was one. I submit the question ought to be viewed not merely from the point of view of South India, but on a broader and higher constitutional principle. If to-day Pandit Nehru as the Prime Minister of India has gone there and is attending that conference, and if the Prime Minister of Ceylon

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is also present there, in fellowship with the other Dominion Prime Ministers, it is only right that this question should be viewed by them from an inter-Dominion point of view. Are we going to have reciprocity of rights in the new set up of the world? Are we going to have common standards of citizenship in all the Dominions who happen to be members of this Dominion Commonwealth? That is the real question. At one place, in South Africa we are spurned. At another place, there are restrictions. In another place there are still more restrictions. And if we go so near as Ceylon, if the Ceylonese Prime Minister in the Ceylonese Government wants to deny Indians the rights of citizenship, which are due to them, what shall we say of Dominions like New Zealand or South Africa? It is only by accident that Ceylon has been separated from India, just since a few centuries. In fact, we practically form the same nation. And the well-being of Ceylon, I submit, entirely depends particularly after the British Empire has seceded from the Indian Ocean, on the well-being or otherwise of India. Ceylon is particularly associated with India, in this way. She cannot cut herself away from India under any circumstances. These are hard facts which the legislators and politicians of Ceylon must take into account. Therefore, Madam, while echoing the sentiments that have been expressed by the various speakers, I thought I should add this point of view also, that the Prime Minister of Ceylon shall not forget his obligations to the citizens of India. In India, we have got the naturalisation law. We do not demand these various paternities and pedigrees as the Ceylon law proposes to desire Indians to have in order that they may be given rights of citizenship. And the distinction between the two kinds of citizenship that are sought to be given, is really calculated if not by design, at least in actual working out, to award the Indians only the inferior kind of citizenship. The right to registration is hedged in with difficulty, as only a small percentage of the Indian population in Ceylon will be able to get registration during the course of a year. The real crux of the entire question is the condition imposed for the grant of citizenship, namely, the birth of a person before a particular appointed day. If, in a family, for example, a member is born before the appointed date, it will so happen that his younger brother born after the appointed date, living in the same house, born in the same room perhaps, and attended probably by the same nurse, will not be a citizen of Ceylon. These are all, Madam, practical and real difficulties. Apart from the hardships that are likely to be created for Indians, on the very fundamental principle of securing their rights of citizenship, Indians must insist that they shall have a common standard of citizenship for the citizens of the Indian Union in the other Dominions which are part of the Commonwealth of Nations. I gladly support this resolution."

* N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Madam, Deputy Speaker, I do not know why the subject should have come up at all. It is a subject that lies within the purview of Foreign Affairs, and should have been most conveniently referred to the

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Prime Minister of India who holds that portfolio. And further, we have got our representative in Ceylon, who enjoys diplomatic status. The best that our Government here could do was to bring matters to his notice, and through him to agitate with the Government of India. While bringing forward this resolution, my only fear is that it has opened room for all kinds of suggestions to be made on the floor of this House. I was really surprised to see that one of our hon. Members in this House even went to the length of suggesting that Ceylon must accede. But, Madam, I must say Ceylon, however little she may be as an island, is yet a Dominion, and as such has got equality with our own Dominion. And the best course for us will be to treat Ceylon as a good neighbour. My difficulty is that because she happens to be a little island, she seems to be suffering from an inferiority complex. And it is because of that complex we find that she has got some grievance against our nationals over there. But we should not, because of our mighty position, try to suggest ways and means which are bound to infringe upon the sovereignty of that Dominion.

(At this stage, Mr. Speaker resumed the Chair.)

"It is in that spirit of good neighbourliness that I feel this resolution should have been accepted unanimously without a word of debate, and should have been recommended to the Government of India.

"This is, particularly for me, a minority problem. Our nationals overseas in almost every Dominion, and in every country abroad, have got certain grievances, as a minority. And my own feeling is that very soon this minority problem is going to assume international implications. It is but in the fitness of things that this matter, before it is allowed to have international repercussions, should be left to be delicately dealt with by the Prime Minister of India in personal consultations with the Prime Minister of Ceylon.

"I know and I agree with one hon. Member in this House, that predominantly the problem of our nationals overseas is the problem of Madrasis. And, for that reason, we, in this Province, are naturally agitated over the lot of our nationals elsewhere. But the problem, Mr. Speaker, is that we must have to see that we do not add to our responsibilities, to our commitments, to our worries, and to our own international difficulties. I think our nationals in many countries of the world, in many parts of the world, are to-day subject to many grievances. In South Africa, in Burma, in Indo-China, in the Far East, even as in Ceylon, our nationals are having a terrible time to pass through. It is because curiously enough we belong to a generation that is passing through a transition. Not only here, in this country, but even elsewhere in Asia, we are having the first fruits of freedom; quite possibly people who have been slaves for centuries, have been let loose with freedom, and are riding rough-shod over minorities and if that be so, this is definitely a matter which I know for certain will come in for very serious international

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implication. And before it develops into that, we must only appeal to the good sense of the majority in that island, to see that they should understand our difficulties. And we earnestly hope that the Prime Minister of our Dominion will take the sense of this House, to try to impress upon that little island of Ceylon, urgency for restoring good neighbourly relations between that Dominion and our Dominion."

The motion was put and carried.

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, I 4-30
crave your indulgence to make a submission on a personal matter. p.m.
You know, Sir, that more than one Member of this House bears the name of 'Muhammad Ismail' like myself. This seems to have caused some confusion in reporting the proceedings of the House with the result that some questions put by another Muhammad Ismail, questions which I did not put and would not like to be the author of, have been attributed to me by certain friends from the way in which they have been reported. I do not want to blame anybody in the matter, Sir, because it is not the fault of anybody else if more than one Member of this House bears the same name. However, for avoiding this confusion, I seek your assistance. I want to ask you whether you can help me in this matter so that I may not be made to appear as the father of questions which were not fathered by me."

MR. SPEAKER:—"It is about the Press that the hon. Member is complaining. I will suggest that whenever the other hon. Member, Mr. Samalkot Ismail, is referred to, he may be referred to as Mr. Ismail and when the Leader of the Opposition is referred to, he may be referred to as the Leader of the Opposition. I think that will solve the difficulty."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"That will solve the difficulty, Sir."

THE HON. SRI B. GOPALA REDDI:—"May I suggest that we may call them Senior Ismail and Junior Ismail, Sir? Senior Ismail, the Leader of the Opposition, will be an appropriate designation for him, Sir."

MR. SPEAKER:—" 'Leader of the Opposition' will do."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"On a point of information, with regard to the resolution on Ceylon, may I suggest that only the resolution may be forwarded and not the proceedings of the House, because so many things were said here about other matters."

MR. SPEAKER:—"It may be left to the Hon. the Leader of the House and the Hon. Minister concerned and the Premier."

THE HON. SRI B. GOPALA REDDI:—"They will be forwarded only to our Prime Minister and not to the Ceylon Prime Minister."

The House adjourned till 11 a.m. on Tuesday, 26th October 1948.

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IV.—PAPERS a LAID ON THE TABLE OF THE HOUSE.

(1) Notification issued with G.O. Ms. No. 3411, Home, dated 14th September 1948, making amendments to the Madras Motor Vehicles Rules, 1940, published with Home Department Notification No. 357, dated 29th March 1940, as subsequently amended.

(2) Notification issued with G.O. Ms. No. 3511, Home, dated 20th September 1948, making amendments to the Madras Motor Vehicles Rules, 1940, published with Home Department Notification No. 357, dated 29th March 1940, as subsequently amended.

^a Laid on the Table on 23rd October 1948.

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APPENDIX.

[Vide item II on page 686 supra.]

(For the information exclusively of the Members.)

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Select Committee appointed to consider the Madras Public Libraries Bill, 1947 (L.A. Bill No. 9 of 1948), has the honour to make the following report.

2. The Bill was published in English in the *Fort St. George Gazette*, dated the 9th December 1947.

3. The Committee was appointed on the 21st February 1948.

4. The Committee met for seven days, viz., 27th April, 14th, 15th, 17th and 18th June, 21st July and 3rd August 1948, and subjected the provisions of the Bill to a careful scrutiny.

5. The Committee also went through the suggestions from Library Associations in regard to the Bill and examined Sri G. Harisarvottama Rao, President, Andhra Desa Library Association, Sri K. V. Krishnaswami Ayyar, President, Madras Library Association, and Sri D. Krishnamurthi, Sub-Editor, *Bharata Devi*.

6. The principal changes made by the Committee are—

(1) Library Committees have been abolished and instead of recognizing the Corporation of Madras or the local body concerned as the Local Library Authority, provision has been made for the constitution of Local Library Authorities for the City of Madras and for each district.

(2) Provision has also been made for the contribution by the Government to the Library Fund, except in the case of the Corporation of Madras, of a sum equal to the proceeds of the cess collected under the Act.

7. The other changes made in the Bill are all shown in the Bill as amended. It was not considered necessary to refer to them in detail.

8. The Committee decided that it was not necessary to republish the Bill.

9. A copy of the Bill, as amended by the Committee, is annexed.

T. S. AVINASHILINGAM CHETTIYAR,

Chairman.

FOR THE CHAIRMAN,

17th September 1948.

[25th October 1948]

ANNEXURE.

[*Note.*—The changes made by the Select Committee are shown in clarendon type and the portions omitted are shown by dots.]

(L.A. BILL No. 9 OF 1948.)

(As amended by the Select Committee.)

A Bill to provide for the establishment of public libraries in the Province of Madras and the organization of a comprehensive rural and urban library service therein.

WHEREAS it is expedient to provide for the establishment of public libraries, and the organization of a comprehensive rural and urban library service, in the Province of Madras; It is hereby enacted as follows :—

PRELIMINARY.

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Madras Public Libraries Act, 1948.

(2) It extends to the whole of the Province of Madras.

(3) This section shall come into force at once; and the rest of this Act shall come into force on such date as the Government may, by notification, appoint.

Definitions.

In this Act, unless there is anything repugnant in the subject or context,—

(1) 'aided library' means a library declared by the Director to be eligible for aid from the Government;

(2) 'Director' means the Director of Public Libraries appointed under section 4;

(3) 'District' means a revenue district;

(4) 'Government' means the Provincial Government;

(5) 'notification' means a notification published in the Fort St. George Gazette;

(6) 'prescribed' means prescribed by rules made under this Act;

(7) 'Province' means the Province of Madras;

(8) 'public library' means a library established or maintained by a Local Library Authority, and includes the branches and delivery stations of such a library; and

(9) 'year' means the financial year.

THE PROVINCIAL LIBRARY COMMITTEE.

Provincial
Library
Committee
and its
functions.

3. (1) A Provincial Library Committee shall be constituted by the Government for the purpose of advising them on such matters relating to libraries as they may refer to it.

(2) The Committee shall be constituted in such manner and shall exercise and perform such other powers and duties as may be prescribed.

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THE DIRECTOR AND HIS DUTIES.

4. The Government shall appoint a Director of Public Libraries for the Province, and he shall, subject to their control—

Appoint-
ment and
duties of
Director.

(a) manage the central library, being a library constituted by the Government as a central library or an existing Government library recognized by them as a central library, together with the branches of such library;

(b) superintend and direct all matters relating to public libraries;

(c) declare, in accordance with the rules made under this Act, what libraries are eligible for aid from the Government and superintend and direct all matters relating to such libraries;

(d) superintend and control the work of all Local Library Authorities under this Act;

(e) submit to the Government every year a report on the working of libraries under this Act in the previous year; and

(f) perform such other duties and exercise such other powers as are imposed or conferred by this Act or the rules made thereunder.

LOCAL LIBRARY AUTHORITIES.

5. (1) For the purpose of organizing and administering public libraries in the Province, there shall be constituted Local Library Authorities, one for the City of Madras and one for each district.

(2) The Local Library Authority for the City of Madras shall consist of—

(a) three members elected by the Corporation of Madras;

(b) eight members nominated by the Government, of whom—

(i) three shall be office-bearers of libraries situated in the City of Madras and recognized in this behalf by the Government,

(ii) two shall be headmasters or headmistresses of high schools in the City of Madras, and

(iii) one shall be the principal of a college in the City of Madras;

(c) the holder for the time being of an office which the Government may, from time to time, specify in this behalf.

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(3) The Local Library Authority for each district shall consist of—

(a) ten members nominated by the Director, of whom—

(i) three shall be office-bearers of libraries situated in the district and recognized in this behalf by the Government, and

(ii) five shall be headmasters or headmistresses of high schools or principals of colleges in the district,

(b) one member elected by the district board, and in case there are two or more district boards in the district, one member elected by each such district board ;

(c) such number of members as may be elected by the presidents of the panchayats in the district, the presidents of the panchayats in each taluk electing one member ;

(d) such number of members as may be elected by the municipal councils in the district, each municipal council electing one or more members in accordance with the following scale :—

Municipalities with a population—	Number of members.
Not exceeding one lakh	One.
Exceeding one lakh but not exceeding two lakhs.	Two.
Exceeding two lakhs	Three.

(e) the holder for the time being of an office which the Government may, from time to time, specify in this behalf.

(4) The member referred to in clause (c) of sub-section (2) or in clause (e) of sub-section (3), as the case may be, shall be the Secretary of the Local Library Authority concerned.

(5) Every Local Library Authority shall elect one of its members to be its Chairman.

(6) Subject to the provisions of sub-section (8), the term of office of a nominated or elected member of a Local Library Authority shall be three years from the date of his nomination or election, as the case may be.

(7) A vacancy in the office of a nominated or elected member of a Local Library Authority occurring otherwise than by efflux of time shall be filled by nomination or election in accordance with the provisions of sub-section (2) or sub-section (3), as the case may be, and the person nominated or elected to fill the vacancy shall, subject to the provisions of sub-section (8), hold office only for the remainder of the term for which the member whose place he takes was nominated or elected.

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(8) A member nominated in his capacity as the holder of a particular office shall, if he ceases to be the holder of that office, cease to be a member of the Local Library Authority.

(9) No act of a Local Library Authority shall be deemed to be invalid by reason only of the existence of any vacancy in, or any defect in the constitution of, that authority.

(10) Members of Local Library Authorities shall be eligible for re-nomination or re-election.

6. Every Local Library Authority shall be a body corporate, by the name of the area for which it is constituted, shall have perpetual succession and a common seal and shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding or transferring property, movable or immovable, of entering into contracts and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

7. (1) A Local Library Authority may appoint an executive committee consisting of such number of its members, not exceeding seven, as it may deem fit and delegate to such committee all or any of its powers or duties under this Act.

(2) A Local Library Authority may also from time to time appoint sub-committees to enquire into and report or advise on any matters which it may refer to them.

8. (1) As soon as possible after a Local Library Authority is constituted, and thereafter as often as may be required by the Director, every Local Library Authority shall, and whenever it considers it necessary so to do a Local Library Authority may, prepare a scheme for establishing libraries and for spreading library service within its area and submit it to the Director for sanction. The Director may sanction it with such modifications and additions, if any, as he may think fit and the Local Library Authority shall give effect to the scheme as so sanctioned by him.

(2) The Director may *suo motu* or on application by the Local Library Authority concerned modify any scheme sanctioned under sub-section (1) or replace it by a new scheme.

9. A Local Library may—

(a) provide suitable lands and buildings for public libraries and also the furniture, fittings, materials and conveniences requisite therefor ;

(b) stock such libraries with books, periodicals, newspapers, maps, works and specimens of art and science, lantern slides, cinema reels and any other thing suitable for their purpose ;

(c) employ from time to time such staff as it considers necessary, for such libraries ;

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(d) with the previous sanction of the Government, close or discontinue any public library or change the site thereof;

(e) with the previous sanction of the Government, accept any gift or endowment for any purpose connected with its activities;

(f) provide for lectures and the holding of classes; and

(g) in general, do everything necessary to carry out the provisions of this Act.

Vesting of properties in Local Library Authorities.

10. All property, movable and immovable, acquired or held for the purpose of any public library in any area shall vest in the Local Library Authority of that area.

Regulations by Local Library Authorities.

11. (1) Subject to the provisions of this Act and the rules made thereunder, a Local Library Authority may make regulations generally to carry out the purposes of this Act, and, without prejudice to the generality of this power, such regulations may provide for—

(a) the admission of the public to public libraries in its area on such conditions and on payment of such fees as it may specify;

(b) requiring from persons desiring to use such libraries any guarantee or security against injury to, or misuse, destruction or loss of the property of such libraries;

(c) the manner in which the property of such libraries may be used and the protection of such property from injury, misuse, destruction, or loss;

(d) authorizing its officers and servants to exclude or remove from any such library any person who contravenes or fails to comply with the provisions of this Act or the rules . . . or regulations made thereunder.

(2) The Government may, in their discretion, modify or cancel any regulation made by a Local Library Authority under sub-section (1):

Provided that before modifying or cancelling any regulation, the Government shall give the Local Library Authority concerned a reasonable opportunity to make its representations in the matter.

FINANCE AND ACCOUNTS.

Library cess.

12. (1) (a) Every Local Library Authority . . . shall levy in its area a library cess in the form of a surcharge on the property-tax or house-tax levied in such area under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as the case may be, at the rate of six pies for every whole rupee in the property-tax or house-tax so levied.

(b) A Local Library Authority may, with the previous sanction of the Government and shall, if so directed by them, increase the rate specified in clause (a).

Madras Act IV of 1919.
Madras Act V of 1920.
Madras Act XIV of 1920.

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(2) The cess levied under sub-section (1) shall be collected—

(a) in the City of Madras, by the Corporation of Madras;

(b) in an area within the jurisdiction of a municipal council, by the municipal council;

(c) in an area within the jurisdiction of a panchayat by the panchayat; and

(d) in an area in a district not included within the jurisdiction of a municipal council or a panchayat, by the district board

Madras Act IV of 1919.
Madras Act V of 1920.
Madras Act XIV of 1920.

as if the cess were a property-tax or house-tax payable under the Madras City Municipal Act, 1919, or the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as the case may be, and all the relevant provisions of the said Acts shall apply accordingly:

Provided that the Government may, by notification, direct that for the purposes of the collection of the cess aforesaid, the provisions of the Madras City Municipal Act, 1919, or the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as the case may be, shall apply subject to such modifications as may be specified in the notification.

(3) The cess collected under sub-section (2) shall be paid to the Local Library Authority concerned by the Corporation of Madras, the municipal council, the panchayat or the district board, as the case may be.

13. (1) Every Local Library Authority shall maintain a Library Fund. fund called the 'Library Fund' from which all its expenses under this Act shall be met.

(2) There shall be credited to the Library Fund the following sums, namely:—

(a) the cess collected under section 12, sub-section (2);

(b) contributions, gifts, and income from endowments made for the benefit of public libraries;

(c) special grants which the Government may make for any specific purpose connected with libraries;

(d) fees, fines and other amounts collected by the Local Library Authority under any rules or regulations made under this Act.

* * * *

(3) The Provincial Government shall contribute to the Library Fund maintained by every Local Library Authority other than the Local Library Authority for the City of Madras, a sum not less than the cess collected under section 12, sub-section (2).

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Maintenance
of accounts.

14. (1) An account shall be kept of the receipts and expenses of each Local Library Authority.

(2) The account shall be open to such inspection, shall be subject to such audit, disallowance and surcharge and shall be dealt with in all other respects in such manner, as may be prescribed.

REPORTS, RETURNS AND INSPECTION.

Reports and
returns.

15. Every Local Library Authority and every person in charge of a public or aided library shall submit such reports and returns and furnish such information to the Director or any person authorized by him as the Director or the person authorized may, from time to time, require.

Inspection
of libraries.

16. The Director, or any person authorized by him may inspect any public or aided library or any institution attached thereto for the purpose of satisfying himself that the provisions of this Act and the rules and regulations thereunder are duly carried out.

RULES . . .

Power to
make rules.

17. (1) The Government may, by notification, make rules consistent with this Act to carry out the purposes thereof.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters required or allowed to be prescribed under this Act;

(b) the method of conducting the election of members to Local Library Authorities and all matters connected therewith;

(c) the matters to be included in the scheme referred to in section 8;

(d) the maintenance of the minutes of the proceedings of Local Library Authorities;

* * * *

(e) the publication of audited statements of the accounts of such Authorities and of the reports of the auditors;

(f) a Library Grant-in-aid Code, regulating the Government's aid to, and the declaration, inspection and co-ordination by the Director of, aided libraries and the standards to be maintained by such libraries.

* * * *

25th October 1948]

MISCELLANEOUS.

Central Act
XXV of
1867.

18. The Press and Registration of Books Act, 1867, shall, in its application to the Province be amended as follows :—

Amendment
of the Press
and Regis-
tration of
Books Act,
1867, in its
application
to the
Province.

(i) In section 9, first paragraph, clause (a) (which relates to the delivery to the Government of copies of books by the printer of a press), for the words "one such copy" the words "five such copies" shall be substituted.

(ii) In the same section, in the last paragraph, clause (i), for the words "a copy of the first or some preceding edition of which book has been delivered", the words "five copies of the first or some preceding edition of which book have been delivered" shall be substituted.

(iii) In section 11, for the first sentence the following sentence shall be substituted, namely :—

"Out of the five copies delivered pursuant to clause (a) of the first paragraph of section 9 of this Act, four copies shall be sent to the central library referred to in section 4, clause (a), of the Madras Public Libraries Act, 1948, and the fifth copy shall be disposed of in such manner as the Provincial Government may, from time to time, determine."

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, the 26th October 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.

Alleged missing of two Government Buses.

* 473 Q.—SRI R. V. SWAMINATHAN (on behalf of Sri V. Raghavayya): Will the Hon. the Minister for Finance be pleased to state—

(a) whether it is a fact that two buses just purchased from a firm by the Government National Transport are missing;

(b) whether the Police have investigated into the same; and

(c) what the result of the investigation is?

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

“(b) & (c) The questions do not arise.”

SRI D. V. RAMASWAMY:—“May I know, Sir, whether the Government are aware that even with lesser number of buses plied by the private bus owners service to the public was far better than the present?”

MR. SPEAKER:—“Order, order. The present question relates to missing buses.”

SRI R. V. SWAMINATHAN:—“May I know, Sir, whether the Government received any complaint from anybody regarding the missing of buses?”

THE HON. SRI B. GOPALA REDDI:—“I have not received any complaint from anybody. It is only on the floor of the House this question was repeatedly put and it was repeatedly denied.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“What is the latest information or exactly the date on which he got the information?”

THE HON. SRI B. GOPALA REDDI:—“Even up to date and up to the minute no bus is missing.”

H. S. HUSSAIN SAHIB BAHADUR:—“May I know, Sir, whether the Hon. Minister will make an enquiry into the matter, when a statement is made by a Member on the floor of the House that two buses are missing and find out whether it is a fact or not?”

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THE HON. SRI B. GOPALA REDDI:—"Some questions were asked whether two buses were missing. I had said no. Later this question was put, we referred it to the Provincial Transport Commissioner and we got a definite answer that no bus is missing."

Anti-Hindi propaganda by Government teachers.

* 474 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Education be pleased to state—

(a) whether any teachers from Government Schools are taking part in anti-Hindi movement; and

(b) what action the Government propose to take against them?

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

"(a) No.

"(b) Does not arise."

SRI A. VEDARATNAM PILLAI:—"May I know whether it is a fact that some of those who are working in aided institutions are taking part in the anti-Hindi agitation and if so, what action Government propose to take against them?"

ABDUL HAMEED KHAN SAHIB BAHADUR:—"This question relates to Government schools, and so the question is not in order."

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

The Report of the Retrenchment and Reorganization Committee.

* 475 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Minister for Finance be pleased to state whether it is a fact that the Government have decided not to implement the recommendations of the Retrenchment and Reorganization Committee?

THE HON. SRI B. GOPALA REDDI:—"No. The practice of the Committee has been to communicate its recommendations, from time to time, to the Government for necessary action, with a view to avoid delay. Some of the recommendations have thus already been considered by the Government and orders passed and the rest are still under the consideration of the Government."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"May I know whether the Leader of the House remembers a promise given to this House that he will allow discussion before the recommendations are implemented?"

THE HON. SRI B. GOPALA REDDI:—"I remember it."

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Recruiting of District Educational Officers.

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

(a) whether municipalities and district boards are treated as two different entities in the matter of recruiting District Educational Officers from among the teachers working in the High schools; and

(b) if so, how many have already been recruited, and wherefrom?

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

"(a) & (b) Orders have been issued that, out of every four substantive vacancies arising on or after 7th April 1948 in the posts of District Educational Officers and other posts in the Administrative Section of the Madras Educational Service (Men's Branch), one should be filled or reserved to be filled by direct recruitment from among teachers employed in recognized non-Government secondary schools. By 'recognized non-Government secondary schools' are meant all recognized schools other than Government schools—namely, District Board, Municipal and aided schools. No recruitment has so far been made on this basis."

Engineer in charge of the State Bus workshop.

* 477 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the present Engineer in charge of Government Bus workshop at Madras is appointed out of several applicants that applied for that post;

(b) whether it is a fact that the said Engineer does not possess the requisite qualification of five years training in a recognized workshop;

(c) what the special reasons are for waiving this while the advertisement for the post stipulated this condition; and

(d) if so, what the special reasons are to make such exemption?

THE HON. SRI B. GOPALA REDDI:—" (a) The hon. Member has apparently in mind the Workshop Engineer in the Government Automobile Workshop. He applied for appointment as Transport Officer of the Government Bus Service, Madras City, but he was selected for appointment as Workshop Engineer in the Government Automobile Workshop, as he was found to be suitable for the latter post.

"(b) His practical experience in recognized workshops falls short of five years by about two and a half months.

"(c) & (d) Though the officer in question applied for appointment as Transport Officer his experience and qualifications showed that he was far more suitable for the post of Workshop Engineer. Government therefore appointed him waiving the negligible deficiency in the period of his practical training."

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MOHAMED ABDUL SALAM SAHIB BAHADUR:—" May I know, Sir, what are his qualifications and what are the number of years of practical training in any recognized institution? "

THE HON. SRI B. GOPALA REDDI:—" Sir, he worked in the Government ammunition factory for one year and three days; Messrs. Simpson Company, 1 (one) year, four months and fifteen days; again Simpsons Transport Workshop, Kumbakonam—as Engineer in charge—two years, four months and twenty-four days; so total four years, ten months and two days."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—" May I know, Sir, whether among the applicants for the post as Engineer there were better qualified persons and more practical trainees? "

THE HON. SRI B. GOPALA REDDI:—" I do not think there was a more suitable person."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—" May I know whether among the applicants there were any better qualified persons and with very many number of years practical training? "

THE HON. SRI B. GOPALA REDDI:—" I am not aware of any more suitable person with better qualification than the present appointee. The whole question was examined by a cabinet sub-committee and the appointment was made."

SRI R. V. SWAMINATHAN:—" May I ask whether the communal Government Order was applied in this case."

THE HON. SRI B. GOPALA REDDI:—" For these appointments there is no communal Government Order."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" May I know arising from the answer of the Hon. Minister what percentage of buses are permanently kept in the workshop as unserviceable? "

MR. SPEAKER:—" Just now the hon. Member raised a point of order."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" My hon. Friend, the Leader of the House said just now, that a very well qualified person was appointed for the workshop. May I ask when such a well qualified person was in charge of the workshop whether all buses are in working order or half the number is in working order? "

MR. SPEAKER:—" A separate question may be put."

SRI R. V. SWAMINATHAN:—" Arising out of the answer may I ask what the reason is for this post not being governed by the communal Government Order? "

THE HON. SRI B. GOPALA REDDI:—" They are all temporary posts and they are not governed by the communal Government Order and the Public Service Commission does not receive those applications."

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M. S. ABDUL MAJID SAHIB BAHADUR:—" May I know Sir, whether it is a practice in the Government to fix the candidate and then advertise the post for candidates? "

THE HON. SRI B. GOPALA REDDI:—" I do not know why the hon. Member is having the presumption."

SRI B. S. MURTHI:—" Am I to understand that for all these posts created and appointed by the Government, the communal Government Order does not apply? "

THE HON. SRI B. GOPALA REDDI:—" Where there are temporary posts and where they are made by Government this communal Government Order does not apply."

H. S. HUSSAIN SAHIB BAHADUR:—" May I know who the selecting and appointing authority was, whether it was a permanent or a temporary one? "

THE HON. SRI B. GOPALA REDDI:—" The hon. Member may be aware that the cabinet sub-committee met for four or five days and scrutinized all the applications and made the appointment."

SRI B. S. MURTHI:—" Sir, the Transport Department is going to be a permanent department. How can the Engineer be a person who is taken on a temporary basis? "

THE HON. SRI B. GOPALA REDDI:—" Sir, there are departments in temporary existence for ten years. For instance the Commercial Tax Department came into existence in 1939 and it was in April last that it was made permanent. There are other departments like that; because of the pensionary liability they are not made permanent easily."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—" Is it that the officers are made permanent as and when necessary by the Government? "

THE HON. SRI B. GOPALA REDDI:—" The Government have always the discretion to waive the rules and relax the rules."

SRI P. KANDASWAMI PILLAI:—" On a point of information, Sir . . ."

MR. SPEAKER:—" I cannot allow the hon. Member. In this way the hon. Member cannot disturb the House. The hon. Member can send in writing and I will get the answer. The hon. Member will not be allowed. Order, order."

SRI P. KANDASWAMI PILLAI:—" On a point of order, Mr. Speaker, on a point of order . . ."

MR. SPEAKER:—" First the hon. Member raised a point of information, then the hon. Member says point of order . . ."

SRI P. KANDASWAMI PILLAI:—" Certainly, Sir, certainly, Sir."

MR. SPEAKER:—" Certainly not."

[26th October 1948]

UNSTARRED QUESTIONS.*Orders passed on the admission to Government Colleges.*

53 Q.—**SRI L. S. KARAYALAR:** Will the Hon. the Minister for Education be pleased—

(a) to place on the table of the House copies of Government Orders passed regarding admission to Engineering Colleges and Government Arts Colleges for the present academic year; and

(b) to state the basis and principle on which the allotment was made to the backward classes?

A.—(a) Copies of the relevant Government Orders^a are placed on the table of the House.

(b) The communal proportions laid down for admissions to Engineering Colleges are based on proportions fixed for recruitment to Public Services.

Paper Mill, Rajahmundry.

54 Q.—**SRI ALLURI SATYANARAYANA RAJU:** Will the Hon. the Minister for Industries be pleased to state—

(a) whether an Industrial Tribunal (District and Sessions Judge, East Godavari) declared the closure of the Paper Mill at Rajahmundry as an illegal lock-out in his award;

(b) whether the management carried out the instructions of the Government in the Prohibitory Order and later implemented the award of the Tribunal as accepted by the Government;

(c) if not, what action the Government have taken;

(d) whether the workers have been paid for the period of illegal lock-out;

(e) whether the Government have given any directions to that effect;

(f) whether the Government have purchased the Mills in liquidation as suggested by the Hon. Minister in March last in the Legislative Council;

(g) whether the Government have assured the ex-workers of their old jobs in the new set up in view of their past service, experience and the injustice done to them;

(h) if not, whether they propose to do so now;

(i) whether the Government have taken possession of the Mills; and if so, when;

(j) how many workers and officers are employed by the Government in the Mills after they have taken possession;

(k) whether the Government propose to give preference to our Province people in this industry;

(l) when the paper produced by our Government Paper Mills can be expected in the market;

^a Printed as Appendix I on page 833 infra.

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(m) whether the Government are now considering any proposals from private parties to purchase this Mill; and

(n) whether the Government have consulted the Government of India Paper Specialist about this Mill?

A.—(a) Yes, Sir.

(b) No, Sir.

(c) The Government have not taken any action regarding the lock-out as the High Court ordered liquidation of the Mills.

(d) No, Sir.

(e) The District Magistrate, East Godavari, was asked to see that the liquidator pays to the workers, arrears of wages from the date of illegal lock-out to the date of appointment of the liquidator and the Commissioner of Labour has also been asked to watch the interests of the workers of the Mills in respect of their claims for arrears of wages due to them.

(f) Yes, Sir.

(g) The labour required for running the Mills has been taken from the ex-employees only. It is proposed to absorb all the ex-employees as far as possible as and when found necessary. No assurance in this respect has, however, been given.

(h) In view of the proposal to employ ex-employees in the Mill, no assurance is considered necessary.

(i) Yes; in May 1948.

(j) The number of officers, staff and workmen employed in the Mills after the Mills were taken over by the Government is—

(i) Gazetted Officer	...	...	...	1
(ii) Non-gazetted supervisory staff	...	...	...	7
(iii) Clerks	...	...	...	5
(iv) Peons	...	...	...	2
(v) Menials	...	...	...	5
(vi) Watchmen	...	...	...	15
(vii) Workmen	...	...	...	119

(k) All the employees now working in the Mill excepting two belong to this Province. The two exceptions are supervisory officers who belong to Bombay Province, but they are ex-employees of the Mill. Preference will be given to the people of this Province, other things being equal.

(l) The Mills have commenced partial production. The question of the disposal of the paper produced in the Mills is under the consideration of the Industries and Commerce Department.

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- (m) & (n) Certain offers from private industrialists to purchase the Mills were considered in consultation with the Paper Expert of the Government of India. The Government have finally decided to run the Mills themselves.

Government Girls' High School, Ambasamudram.

55 Q.—SRIMATHI V. LAKSHMI AMMAL: Will the Hon. the Minister for Education be pleased to state—

- (a) whether the Government Girls' High School at Ambasamudram has been named after the Ranisaheba of Urkad;
 (b) what amount has been donated by Ranisaheba to the school;
 (c) how much of it has been paid already;
 (d) if there is a balance, why the balance has not yet been collected;
 (e) whether the school has been provided with a building of its own;
 (f) if not, in what building it is now housed;
 (g) what the monthly rent of the building is; and
 (h) what the strength of the school is in each of the Forms I to VI?

A.—(a) Yes.

(b) A non-recurring contribution of Rs. 12,000.

(c) & (d) No portion of the amount has so far been paid by the Ranisaheba; she has been asked to pay it as early as possible.

(e) No.

(f) In a rented building.

(g) Rs. 150.

(h) Form I	...	...	...	...	...	38
Form II	...	...	...	...	...	29
Form III	...	...	...	...	...	26
Form IV	...	...	...	...	...	22
Form V	...	...	...	...	...	17
Form VI	...	...	...	...	...	11

Admission of Harijan pupils in Elementary Schools and Colleges without fees.

56 Q.—SRIMATHI V. LAKSHMI AMMAL: Will the Hon. the Minister for Education be pleased to state—

- (a) whether last year's Government Order relating to admission of Harijan pupils in Elementary Schools and Colleges without fees has been communicated to those institutions and duly enforced;

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- (b) whether these institutions will be awarded fee compensation grants of admitting Harijan boys free of fees;

(c) whether they will be directed to refrain from levying fees from Harijan pupils this year and refund the fees already collected this school-year; and

(d) whether it is a fact that all secondary schools levy not only tuition fees but also special fees for stationery, games, laboratory, library, etc., and that Harijan pupils as well as other pupils eligible under Rule 92 of the Grant-in-aid Code have to pay these special fees in full (not at half rate)?

A.—(a) It is not clear to which Government Order the hon. Member refers.

(b) Grants to institutions for compensating the loss of income due to the grant of fee concessions to Harijan boys and girls are being given by Government.

(c) The complete fee concessions for Harijan students come into effect only from this year and circulars have been sent to all institutions that fees should not be collected from Harijan students and that the institutions will be compensated in full in this respect.

(d) Yes.

Extension of Prohibition.

57 Q.—SRI K. BHASHYAM: Will the Hon. the Minister for Firka Development be pleased to state—

(a) whether there is any proposal before the Government to restrict the extension of Prohibition proposed to take effect from next October; and

(b) whether the Government have come to any decision on the question whether Prohibition must be entrusted to the Police or the Excise officers?

A.—(a) Prohibition will be extended to the remaining non-Prohibition districts of the Province including the City of Madras from 2nd October 1948.

(b) In the districts to which Prohibition is to be extended on 2nd October 1948, the Government have decided that its enforcement should be entrusted to the Excise Department for the time being. In the districts where Prohibition is already in force, enforcement will continue to be in the hands of the agency that is now responsible for it. No decision has yet been taken on the question whether responsibility for the enforcement of Prohibition is ultimately to be transferred to the Police in all the districts.

[26th October 1948]

Loan applications for the construction of hostels.

58 Q.—MOHAMMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government promised to consider the loan applications for the construction of hostels; and

(b) the number of such loan applications from individuals and institutions in each district?

A.—(a) No.

(b) Does not arise.

Harijan upper division clerks and superintendents in the Secretariat departments.

59 Q.—SRI P. KAKKAN: Will the Hon. the Premier be pleased to state—

(a) the number of Harijans working as Upper Division Clerks in the various departments of the Secretariat;

(b) the length of service put in by such Harijans;

(c) the total number of superintendents working in the various departments of the Secretariat; and

(d) the total number of Harijan superintendents in the various departments of the Secretariat?

A.—(a) to (d) A statement^a is placed on the table of the House.

Licensed Harijan wholesale dealers in the Province (districtwar).

60 Q.—SRI V. I. MUNISWAMI PILLAY: Will the Hon. the Minister for Industries be pleased to state—

(a) the number of licensed wholesale and retail dealers (districtwar) in cloth and yarn from among the Harijans during the previous control period; and

(b) what facilities were given to Harijan cloth and yarn merchants to meet the cloth requirements of the Harijans, specially in rural areas?

A.—(a) Information in regard to the number of Harijans who were granted licences to deal in cloth and yarn was collected in May 1947. According to the information collected, Harijans had been granted licences to deal in mill cloth in five districts. The details were—

Krishna	...	...	...	...	1
Salem	...	...	...	...	38
Tirunelveli	...	...	...	...	128
North Arcot	...	...	...	...	1
Madras	...	...	...	...	3

^a Printed as Appendix II on page 837 infra.

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No licences had been issued to Harijans to deal in yarn at that time. When this report was submitted, the Collectors were engaged in overhauling licences in all districts under the new scheme sanctioned by Government. A considerable increase in the number of Harijan licensees in mill cloth should have occurred under the scheme as specific instructions were issued by the Government to this effect. The details of the increase in number have not been collected, as within a very short interval, the policy of decontrol came to be adopted. The collection of information now will involve much labour and waste of time on the part of the Collectors who are now fully engaged with the details of the new scheme of distribution. The Government consider that it is not worthwhile to undertake the work now as no useful purpose is to be served by going into the past.

(b) Orders were issued under the overhauling scheme that wherever possible cloth shops should be located in Harijan quarters where say 1,000 or more Harijans resided and that Harijans should be licensed to run such shops. Harijans were also to be licensed to deal in yarn in places where within a radius of five miles, 200 or more handlooms were worked by Harijans.

Assignment of the "Circuit House" at Palamaner, Chittoor district.

61 Q.—SRI R. VENKATA REDDY: Will the Hon. the Minister for Public Works be pleased to state whether it is a fact that the Government have passed orders assigning the "Circuit House" at Palamaner, which is now in possession of the Government, to the District Board, Chittoor, for the purpose of locating the newly started High School at Palamaner, and if so, the reasons for the long delay in passing the orders?

A.—No. The Government are considering the matter in consultation with the Collector of Chittoor and the Chief Engineer (General). Some more particulars required for arriving at a decision are awaited from the Chief Engineer (General).

Scales of pay of the Executive Officers of Panchayat Boards.

62 Q.—SRI R. VENKATA REDDY: Will the Hon. the Minister for Local Administration be pleased to state why the scales of pay of the Executive Officers of Panchayat Boards have been allowed to remain lower than that of lower division clerks?

A.—The scale of pay of Executive Officers of Panchayat Boards is not lower than that of lower division clerks.

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

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

THE HON. SRI KALA VENKATA RAO:—"Under Rule 93 (3) of Madras Assembly Rules I want to move certain verbal amendments in the Bill. These are verbal. It will add to the good drafting of the Bill."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"This is the third reading stage, and no amendments can be moved."

MR. SPEAKER:—"Mr. Hameed Khan must know that in the third reading stage verbal amendments can be moved."

Clause 2, sub-clause (7).

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

'That in sub-clause (7) in line 1, for the words "inam village" at the commencement, substitute "inam estate".'

MR. SPEAKER:—"Amendment moved—

'That in clause 2, sub-clause (7) in line 1, for the words "inam village" at the commencement, substitute "inam estate".'

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I do not think that this is a verbal amendment. An 'inam village' may mean only one village. 'Inam estate' may mean several villages. As the Hon. Minister pointed out, it is not a verbal amendment."

11-15 a.m. * THE HON. SRI KALA VENKATA RAO:—"The hon. Member was not present here during the second reading of the Bill when this inam question was discussed. A distinction was made between the 1908 inams and the 1936 inams. The 1908 inams were called inam estates and the 1936 inams were called inam villages. We changed the definition."

The amendment was put and carried.

Clause 3, sub-clause (b).

* THE HON. SRI KALA VENKATA RAO:—"Sir, I beg to move the following amendment:—

'In lines 1 and 2, for the words "all communal lands or porambores", substitute "all communal lands and porambores".'

MR. SPEAKER:—"The question is—

'That in lines 1 and 2 of clause (3) (b), for the words "all communal lands or porambores", substitute "all communal lands and porambores".'

The amendment was carried.

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Sub-clause (g).

* THE HON. SRI KALA VENKATA RAO:—"Sir, I beg to move the following amendment:—

'That in line 4 of clause (3) (g), after the words "any other rights", insert the words "and privileges".'

MR. SPEAKER:—"The question is—

'That in line 4 of clause 3 (g), after the words "any other rights", insert the words "and privileges".'

The amendment was carried.

Clause 5, sub-clause (2).

* THE HON. SRI KALA VENKATA RAO:—"Sir, I beg to move the following amendment:—

'That in line 4 of clause (5) (2), for the words "any orders", substitute "any of the orders".'

MR. SPEAKER:—"The question is—

'That in line 4 of clause 5 (2), for the words "any orders" substitute "any of the orders".'

The amendment was carried.

Clause 6, sub-clause (2).

* THE HON. SRI KALA VENKATA RAO:—"Sir, I beg to move the following amendment:—

'That in line 2 of clause 6 (2), for the words "such instructions", substitute "such lawful instructions".'

MR. SPEAKER:—"Amendment moved—

'that in line 2 of clause 6 (2), for the words "such instructions", substitute "such lawful instructions".'

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know whether even in the case of this amendment, the Hon. Speaker is prepared to say that this is a verbal amendment?"

MR. SPEAKER:—"It is a verbal amendment."

SRI R. V. SWAMINATHAN:—"On a point of information, Sir. 'Such instructions' mean instructions issued by the Government. Now that the amendment seeks to change the words to 'such lawful instructions', may I know, Sir, whether unlawful instructions can also be issued by the Government?"

SRI K. VARADACHARI:—"May I point out that instructions issued by the Government may be unlawful?"

The amendment was put and carried.

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Clause 9, sub-clause (3).

* THE HON. SRI KALA VENKATA RAO:—"Sir, I beg to move the following amendment:—

'That in the last line in clause 9 (3), omit the word "him" before the words "his decision".'

MR. SPEAKER:—"The question is—
'that in the last line of clause 9 (3), omit the word "him" before the words "his decision".'

The amendment was carried.

Clause 12, sub-clause (b) (i).

* THE HON. SRI KALA VENKATA RAO:—"Sir, I beg to move the following amendment:—

'That in the last line in clause 12 (b) (i), for the words "from that date," substitute "from such later date".'

MR. SPEAKER:—"Amendment moved—

'that in the last line in clause 12 (b) (i), for the words "from that date," substitute "from such later date".'

SRI A. VAIDYANATHA AYYAR:—"Sir, I am not able to understand which later date is referred to in the amendment. There must be some previous date if you refer to a later date here."

THE HON. SRI KALA VENKATA RAO:—"The two dates are 1st July 1937 and the date of the acquisition. The later of the two dates is referred to here."

SRI A. VAIDYANATHA AYYAR:—"Clause 12 (b) (i) refers to the 'the date of such acquisition or the 1st day of July 1945, whichever is later and has been in direct and continuous possession of such lands from that date.' Therefore, the date fixed here is the later of the two dates from which the person should have been in continuous possession of such lands. Therefore there is no point in saying 'from such later date'."

THE HON. SRI KALA VENKATA RAO:—"It is only a slight difference of opinion. For the sake of better clarification, these words are used."

SRI A. VAIDYANATHA AYYAR:—"When we use the word 'later' there must be two dates. But there is only one date and that is the later of the two dates previously referred to. Therefore there is no point in saying 'the later of the two dates' when only one date is mentioned."

THE HON. SRI KALA VENKATA RAO:—"I have only to say, Sir, the amendment is introduced to improve drafting. It may be accepted."

The amendment was put and carried.

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Clause 13, sub-clause (b) (i).

* THE HON. SRI KALA VENKATA RAO:—"Sir, I beg to move the following amendment:—

'That in the last line in clause 13 (b) (i), for the words "from that date," substitute "from such later date".'

MR. SPEAKER:—"The question is—
'That in the last line in clause 13 (b) (i), for the words "from that date," substitute "from such later date".'

The amendment was carried.

Clause 16, sub-clause (2).

* THE HON. SRI KALA VENKATA RAO:—"Sir, I beg to move the following amendment:—

'That in the last two lines of clause 16 (2), for the words "make such payments to the Government as accrue on or after that date," substitute "make such payments as accrue on or after that date to the Government".'

MR. SPEAKER:—"Amendment moved—

'that in the last two lines of clause 16 (2), for the words "make such payments to the Government, as accrue on or after that date," substitute "make such payments as accrue on or after that date to the Government".'

SRI A. VAIDYANATHA AYYAR:—"May I know where this clause is and how it is proposed to be amended?"

THE HON. SRI KALA VENKATA RAO:—"The hon. Member is referring apparently to the original Bill. He must read the printed book along with the amendments which have been passed."

SRI A. VAIDYANATHA AYYAR:—"The amendments are all here."

THE HON. SRI KALA VENKATA RAO:—"A number of amendments have been passed during the last so many days here."

SRI A. VAIDYANATHA AYYAR:—"Nothing showing that has been supplied to us to-day. We have nothing to show which clauses have been renumbered, whether clause 16 is put as clause 17 and which particular clause the Hon. Minister is referring to in these amendments."

THE HON. SRI KALA VENKATA RAO:—"That point has been discussed already. The reprinted Bill will be circulated later on."

MR. SPEAKER:—"The difficulty is the hon. Member Mr. Vaidyanatha Ayyar was not here all these days."

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SRI A. VAIDYANATHA AYYAR:—"Are we then to pass a thing without knowing what exactly it means, Sir?"

THE HON. SRI KALA VENKATA RAO:—"The hon. Members are expected to be present here and follow the clauses and the amendments as and when they are passed in the House during discussion."

MR. SPEAKER:—"The difficulty is the hon. Member Sri Vaidyanatha Ayyar was not present here during the last 20 days during which time a number of amendments have been passed."

SRI A. VAIDYANATHA AYYAR:—"I would be glad if any other hon. Member enlightens me on this amendment."

* SRI T. VISWANATHAM:—"Sir, the language of the amendment seems to be defective. It does not seem to be happy revenue language. It is better to put it as 'to make such payments of rent accruing on or after that date.' This escaped our attention during the discussion of the clause."

"So far as my hon. Friend Mr. Vaidyanatha Ayyar's point is concerned, the new clause 16 is not a substitute for any of the clauses in the original Bill. It is a new clause added to the Bill. The original clause 16 was omitted. I shall look into the printed list of amendments and enlighten the hon. Member. The difficulty of the House seems to be where does this clause come and to what previous clause of the Bill is it to be correlated. I am submitting that after the original clause 14, a new clause 14-A was moved by the Hon. Revenue Minister. That new clause 14-A has, in the process of renumbering the clauses, become clause 16. And to that new clause 16, sub-clause (2), the Hon. Minister has now moved the amendment that in the last two lines, for the words 'make such payments to the Government, as accrue on or after that date' the words 'make such payments as accrue on or after that date to the Government' be substituted. Apart from this point which Mr. Vaidyanatha Ayyar has raised and which I have tried to clarify, my point is that even in the new amendment suggested by the Hon. Minister, the words 'make such payments as accrue on or after that date' do not seem to be correct English. I think it will be better if the language is changed into 'make such payments of rent as accrue on or after that date to the Government'."

SRI A. VAIDYANATHA AYYAR:—"Will the hon. Member kindly pass on to me that new clause as was introduced? (After getting the paper) I find there is great difference between the original clause as passed and the clause as proposed to be amended. 'Make such payments to the Government as accrue . . . ' in the original clause may not mean that the rent was to be paid to the Government or that the Government must necessarily be the creditor. Whether the amount was payable directly to the Government or payable to any other person, in either case the

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payment was to be made to the Government. But the present amendment of the Hon. Minister seeks to introduce a vital difference; it will mean that only payments which accrue on after a particular date should be paid to the Government. The first was very much wider in its scope while the second is confined to a narrower limit. I therefore submit this is not a verbal amendment since it restricts the scope of the clause already approved."

MR. SPEAKER:—"I consider it is a verbal amendment; that is why I have allowed the Hon. Minister to move it."

SRI A. VAIDYANATHA AYYAR:—"The new amendment eliminates a certain portion of the old clause 14-A and is restrictive in its scope."

* SRI K. BHASHYAM:—"The meaning of the clause seems to be this: If in addition to the rent that has been paid to the landholder so far, any other payment which was customarily payable to the landholder was also payable—in such cases, after the notified date, the tenant shall continue to pay such additional payments to the Government. The original clause said it should continue to be paid; and the new amendment also seeks to make that payable to the Government; only as a matter of drafting, it was thought better to take out the words 'to the Government' after the words 'payment' and put them in as the last words. There seems to be nothing wrong here."

* THE HON. SRI KALA VENKATA RAO:—"Mr. Bhashyam has correctly put the position. The amendment is only intended to bring out better drafting and grammar and there is no interposition of anything made here unnecessarily."

The amendment was put and carried.

Proviso to clause 17 (1).

* THE HON. SRI KALA VENKATA RAO:—"I move, Sir—
'that in the second line of the proviso to clause 17 (1), for the words "was an entire village," the words "is an entire village" be substituted.'
Here, the past tense is changed into the present tense."

MR. SPEAKER:—"The question is—
'that in the second line of the proviso to clause 17 (1), for the words "was an entire village," the words "is an entire village" be substituted.'

The amendment was carried.

Clause 17, sub-clause (2).

* THE HON. SRI KALA VENKATA RAO:—"I move, Sir—
'that in sub-clause (2) of clause 17, in the last line for the words "desabandam inams," the words "desabandam inam lands in estates" be substituted.'

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MR. SPEAKER:—“ Amendment moved—

“ that in the last line of clause 17 (2), for the words “ desabandam inams,” the words “ desabandam inam lands in estates ” be substituted.”

SRI A. VAIDYANATHA AYYAR:—“ May I know whether it is the new or old clause that is referred to? ”

THE HON. SRI KALA VENKATA RAO:—“ I wish Mr. Vaidyanatha Ayyar comes and sits near, Sir.”

SRI A. VAIDYANATHA AYYAR:—“ There is no use referring to Mr. Vaidyanatha Ayyar; whoever may be the member, when there is a doubt, it has got to be cleared. There are some new clauses and there has been renumbering and I think even the Hon. Minister will have some trouble to find out the exact place. I simply want to know where we are now. A list of amendments stated to be verbal in character has been circulated to the House at 11 o'clock this morning. Let me know where we are and what is it we are trying to put in.”

THE HON. SRI KALA VENKATA RAO:—“ This refers to old clause 10—Service tenure lands.”

SRI A. VAIDYANATHA AYYAR:—“ All right, Sir.”

The amendment was put and carried.

Clause 18 (6).

THE HON. SRI KALA VENKATA RAO:—“ I move—

“ that sub-clause (6) of clause 18, in line 4, the word “ shall ” before the words “ not be liable ” shall be omitted.”

MR. SPEAKER:—“ Amendment moved—

“ that in line 4 of clause 18 (6), the word “ shall ” before the words “ not be liable ” shall be omitted.”

SRI A. VAIDYANATHA AYYAR:—“ Clause 18, old or new? ”

THE HON. SRI KALA VENKATA RAO:—“ Old clause 16.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ Sir, if the Hon. Minister will read the clause that is to be amended by his amendment, it will be very convenient, I think.”

MR. SPEAKER:—“ I accept the suggestion of the Hon. Leader of the Opposition; that will make the position clear.”

THE HON. SRI KALA VENKATA RAO:—“ Sub-clause (6) of clause 18 reads as follows:—

“ If any question arises whether any building or land falls or does not fall within the scope of sub-section (1), (2),

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(3), (4) or (5), it shall be referred to the Government whose decision shall be final, and shall not be liable to be questioned in any court of law.”

In that, my amendment seeks to omit the word ‘ shall ’ before the words ‘ not be liable ’, so that the amended sub-clause will read as: ‘ whose decision shall be final and not be liable to be questioned in any court of law ’. It is only for balanced English that this amendment is suggested.”

The amendment was put and carried.

Clause 35.

THE HON. SRI KALA VENKATA RAO:—“ Sir, my amendment is that in the last line of the proviso to clause 35, for the words ‘ sums referred to in sections 32 and 33 ’, the words ‘ net amounts computed in accordance with sections 32 and 33 ’ be substituted. The proviso reads thus:

“ Provided that the amount deducted under clauses (a) and (b) shall in no case exceed one-half of the aggregate of the sums referred to in sections 32 and 33.”

If my amendment is agreed to, it will read:—

“ Provided that the amount deducted under clauses (a) and (b) shall in no case exceed one-half of the aggregate of the net amounts computed in accordance with sections 32 and 33.”

It is only with a view to clarify the position that this amendment is moved.”

MR. SPEAKER:—“ The question is—
“ that in the last line of the proviso to clause 35, for the words “ sums referred to in sections 32 and 33,” the words “ net amounts computed in accordance with sections 32 and 33 ” be substituted.”

The amendment was carried.

Clause 45, sub-clause (2), (b).

THE HON. SRI KALA VENKATA RAO:—“ I move, Sir, 1-45 a.m.
that—

“ In line 5, before the word “ contributed ” the word “ or ” be inserted.”

The clause will then read thus: “ (b) other persons who, immediately before the notified date, were entitled to maintenance out of the estate and its income either under section 2 or 12 of the Madras Impartible Estates Act, 1904, or under any decree or order of a Court, award, or other instrument in writing or contract.” It is only a misprint which has been corrected.”

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MR. SPEAKER:—"The question is—
'that in line 5 of clause 45 (2) (b), before the word "contract," the word "or" be inserted'."

The amendment was carried.

Clause 50, sub-clause (2).

* THE HON. SRI KALA VENKATA RAO:—"Sir, I move—
'In lines 2 and 3, for the words and figures "paid in pursuance of sections 24 to 53", substitute "paid in pursuance of this Act".'

"Sir, the clause reads thus:—

'(2) After the notified date and before compensation has been finally determined and paid in pursuance of sections 24 to 53 interim payments shall be made every fasli year.' According to this amendment, instead of the words 'in pursuance of sections 24 to 53', the words 'paid in pursuance of this Act' will come in. Then the clause will read thus: 'After the notified date and before the compensation has been finally determined and paid in pursuance of this Act'."

MR. SPEAKER:—"The question is—

'that in lines 2 and 3 of clause 50 (2), for the words and figures "paid in pursuance of sections 24 to 53," substitute "paid in pursuance of this Act".'

The amendment was carried.

THE HON. SRI KALA VENKATA RAO:—"The other amendment is—

'After the words "shall be made", insert the words "by the Government".'

"The amendment is proposed because it is the Government that will have to make the interim payments."

MR. SPEAKER:—"The question is—

'that in clause 50 (2) after the words "shall be made" insert the words "by the Government".'

The amendment was carried.

Sub-clause (3).

* THE HON. SRI KALA VENKATA RAO:—"I move—
'In line 4, omit the words "amount of the".'

The clause as it stands reads:—

'In respect of each subsequent fasli year in which the estate is notified they shall together be entitled to such amount as the Government may on a rough calculation determine to be the amount of the basic annual sum, unless data for the better calculation thereof have since become available in which case the

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amount to be paid shall be revised by the Government with reference to such data.' Here the words 'amount of the' will be omitted."

MR. SPEAKER:—"The question is—

'that in line 4 of clause 50 (3), omit the words "amount of the".'

The amendment was carried.

Clause 52, sub-clause (a).

* THE HON. SRI KALA VENKATA RAO:—"Sir, I move—
'In line 1, for the word "division," substitute "apportionment".'

'Instead of 'to the division' of the compensation among the persons referred to in section 43, it will read 'to the apportionment of the compensation'."

MR. SPEAKER:—"The question is—

'that in line 1 of clause 52, for the words "division" substitute "apportionment".'

The amendment was carried.

Clause 54, sub-section (1).

* THE HON. SRI KALA VENKATA RAO:—"Sir, I move—
'In line 5, before the word "Government," insert the word "the".'

"It is only the insertion of the article 'the' here."

MR. SPEAKER:—"The question is—

'that in clause 54 (1) in line 5 before the word "Government," insert the word "the".'

The amendment was carried.

Clause 59, sub-clause (1).

* THE HON. SRI KALA VENKATA RAO:—"Sir, I move—
'In line 6, for the words "his interest in the estate," substitute "the interest he had in the estate".'

"It is only for better drafting that this amendment is proposed."

MR. SPEAKER:—"The question is—

'that in line 6 of clause 59 (1), for the words "his interest in the estate," substitute "the interest he had in the estate".'

The amendment was carried.

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Sub-clause (1) (a).

* THE HON. SRI KALA VENKATA RAO:—"Sir, I move—
'In sub-clause (1) (a) of the same section, omit the word
'as' at the commencement.'

"Instead of 'as against the interim payments . . . etc.,
the clause will read thus 'against the interim payments'"

MR. SPEAKER:—"The question is—

'That in clause 59 (1) (a) omit the word "as" at the com-
mencement'."

The amendment was carried.

Sub-clause (2).

* THE HON. SRI KALA VENKATA RAO:—"Sir, I move—
'In line 4, for the words "his interest in the estate,"
substitute "the interest he had in the estate".'

"We have already passed this amendment and it is only
repeated here."

MR. SPEAKER:—"Amendment moved—

'that in line 4 of clause 59 (2), for the words "his interest
in the estate," substitute "the interest he had in the
estate".'

SRI K. BHASHYAM:—"I think even these words are in
section 58 and we have passed the amendment only with reference
to clause 59."

THE HON. SRI KALA VENKATA RAO:—"Sir, I think the
hon. Member is referring only to a typing mistake in the amend-
ment and nothing more."

SRI K. BHASHYAM:—"Sir, this amendment was already
put and passed. Now, when the question is put, the Hon. Minis-
ter says that it refers to section 59. As a matter of fact in an
early portion of section 58, the same thing occurs. I think there
is some little mistake and let the Hon. Minister correct himself."

* THE HON. SRI KALA VENKATA RAO:—"The mistake
is this. The same expression occurs in sub-clauses (1) and (2) and
my hon. Friend, Mr. Bhashyam, is only confusing things. As
a matter of fact, this amendment refers to sub-clauses (1) and (2)
of clause 59. The first we have already passed and this is with
reference to sub-clause (2) of the same clause. It may therefore
be accepted, Sir."

The amendment was put and carried.

Clause 67, sub-clause (2) (b).

* THE HON. SRI KALA VENKATA RAO:—"Sir, I move—

'For the words "followed by Tribunals, Authorities and
Officers", substitute "followed by the Tribunals, Special
Tribunals, Authorities and Officers".'

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"This is only a consequential amendment because we have
already passed a section similar to this."

MR. SPEAKER:—"The question is—

'that in clause 67 (2) (b), for the words "followed by
Tribunals, Authorities and Officers" substitute "followed
by the Tribunals, Special Tribunals, Authorities and
Officers".'

The amendment was carried.

MR. SPEAKER:—"The Hon. Minister may move that the
Bill be passed into law."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"On a
point of order, Sir."

MR. SPEAKER:—"Order, order."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"On a point
of submission, Sir. Sir, as you are aware, this is a very important
Bill and not merely a Bill which has got many provisions in it.
Sir, when we considered the Report of the Select Committee
which was amended largely by the Hon. Revenue Minister, the
attendance was very small and the hon. Members are not expected
to take notes of all the amendments that have been made to the
Bill. My submission to you, therefore, is, if the third reading
should have any real effect as it ought to have, all the hon.
Members of this House should have a reprinted Bill as amended
by the Assembly. In the absence of the reprinted Bill, it will not
be possible for hon. Members to . . ."

MR. SPEAKER:—"When the hon. Mr. Viswanathapuram raised
the same point the other day, I informed the House that it was
not possible to do so and I think the House accepted it or rather
they came to the conclusion that they should have the third reading
to-day. That is why we are having it to-day."

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

'that the Bill as amended be passed into law.'

"In doing so, I would like to invite the attention of the House
to the changes that have been made by the Assembly in the Bill
as reported by the Select Committee. The other day when I
presented the report of the Select Committee, I invited the attention
of the House to the changes that were carried out by the Select
Committee in the Bill as it was originally published. Now that
the report of the Select Committee has been discussed by hon.
Members, I would like to indicate the other changes that have
been made by this Assembly when the Bill went through the second
reading."

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"The following are the changes:—

"In clauses 1 and 2, the definition of "inam estates" so as to exclude the 1936 inam villages from the scope of the Bill has been inserted in the Bill. That means that by defining the words "inam estates" we have excluded the 1936 inams from the Bill.

"Then, Sir, in clause 9, a provision for a machinery for the determination of inam estates has been inserted. The Settlement Officer may decide whether an estate is an inam estate or not and an appeal on his decision shall lie to the Tribunal."

"The next change is in respect of clause 16. This new clause was introduced to make it clear that every person to whom a ryotwari patta has been granted under the Act should pay land revenue assessment to the Government.

"Old clause 15 relating to ryoti lands that have come into municipal areas, has been omitted.

"In clause 18, a new sub-clause (7) was added so as to protect the mortgagee of any building referred to in sub-section (1) or sub-section (2) of the section by giving him priority over other creditors.

"Clause 23 has been recast in order to clarify the position in regard to the determination of land revenue before the ryotwari settlement is brought into force and to provide for interim arrangement.

"In clause 28, sub-clause (2) has been recast to make the intention clear.

"Clause 34 has also been recast in order to make the intention clear.

"Proviso to clause 35 has been amplified so as to include cases covered by sub-clauses (a) and (b) of the clause.

"Clause 38 has been completely recast so as to make the intention of the House clearer.

"In clause 45, sub-clauses (1), (2), (4) and (5) were completely redrafted so as to make the intention clear.

"Sub-clause (2) of clause 47 was completely redrafted to make the position regarding the grant of ryotwari pattas to maintenance holders clearer.

"Clause 50 has been completely redrafted and the old clause 51 sets out the position clearly.

"Clauses 51 and 53 have been redrafted with a view to provide for an appeal to a Special Tribunal of the High Court consisting of two Judges against the decision of the Tribunal under clauses 43 to 50 and where the members of the Special Tribunal are divided in their opinion, an appeal lies to another Judge of the High Court who will hear cases as a *persona designata* and his decision shall be final.

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"Clause 55 provides for the collection of arrears of rent and also costs which may have been decreed along with the rent. One important change in this clause is, period for payment of arrears has been fixed at two years instead of one year as in the original Bill.

"New clause 56 provides for the procedure to be adopted in the case of disputes arising after the estate is notified.

"New clause 58 provides for the continuance of payment to the Government by the landholder in an inam village which is not an inam estate, of such jodi, kattubadi or other amount of a like nature which he is liable to pay to the landholder of the notified estate immediately before that date. Any payment made to the landholder already in the fasli year in which the estate is notified, will be adjusted.

"These are the changes made by the House. Before hon. Members proceed with the discussion on the third reading of the Bill, I would say something about the present position after the Bill emerged out of the second reading. Estates are being abolished but the 1936 inams are not being abolished. On the abolition of the estates, the rights enjoyed by the zamindars will vest in the Government and for this, the Government will pay compensation and the compensation is of two kinds, one for the inams estates and the other for the zamindaris. For the zamindaris, the rental will be reduced to the ryotwari level and one-third of it will be taken and out of it 8-1/3 will be taken out towards administration charges and irrigation charges, making it a net of one-fourth and it will be multiplied on a sliding scale as provided for in the Bill. But for the inams the reduced rental will be taken into account and out of this the jodi, kattubadi or quite rent and only 3-1/3 where irrigation sources exist will be subtracted and the remainder will be multiplied according to the scale. The compensation will be apportioned between the claimants and the maintenance holders according to the provisions of the Bill. The amount to be paid to the zamindar will be subject to the rules that will be made by the Government regarding the mode and manner of payment. The period between the notification and the actual payment of compensation will be covered by the payment of what is known as interim payments which will be the basic annual sum, namely, 25 per cent of the reduced rental. The interim payments will be paid to the zamindar but will not be deducted from the total amount of compensation to be paid to him. Then, Sir, the landlord will get private lands on patta and 'private lands' have been defined to be lands, as those defined in 1908 Estates Land Act—lands got by him by purchase or by inheritance or gift and other waste lands which were never in the possession of any ryot and which were cultivated by him from 1939 till the date of notification without any interruption. The arrears of rent will be wiped off by the payment of the reduced arrears of rent for 1956 and 1957 within a period of two

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years. The determination of certain of these items will be left to a Tribunal which will be a regional tribunal and money will be deposited with the Tribunals. Settlement will be made according to the rules in vogue and over the Settlement Officer, there will be an appeal to the Board of Revenue and in certain cases to the Tribunal and in certain cases appeal is also allowed to the High Court and the *persona designata* as provided for in the Bill. These Sir, are its main provisions of the Bill as they have emerged from the second reading and I would request hon. Members to consider my motion that the Bill be passed into law."

Mr. SPEAKER:—"The question is—

'that the Bill be passed into law'."

SRI T. PRAKASAM:—"Mr. Speaker, we have reached the third and final stage of the Bill. I have been waiting to say a few words upon it although I have not taken part in the amendments proposed on the various clauses of the Bill. I have been waiting to see what exactly we the legislators of this Assembly will be doing; what did we do in the first and what in the second stage and what are we now going to do in the third stage which is the final stage of the Bill; for whose benefit has the Bill been introduced and for whose benefit the debates have been carried on and who are the people that will finally be benefited if this Bill is passed into law? For me, Sir, it has been clear that this Bill has not been promoted for the benefit of the millions of ryots. The basis of the Bill was that the zamindars were not proprietors possessing any interest in the land and with regard to the rent, whatever is the ryotwari rate, that should be adopted as the proper and reasonable rate for the zamindari tenants on conversion into ryotwari areas. I have been endeavouring to point out that this was not the correct basis so far as the rent is concerned and I have been contending on this matter with some friends and perhaps with the Government also that the zamindar is not the proprietor with any interest in the land but that he was only a rent collector. When that basis was accepted by the Government the whole Bill should have been drafted in a different manner. The Bill as drafted originally made us believe that the Government were presuming that the zamindar had interest in the land as well. From the method of compensation—which was said to be scientific—as prescribed in the original Bill, one could only conclude that the award of compensation was on the basis and presumption that the zamindar had interest in the land and was the owner of the land also. I was having the apprehension, looking at the original Bill that the Government might ultimately alter the Bill and recognize the right of the zamindar to the lands also. Whatever the reasons may be, finally the Government have declared that the zamindar is only a rent collector and that he had no proprietary interest in the land and that whatever compensation was paid was being allowed to him only on the basis that he was a rent collector. If he is treated as a rent collector, the question of

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compensation should have been dealt with in an altogether different manner from the one adopted by the Government. It has been pointed out on the floor of the House in the course of the debate over and over again that if he is a rent collector, this question of ten crores or twelve crores or twelve and a half crores cannot arise. This is not a Bill intended for the benefit of any one section of people. It is intended for the benefit of all parties concerned in this zamindari legislation. The compensation was fixed at ten crores originally. Various arguments and reasons were advanced by the Government as to why so much compensation was thought of. So far as I am concerned, I have not been able to understand the basis of calculation either from statements made on the floor of the House or in the debates of the party outside, i.e., calculating the interest of the zamindar on the basis of a rent collector and valuing each acre at the rate of six to seven rupees, and stating it would work out to ten crores. That it will not be much, was one argument at one stage. And later on, it was stated that this amount was accepted by the High Command as a proper basis. It is not known, how the High Command could arrive at any figure with regard to this compensation. Sir, most extraordinary procedure has been adopted in the matter of this legislation. It is not sure that there was any discussion at length with the High Command before it increased the compensation to twelve and a half crores. The High Command's instructions, if there are any, in writing, have not been placed before this House. Excepting the statement of the Revenue Minister that he had instructions, it is not known exactly what was stated in writing. At one stage, you may remember, instructions spread over two full foolscap typed pages had been received by this Government. This House wanted to know exactly the contents of these two pages. Until now, subject to correction, we have not seen the instructions given in these two pages of typed matter. It is a fact the Hon. Revenue Minister also stated that two typed pages of instructions had been received. That is how we stand with regard to compensation matter.

"I am not an enemy of the zamindars. I do not grudge their getting any reasonable compensation, any compensation which is called equitable for the services rendered by them for such a long time. The compensation may be put in so many words thus: 'the zamindars having served for such a long time and having rendered such and such a service, in consideration of all that, we are allowing them so much money as compensation'. That line has not been adopted. On the other hand it is stated that equitable compensation is given. The words 'equitable compensation' were used in the election manifesto of the Congress. Those words are referred to in section 299 of the Government of India Act. That section has no bearing at all on the question under issue here. No doubt we are all sitting like laymen trying to understand whatever is stated in the discussions. That section has no application to this Bill. It is clearly stated in unequivocal language,

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that if the right or interest of the zamindar is presumed, namely, that he is the owner of the land, then, it should not be taken away without paying proper and equitable compensation. If he is only a rent collector, that section would never apply. No doubt, lawyers can argue on any basis under any Act. By so doing, we have gone a way from the right line of thought. This Bill ought to have been framed with a few sections stating the position and relationship of the zamindar and the Government on the one hand and the zamindars and the tenants on the other. This Bill could have been disposed of in a short time. Instead of that we have taken so much time. Some friends who did not know the real position and implication were under the impression that this Bill has been unduly delayed. (At this stage the Deputy Speaker occupied the Chair.) It has been delayed because of the wrong method adopted in drafting the Bill and a wrong procedure adopted by the Government in approaching the question at every turn forgetting their duties and responsibility to those millions whose interests are seriously affected by this measure. That is the position with regard to this legislation.

12.30 p.m. "The interference by the High Command comes in here. I am unable, Madam, to understand its giving advice. Giving advice is quite a different thing from legislating. The members of this Assembly are supposed to be representing the people who sent them here and they are supposed to legislate. So far as legislators are concerned they are put out of the field altogether whenever the recommendations of the High Command are trotted out. The point for consideration is, 'Is it this Legislature that is legislating, or is it the High Command, that is giving instructions and advice whenever this Government approach them?' So far as this Bill is concerned, we have lost all initiative. From the beginning until now, things have been going on in a very extraordinary manner. I was one who was opposed to the High Command interfering with anything relating to Provincial Government and its administration. I resisted them; I came into trouble, because of my resistance; I confess, I could not reconcile to accepting the position, that the High Command would be acting properly, if to-day, it says, 'You fellows of the Madras Legislative Assembly, you have proved yourself utterly unfit and unequal to the task which you have to carry on. We are competent to intervene under section 93 of the Government of India Act, 1935 and take charge of the administration. We are competent to legislate from Delhi by asking the Government of Madras to put in the amendments and pass them into law, and then say, the whole of this is the Bill of the High Command, and that when it becomes law, it is the law of the High Command.' I resist that with all the force that I can command—now and hereafter too—until the High Command corrects itself, if it can correct itself. If the High Command thinks that we are all innocent fellows, we are minors, we are not able to understand things, and that they should intervene at all stages, they should

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adopt the method of dissolving this Assembly, dissolving this Government, taking charge of the whole thing under section 93 and passing laws by Ordinance. It has been stated that five hundred amendments have been tabled and discussed here. Eminent men there are in this House who can apply their minds to any intricate question and deal with it in their own way. But still discussion counts for nothing. How many amendments have been moved here and how many cogent reasons have been given by those who have applied their minds? Therefore, I feel ashamed of myself that the whole thing should have been proceeded with in this manner saying High Command, High Command, High Command. Where has the High Command stated—show those few lines at least now since you contradict me as I am talking—where has the High Command stated in writing that 10 crores or 12½ crores should be given? Nothing is forthcoming. It may be that it is not 10 crores or 12½ crores, but it may be double the amount which our zamindar friends here have been contending that they are entitled to. That a legislation of this magnitude should be reduced to this farcical condition and that everything should have gone on like this is a most fateful chapter in our existence. Not only that. Are the Government a very well informed Government when they have undertaken this legislation and introduced the original Bill? More than once the Revenue Minister stated publicly both on the floor of this House and in the statements made by him outside: 'The Bill as introduced will not undergo any changes. The Bill will not undergo any material modifications. The Bill will pass through in spite of our consulting the High Command.' But did it happen so? What was the Bill that was originally introduced with regard to the zamindars and with regard to the inams? How was the change with regard to the inams forced upon this legislature? After repeatedly stating that no alteration, no modification, no change would be made in the original Bill with regard to the ideals and all other things which the Government had in their minds, suddenly came the change. What was the change? On behalf of the Government, the Revenue Minister stated: 'The inams of 1936 are excluded.' How have they been excluded? What happens to the Bill that was introduced by this Government? We have known, Madam, legislative canons obtaining in Britain and other countries. Have the canons of legislation obtaining in other countries, particularly in Great Britain, been adopted here? No. There is a material change in the Bill with regard to the inams. Having done everything and having proclaimed that all the inams must come in, suddenly the Revenue Minister turned round and said: '1936 inams are excluded.' I have been closely following the arguments of several able friends who had been contesting this part of the Bill. They have been saying: 'You say you are excluding the 1936 inams. What are these inams? Can you define them either now or in the future? You simply say: 'Exclude the 1936 inams.' If the High Command is satisfied that the 1936 inams should be excluded they should have known definitely what those inams are.

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"The Speaker himself, Madam, should have been sitting here when I am addressing a few points. I do not mean anything disparaging to you, Madam. This is a most important measure on which I wanted to speak finally, record my protest, and allow the country outside to understand how things have been going on and what we have all been doing here. The most important point and the conclusive point is that this Government have been acting most irresponsibly, without caring for facts, and without caring to know the correct situation at least with regard to the important parts of this Bill. How did this position of excluding the 1936 inams come up here? There is a long history behind this. I would ask the Revenue Minister to state before this House—so that the country outside also may know—the basis on which the High Command gave him the advice to pay full value to the inams. The truth is, Madam, when the Revenue Minister made certain proposals to the High Command—I do not yet know who the High Command are; I will deal with that separately and I am presuming that the High Command was there—the High Command wanted to know what the value would be. The Revenue Minister, innocent as he is, uninformed as he is, told the High Command that it would be about 4 or 5 crores. Then the High Command said: 'Oh! in that case you can pay it. What is there. After all it is a very small amount.' With that impression, the Revenue Minister came here and asked his office to ascertain how much the amount would come to. The office calculated and said that the amount would come to over 22 crores. Does this not show that the Revenue Minister did not know the real position in the matter when he simply told them that the amount might be about 4 or 5 crores? Is that the way in which a measure of this importance should be dealt with? Is that the way in which the High Command should give their decision? Granting that they were acting *bona fide* and with the best of intentions and I do not dispute this, is this the way in which their decisions should be hurled at our face here and made part of this Bill? The Hon. Revenue Minister says that they asked him to exclude the 1936 inams, leaving off other things. How are the Government going to give effect to any of these things? After this Bill is passed into law, I am waiting to see how any of these provisions would be enforced by this Government. They have made it impossible. I have no quarrel with the Government, as I told this House and you, Madam, at one stage. At one time I was inclined to quarrel with the Revenue Minister, with the Government and with other people. When I found that the position became impossible, I gave it up. I reached a stage when I had to sympathize with the Government. I extended my sympathy and I wanted to approach the High Command. To-day I am addressing in a mild tone and with a feeling of sympathy for this Government who are supposed to represent all of us here and the millions outside. A grave wrong is done. (At this stage the Speaker resumed the Chair.) You must excuse me, Mr. Speaker, for having said that your absence was felt by me."

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MR. SPEAKER:—"I am here now to listen to the hon. Member."

SRI T. PRAKASAM:—"We are in a very serious position in the country generally and in this Presidency particularly, Mr. Speaker. Perhaps you do not know how much we the legislators here and the people outside have been groaning and suffering for the past year and a half with regard to all that has been going on here. Now I am applying myself to this Bill, without referring to other matters. Sir, I have been speaking about the important Government amendment which excludes the 1936 inams from the scope of this Bill. Some of us were about to be hanged for not having expressed a clear opinion on these inams. The Communists were at our throats as it were, because opinion with regard to the position of these inams was not clearly given. I tabled so many amendments and said so many things on the question of these inams. The Communists, who had been called to hold a conference in Gokhale Hall with one thousand Andhra Communist delegates, passed resolutions no doubt in their own way without caring for the Revenue Minister and they compelled him to open their conference. I am missing those two Communist colleagues of ours. (Abdul Hameed Khan Sahib Bahadur: 'They cannot come in.') They should have come in and got themselves arrested here. They were foolish in not coming here and getting themselves arrested. (N. Muhammad Anwar Sahib Bahadur: 'How can they be arrested here in this House?')

"Now I may make the position clear with regard to the introduction of this amendment and getting it passed as it has been done in this House. If 1936 inams are excluded, what happens to the other inams? Who is to judge, where is the data, where is the material, where is the basis for any of these things? I have been simply holding my breath with a view to see that we come to the end of this Bill to see this wonderful Bill being passed into law."

Sir, it is my desire that this Bill should be passed into law, at least for the clause that the zamindaris are abolished. I shall be a party to this Bill only to that extent but I shall not be a party to all the other unreasonable things that have been going on in this House. Therefore, I ask, what is the explanation that this Government can give to the country outside and to the Members here, with regard to the exclusion of the 1936 inams, except by saying that the Congress High Command had given such a direction? Can I charge the Congress High Command without knowing exactly what they have stated? This is a peculiar position, to which this Province has been dragged into by the Congress High Command on the one side and the Government here on the other, and we, members of this House, have been left to ourselves and have practically been deserted. When a Bill that was originally introduced has been materially changed by the exclusion of the 1936 inams, what is the duty of the Government? According to the recognized

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canons of constitutional law as obtaining in Britain or in any other Democratic countries of the West, the Government should resign. No, the Government would not resign under any conditions, and whatever is directed to be done, they would do by getting the Bill round by way of amendments. How many amendments have been tabled here by the Government, changing the whole phase of the original Bill, and how many changes have been made both at the stage of the Joint Select Committee and afterwards? In fact, the Joint Select Committee, which is a very dignified name given to it—has seen fit to alter the whole phase and intention of the Bill, and when a Bill which has been so materially altered has been sought to be passed through the House, what is the duty of the Government? Is it not the duty of any Democratic Government to say, 'The Bill has been materially changed; we are unable to proceed with it in this form, and therefore we shall resign?' Sir, it must not be understood that I am anxious to step into their shoes. I may give you an assurance here and now and for the future also, that so long as the present constitution of the House continues, I will not step in or seek for any leadership. Things must change and people must come to their own. Their rights will have to be respected. The exclusion of the 1936 inams has vitally changed the whole aspect of this Bill. That is the crux of the whole situation. No doubt, the inamdars carried on an agitation and went to the Congress High Command and troubled them with arguments. Some distinguished friends from this House also ran up to their place and joined with them in their discussions. But only the question of inams was discussed there. What happened to the question of ryots? Did any discussion take place about them there? The unfortunate ryot has been left out of the picture. Has not his rate of rent been also raised from time to time? When that question was raised by me in this House, I was told by the Government, 'You sit down, we are in power and we will do whatever we like.' Sir, the inam question has been disposed of like that because it was forced upon the mind of the Congress High Command. The Congress High Command felt that there was something wrong with regard to the question of inams and therefore, this Government adopted a rough and ready method, by which this legislation is to be carried through and got the approval of the High Command to proceed with this Bill. When I get an opportunity, I shall ask them the same question about the ryots. Because the agitation about the inams was strong, a rough and ready method was adopted. A number of amendments were tabled and a requisition was made by certain members to call for a Party meeting to discuss these amendments. No such meeting was held and no such discussions took place over these amendments, by the party to which we are supposed to belong. Therefore the amendments had to be taken here and discussed at considerable length. Unless and until the Government explain why they stick to their office, when they have introduced so many vital changes in the original Bill, this measure cannot be justified.

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"Sir, let me now come to the question of the rate of rent which the tenant has been called upon to pay. There also, what is the procedure adopted by this Government? They adopted the 1802 rate, which rate is prevailing in the southern zamindaris even now. How was the 1802 rate fixed? It is a long history, Sir, and I shall not attempt to deal with it at any great length, except to state that the tenants were being oppressed till then and they were not allowed to proceed with their cultivation, and hence the Government of that day, wanted to put a stop to the tyranny of the zamindars and so they fixed it at something definite and unalterable, so that the tenants might not be oppressed by the zamindars. I have got so many volumes of the minute discussions on the subject and if I am to bring those things here and read them to the House for its edification, it will be ludicrous, at this stage. As I said, it became absolutely impossible for the tenants to pay the varying rates of rent, which were raised from time to time by the zamindars and so, the British Government which was ruling us at that time, said that they would reduce it to a normal figure and fix it at a particular figure and let that be permanent and unalterable. These were the words that were used, by them, with regard to these rents. These rents had been allowed to be continued unaltered, in the southern zamindaris from 1802 until now.

"In the northern zamindaris, the zamindars thought that they had proprietary rights also. So they went on increasing the rent until it became very oppressive. So when we undertake a legislation of this type, with what object is it to be undertaken? Leaving aside the election manifesto of the Congress, what was the recorded evidence given before the Estates Land Act Committee by various people who appeared before it? It was clearly stated that the 1802 rates were declared to be permanent and unalterable. It was stated in that report that all the enhancements made from 1802 to the date of that report should be cancelled. It was quite a reasonable thing and nothing untoward or nothing favourable to any party was sought to be done. That was the report of that Committee. Whereas in the south the 1802 rents have been prevailing, only in the northern zamindaris, they were enhanced from time to time. Have the present Government adopted that report when they came into office? Sir, they came into office under extraordinary circumstances, having thrown out one Government. They also belonged to the Congress party and wanted to carry out the Congress policy. What is it that this Government should have done under those circumstances with regard to those tenants? These people had been oppressed from even before 1802. Even those Englishmen themselves wanted to fix all these things at one particular level, and make the same permanent and unalterable. Why should we, Congressmen who have come into office after we have attained freedom, in the name of Free India, think of throwing away all those things and say that we would adopt only the ryotwari rate alone. What is the solicitude for adopting the ryotwari rates?

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If the British Government adopted the ryotwari rates, why should this Government be also anxious to adopt the basis of the British Government as the proper one so far as these tenants are concerned? See how much the tenants are oppressed to-day. Is it just for this Government to follow the same policy? But I may state, Sir, that the ryot is not a fool. The Revenue Minister has been so often referring to his position in the country and boasting how people are backing him up. Whether people are backing him up or not, you will see after this Bill is passed into law. Some time ago, when at dead of night, my car was passing through a jungle area, to my destination in my village, one man came to me, and the first sentence he uttered was, 'Sir, see how your 1802 rate was not respected by the present Revenue Minister to-day'. So, they are not fools. They are following everything that is being done here. They are following every word, and every syllable that is being said in this House. Let us not be therefore under any mistaken impression that the people outside are not seeing what we are doing. Therefore, Sir, so far as the basis of rate is concerned, I say that it is unreasonably high. Were the British Government who adopted such rates, really so good towards the people of this country? Were they such honest administrators, that they have continued all these 150 years of their domination in this country? It is the British people that created this zamindari system and it is those very people that created the ryotwari system also. Have these systems done any good to the people in the villages? No. Before the ryotwari system was introduced, people in villages could live together, work together, cultivate together and enjoy their lands without any complication. They prospered and everything went on well. But after the introduction of the ryotwari system, what did the British Government do? They went on increasing the assessment from settlement to settlement in a very clever manner. The zamindars also, in an uncouth way, were authorized to increase their rents also from the tenants. People protested, but beyond protesting, they could not do anything. There was no Gandhiji in those days and there was no non-violent, non-co-operation or non-payment of taxes, or Satyagraha in those days. People were called upon to pay at the point of the bayonet. That is the history of the beginning of the ryotwari system. My hon. colleagues here, knowing nothing, sometimes simply vote for this amendment or against that amendment in an innocent manner. We must all know that, because all of us will be held responsible to-morrow when we go out into the country. It is no good comforting ourselves that we have passed this Bill or amendment, or that these amendments have been defeated to our hearts' content. Do not go away under that impression. I am pleading for you and I am speaking for you when I say. . . ."

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MR. SPEAKER:—"The hon. Member has taken an hour. How many minutes more does he want?"

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SRI T. PRAKASAM:—"Sir, I am also anxious to finish soon. But it may not be minutes or half an hour. You can bear with me. I am equally anxious to look to your time."

"Sir, the British Government which ruled in our land for one hundred and fifty years were not innocent men. They were the strictest men, but they did not carry on the administration in a just and proper manner. See how enhancements were made from time to time under resettlements, and what finally happened. I quoted the very words from those paragraphs of a report called the Marjoribanks Committee Report. They were all very good members on that Committee. Mr. B. Ramachandra Reddi of Nellore and several other members including a Member of the Board of Revenue Mr. Jones—who was working in the Secretariat, as Finance Secretary—were there. How did they proceed? They adopted the accepted and recognized method of appointing a committee, making enquiries, getting their report, scrutinizing their recommendations, and accepting as far as possible the recommendations made in the report. That is the procedure, and the Marjoribanks Committee dealt with this question exhaustively. They called evidence from expert bodies and individuals also. All those things are referred to in that report. Finally the conclusion to which they came was that all the resettlement enhancements must be cancelled. I have been all along saying that the resettlement enhancement were cancelled by the Marjoribanks Committee Report in which there were two or three Englishmen. They considered in detail the whole ryotwari system established by the British Government and enforced against our men for 150 years and gave their recommendations. They finally said that all the resettlement enhancements should be cancelled, and that Rs. 75 lakhs should be cut off from the amount that was being collected. They used the words very peculiarly. They said that this reduction of Rs. 75 lakhs must be permanent and unalterable—the same words used in the Regulation of 1802. This reduction was given effect to by us when we were in office here. When the reduction was given effect to this Revenue Minister himself pleaded then for the balance of a few lakhs to be applied to his area, particularly in his district. So a reduction was made and it was given effect to, and it was enforced. All that has been ignored by this Government. Ignoring this, the ryotwari rate, as it prevails to-day, and as it is established by the British Government (a just and good people) is being adopted by this Government as the basis of this measure. What will the country think about this Government? I cannot forget the reason given by the Revenue Minister. He said 'I did not do it because you did not do it when you were the Premier. Sir, as the Premier, I might have done so many foolish things under the advice of friends. I ask: Are you to follow that Premier who made such mistakes when it is a problem relating to millions of people?' I have been anxious to reduce the rate at least to some

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extent, because in this Province of ours, the enhancement is very much higher than in other Provinces. When I put up a case like this, where is the justification for any Government on earth to say 'Because Prakasam as Premier did not do it, I am not going to do this.' Will this Government be fit to continue in office for one moment if they should hold such views? Will anybody be fit to hold office for one second holding this view? I have not committed wrongs against persons whom I hate. I am quite sure that the basis of the adoption of the ryotwari rate cannot hold good. No one can say that this is law. The basis should be on equitable principles or upon truth or justice. These are bare facts. I have no grudge against this Government. But when I have to express myself against the inequities, I have to express strongly. We have been changing during the last one and a half years wonderfully while occupying different positions—coming together and doing all kinds of things. But, Sir, law is law and Legislature is Legislature. This Bill cannot be justified at all.

"So far as the High Command is concerned, attempts have been made, as they have been made in the past, to hang a man like me who will publicly criticize the High Command. If I cannot criticize the High Command no other person can do so and say that they are wrong. It is our duty to criticize ourselves and criticize the High Command or the Highest Command when they are charged with the discharge of public duties. What was the intention of the High Command? When I am saying all this against the High Command, I do not mean the least offence to them. I do not attribute the least motives to them. Look at their intention and look at the way in which they wanted to achieve this legislation. Look at their statements to the extent they have been put into our hands. A man in the position of Dr. Rajendra Prasad has stated in unmistakable terms 'The first thing to do is to look to the lot of the ryot; abolition of the zamindari system is not the only thing we have to look to; when we abolish zamindaris we must see what benefit we are conferring on the people concerned'. They have dealt with it exhaustively. They have stated what should be the basis especially in a revolutionary Bill of this kind. Abolition of the zamindari system and acquisition of millions of acres is now taken up. What is it that has to be done? The High Command did the right thing. The High Command considered it well. Of course the Hon. Revenue Minister was also there then. They stated that abolition was not the whole idea, but the idea was to build up a system, even immediately, from out of which we could produce more and supply more to the starving millions of this country. They stated that it must be on a co-operative basis, a basis on which the Soviet State has been built up. That is why the Soviet State stands the test of the whole world and all the worst economic conditions. That is how they built their State. The High Command knew all those things. So, they stated that the

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aim should be to have a system—a land system—on a co-operative basis, and that everything should be done for increasing the production of food crops and promoting efficiency. We have been suffering all these four or five years. Year after year they stated all these things, and they appointed a committee also. That committee also stated that before taking up the zamindari abolition question, all these things must be done and must be ascertained. Cleverly and ingeniously the Madras Government say 'No doubt they have laid down such rules for the guidance of all the Provinces but not for Madras, because in Madras the rent has been fixed up very high'. It will take today and to-morrow also to refer to those documents.'

MR. SPEAKER:—"It will not be possible for the hon. Member to refer to all those things."

SRI T. PRAKASAM:—"I know, Sir, it will not be possible for me, because I have to get into the train to-morrow morning. Sir, I have been avoiding all reference to the High Command till now. We have had all kinds of things already on record. The statement of the Hon. Revenue Minister is there. He has stated that rules with regard to this legislation are laid down by the High Command for all the Provinces and not only for our Province. I would like to know whether the High Command has framed rules only for this Province. Now, Sir, who is the High Command? Having laid down all those rules and having given directions that this Bill should benefit the producer and the tiller of the soil, having said all those things, the Hon. Minister afterwards said that he was permitted to proceed with this Bill without waiting for other Provinces or for caring for the instructions that would be given to other Provinces. I ask Sir, who gave him permission to carry on this Bill? It is the Secretary of the Congress, one Sankara Rao Deo. Is he the High Command or is there anybody else? (Interruption) I also know the High Command for a long time. I was a member of that High Command also. Sir, Sri Sankara Rao Deo gave permission to the Hon. Revenue Minister to proceed with the Bill. Well, Sir, I should not go more into all those things because it is very painful and tragic. Sir, circumstances would not have made this Province alone and this Minister alone to proceed with this Bill without caring for the instructions given for other Provinces."

"Now, Sir, legislations must be carried on in a peaceful atmosphere and in a calm atmosphere. People outside should not remain or continue to remain in a disturbed state of mind. Members of the Legislature also should not be working under great handicaps. The Hon. the Premier is also here and we are in the last stage of passing this Bill. I would like to know from him whether it is fair and proper that this Bill should have been put before this House and every effort made to rush through this measure. Sir, the Hon. Pandit Jawaharlal Nehru, the Prime Minister of India,

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addressed over a thousand members in the Rajaji Hall and condemned most of us to our very face. I ask, Sir, after what he has advised us, is it fair and is it proper to continue with this Bill? Sir, the Hon. the Revenue Minister has become a lawyer." (Laughter.)

THE HON. SRI KALA VENKATA RAO:—"Very good training I had."

SRI T. PRAKASAM:—"The Hon. Minister had had the training of his lifetime. But, I ask, is it fair? What did the Prime Minister say? I do not want to say what he has stated. You were also present in that House, Sir."

MR. SPEAKER:—"No, I was not present there."

SRI T. PRAKASAM:—"I am so sorry. The Premier was present and most of us were present. Is it fair, after hearing what the Prime Minister has stated to come here and sit here and get through this business as if nothing has happened in the whole world? Sir, is it not the duty of this Premier who is also the Leader of the Party to call a conference of the members of the Party and ask the members: 'The Prime Minister has attacked all of us and said all those things; now what are we to do?' I ask, is it not the duty of this Premier to call for a conference of this nature. But, nothing like that happened, and nothing will happen. Sir, there is God above and there is the country outside. There are people who are real representatives in this Legislature and all the Legislatures in the whole country including the Union Government and the Union Legislature. At some stage or other, they will not rest content with this or that statement. I am not here to take all wrongs. I am here to correct all the wrongdoers and correct myself if I go wrong and inflict punishment. Then, Sir, I put another question to the Hon. Premier who is sitting here today. Sir, some time ago, 25 members of this Assembly sent a memorandum asking him to call for a meeting of the Party. But, what happened? Was a meeting held until now? There was only a private meeting. A meeting composed of which people? Not those 25 members who have sent that memorandum but of other people."

THE HON. SRI O. P. RAMASWAMI REDDIAR:—"That memorandum was not given to me."

MR. SPEAKER:—"Apart from that, what have I to do with these party matters?"

SRI T. PRAKASAM:—"I am relating those matters to the House through you, Sir. They are matters relating to this House, and I am conveying those things through you, Mr. Speaker, to this House. Those things which pertain to the Legislature may not have been in possession of the Legislature and that is why

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I am speaking on them. I am very sorry, of course, I have to go through all these things. I do not wish to raise any point of order or move any adjournment motion or do anything of that kind. I want to deal with this thing in my own way and ultimately make the Premier and the other members of this House and the Government understand that these are all matters entrusted to their care to arrive at proper decision at proper time and as all these things have been neglected, I may tell them now that there will be a time when all these things will be brought before the proper tribunal—and it will be the people's tribunal—who know how to give a decision if anything should happen. I am very sorry for the condition in which the Madras Presidency has been placed. Mr. Speaker, I am not disclosing all the things that have happened hitherto. It is not my intention to disclose all the things to this House. But, you, as the Speaker and we as the members of this Assembly are responsible and should know to what extent it related to this Bill. Sir, I support this Bill only so far as the clauses relating to the abolition of the zamindaris are concerned and I do not support any wrongs committed or any other amendments moved by this Government on this Bill. Nowhere in the world, have we seen the Government introducing new Bills by means of Government amendments and nobody else has got any chance of taking when the Government amendment has been moved. In this the way that this Bill should be passed? At the same time, Sir, I may say a few words on what the future of this Bill is. The future of this Bill, is for the Government to understand. I only sympathise with them for the way in which they have been getting into ruts and are not able to get out of them. You may say that this Bill is passed. But, I say, it will not be passed unless the people whose interests are affected accept this Bill as law. I thank you, Mr. Speaker, for giving the opportunity to express my views on this important Bill."

SRI A. VAIDYANATHA AYYAR:—"Mr. Speaker, Sir, I wish I could compliment the Hon. the Land Revenue Minister for getting through this Bill. But, unfortunately, the way in which this Bill was first introduced in this House, then piloted and ultimately put in the form in which it is now before this House, is not one on which we, as a Legislature and the Hon. the Land Revenue Minister as representing the Government could congratulate ourselves. Sir, this is a measure which involves change of tenure for some crores of acres of land. Before the Hon. the Land Revenue Minister himself brought this Bill, the Hon. Mr. Prakasam had tried to tackle one part of that vast subject alone, namely, the zamindaris, and he had to spend several years for the purpose of putting his proposals into effect. But, even he, during the previous Ministry, had to bring his proposals with several reservations. But, nevertheless when the Hon. the Land Revenue Minister brought this Bill, he has put into the scope of the Bill matters which had never been canvassed till then and the

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Hon. Land Revenue Minister at that time honestly did not know that he has included the inams, inams of several types in this Bill. Sir, there are inams which are granted outright for past services just as the present Ministry is trying to give lands for recent services. The Hon. Minister has also brought into the scope of the Bill inams granted for religious and charitable services and also inams granted for personal services rendered to the zamindars. As I have said once before, these were not gifts or presents made now but they had been granted hundreds of years back by the previous Rajas and they had stood the test of the Muslim Governments and also the test of the English Government. Nevertheless to-day, it is found that this Congress Government, and the Hon. the Revenue Minister have suddenly pounced upon those inams without any degree of investigation. When the inams themselves came up for discussion in this House, it was found that the matter had been unexplored and therefore, a kind of exploration on that subject was made, starting with religious and charitable inams. Difficulties were found that the temple services, the mosque services and many other institutions are likely to suffer, and that the charitable institutions like the schools are also likely to suffer. As soon as that was discovered and especially when the matter has not been properly investigated, the proper thing would have been to set aside those inams for a separate piece of legislation. But, after considerable degree of difficulty, ultimately a kind of compromise has been arrived at and it is stated in the Bill as it is now framed that whatever deficit is incurred by these inams by taking them over, that deficit will be made good. Now, Sir, when we are going through a legislation of this kind, two things have to be kept in view. It is up to the Government to see how other persons would be affected by this imagined amelioration to the ryots. If it affects equally a large number of people, then Government should not have tried to proceed with this Bill in this sort of fashion. Sir, several lakhs of people are affected by the inclusion of these inams in this Bill but nevertheless, that matter was not looked at in that light, and those inams were not sought to be dropped or taken after full investigation. The second matter is that when we are taking up the question of amelioration, merely because we are a popular Government, it does not mean that we have got the right to fling away the money that has been got from the people. For example, the Government could not possibly say that they could give all the poor people in the City of Madras one hundred rupees each because their position is difficult and they are not able to maintain themselves. It could hardly be said by anybody that that was the proper method."

MR. SPEAKER:—"The hon. Member, Mr. Vaidyanatha Ayyar, can continue his speech after lunch. The House will now adjourn for lunch and meet again at 2-30."

The House then adjourned for lunch.

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(After lunch—2-30 p.m.)

SRI A. VAIDYANATHA AYYAR:—"Sir, before going into a large scale acquisition like this, the Government should have considered their own resources and seen whether it is possible to do it, without loss to them. This is the time, when after independence, considerable resources are required for carrying on reconstruction activities in the State. Where is the necessity for taking from the general tax-payers' money, to the extent of several crores of rupees with a view merely to enable a few individuals to get the melwaram, without purchasing the same in a sale transaction? In other countries, Governments have made arrangements for vesting the melwaram rights in the ryots; they have directed that the particular ryot concerned should pay for the melwaram by means of instalment payments. In the present case, we find that while acquisition of the zamindaris might be even a profitable proposition so far as the Government are concerned since they are going to get a crore of rupees extra beyond the peishkush of Rs. 47 lakhs, so far as other tenures are concerned, like the inams for instance, it is a mere flinging away of the general tax-payers' money for the benefit of a few persons. It is in recognition of this idea that the Land Acquisition Act specially provides that any acquisition should be made, in such a way that if the Government's money is to be spent, then such acquisition should be for a public purpose. And in the case of private companies, the law has introduced a special provision that such an acquisition should be approved by the Government. Now, even apart from that, is it likely that this will be a feasible proposition, even as things stand? In the case of a portion of the inams, i.e., the religious and charitable inams, the Government have agreed to make good, year after year, the amount by which the income falls short, on account of the application of either this or the Rent Reduction Act. This would come to the tune of about Rs. 50 lakhs to Government per annum, because in several cases, the rent which is payable for sharing a waram is reduced to mere kist and that too over the ayan places. My point is why should the tax-payer be burdened with this annual amount simply because some other persons who are cultivators would be benefited by it, and why should the Government pay a few crores of rupees for making a free gift of the melwaram to a few persons? It is not right in principle at all.

"My hon. Friend, Mr. Prakasam's point was that the advice of the High Command was being taken too often. But have we at least followed the advice of the High Command properly? Seeing the difficulty, the High Command wanted that the inams should be treated separately, but then it was said that the Bill has already been proceeded with to some extent, and the Hon. the Minister in charge of the Bill said that it was too late to do so. Then there were times when the High Command gave other kinds of advice. For instance, they said that the landless inamdars

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should be given at least 15 acres of land, in cases where they held less than 15 acres of nanja lands; if we had at least followed this advice, no question of acquisition and giving it to some other persons would at all arise. But that advice also has been discarded. There is one other matter, on which they gave advice.

MR. SPEAKER:—"It is better that the hon. Member refrains from making any references to the High Command. Whatever advice they have given, and whatever recommendations they have made, are all intended for the party, and not for this Legislature at all. And as we have nothing to do with party-politics here, let not any reference be made to the advice of the High Command. I have already said so to hon. Members during the second reading of the Bill."

SRI K. BHASHYAM:—"Sir, may I point out only one thing? When we refer to any person who is able to give advice, can we not refer to the advice of persons who are supposed to be wise, and really patriotic, and therefore able to give advice?"

MR. SPEAKER:—"I would only reiterate what I have already said. The advice of the High Command was to the party, and not to this Legislature. Whether they have followed the advice of the High Command or not, it is for the party to discuss. Therefore, let us not refer to the High Command here in this House."

SRI K. BHASHYAM:—"But then the newspapers publish it, and it becomes public property. If it is not public, I can understand what you have said."

MR. SPEAKER:—"But then my difficulty is this. If any hon. Member quotes a portion of the advice of the High Command, any other hon. Member may rise up, and say that the whole paper should be placed on the table of the House."

M. MUHAMMED ISMAIL SAHIB BAKADUR:—"Sir, it is a very good and wise ruling that you have given. But now as matters stand to-day, these references to the advice of the High Command have been made very often in this House, and the House does not know where we are. Therefore, when members attempt to make the matter clear, I think they ought to be given some indulgence in the matter."

* SRI T. VISWANATHAM:—"Sir, may I also submit that on a number of occasions during the second reading of the Bill, whenever any particular point was advanced by some of the hon. Members, the Hon. Minister said—and a reference to the official reports will disclose it—a number of times, that 'Whatever may be the views of the Provincial Congress Committee, I have been advised like this by the higher authority, the High Command', and has used a number of such similar expressions, to which we have no objection; in fact, we welcome them all. Our only point is that their advice was intended not for the private benefit of

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the Hon. Minister for Revenue, or for Sri Kala Venkata Rao; but for the entire population which is to be affected by this legislation. I submit that, even if he is able to place all such references on the table or not, the reference to the High Command need not be objected to by you, Sir.

"One other point. As a matter of fact, the constitution of the House and composition of the House, and of the Government on party basis, often guided in its parliamentary activities, by the High Command are facts which cannot be ignored by any one of us. I would only submit to the Chair, that such references have been made, and therefore future references need not be ruled out. And where the Hon. Minister has quoted anything with reference to their advice, it is our right to claim that the entire document should be placed before the House."

MR. SPEAKER:—"In the course of the second reading of the Bill, I told the Hon. Minister not to mention anything about the High Command or about the advice given by them, and have asked him to say that he takes the responsibility on himself, and he brings this Bill to this House, on behalf of the Government, and not on behalf of anybody else. And quite studiously he has followed my advice. Only on one or two occasions by way of reply, he mentioned the words 'High Command'. I may say that I have followed the debate very closely, and there are not a number of such instances, but only one or two occasions, when the Hon. Minister was referring to the High Command."

"If any hon. Member refers to the advice of the High Command, he will have to quote something from it. And Mr. Viswanatham or anybody else may raise a point of order saying that the hon. Member has quoted half the thing, and that it should be fully quoted, and therefore the whole document may have to be placed on the table of the House. Therein lies my difficulty."

"I differ from hon. Member Mr. Viswanatham and I say that whatever advice the High Command might have given is entirely for the Party and not for this House. As far as this House is concerned, and as far as I am concerned, I have nothing to do with the High Command."

"I hope hon. Members will not make any mention of the High Command hereafter."

SRI A. VAIDYANATHA AYYAR:—"I hope the Hon. Speaker will give me an extension of time by five more minutes."

MR. SPEAKER:—"Of course, that I shall allow."

SRI A. VAIDYANATHA AYYAR:—"Whosoever's advice it might be, it has been said that on somebody's advice, 1936 inams had been excluded. I submit, Sir, that the Rent Reduction Act was only a prelude to the acquisition of these estates. Once these inams were excluded from the present Bill, it was up to the Hon.

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Minister in charge of the Bill, to have seen that these 1936 inams were excluded from the Rent Reduction Act also. This kind of piecemeal business of splitting up the inams into three decapitated portions is a thing which hardly shows careful thinking or careful planning. One other matter, I would refer to. It is only in these estates that anything like lands available for cultivation exist. And there are a large number of landless poor people in these estates particularly. It should already have occurred to Government to see in what way, they could devise ways and means to make these acquisitions. Nothing in the nature of that had been planned at all, in spite of better advice given by persons who are entitled to give such advice to this Ministry.

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p.m. " Apart from this, I have been trying to see how far this Bill is in fact for the good of the ryots, though *prima facie* it purports to have been sponsored for the benefit of these ryots themselves. As my hon. Friend, Mr. Prakasam pointed out, the present rates of rent in the Tamil Nad estates within this Presidency—and in fact Mr. Prakasam himself admitted in the past that the Tamil Nad landholders and zamindars have stuck up to the 1802 rents, and have not raised it—are what they were in 1802. It is only in the Andhra districts that the rents have been raised phenomenally. That was the criticism of an hon. Member who had investigated the matter and who knew the thing well. Therefore the raising of the rents to the ryotwari rates where these rates have been increased to nearly five times the 1802 rates is not a benefit to the tenants in Tamil Nad.

" Then Sir, under several other portions of the Bill the ryots in the estates are being deprived of many rights and privileges which they are now enjoying. For instance clause 3 (b) says that all communal lands shall stand transferred to the Government and shall vest in them free of all encumbrances. The communal lands are used by the ryots and their ownership vests in the community. By this clause the community is deprived of the ownership of these lands and it is made to vest in the Government. In many of the estates, the ryots have been enjoying certain rights by custom. For example in Seithur and Elumalai zamindaris, after a litigation lasting for a decade, the ryots have established their right to take freely from the hills and forests what they require for agricultural implements, fuel and manure. But now they will be deprived of all these special rights and privileges and the forests will be treated as ayan forests. In the Elumalai zamin the ryots can take water even for dry lands; only they must pay the kist. They need not take the permission of the zamindar. In Thevaram zamin the ryots can take water for the second and third crops as the case may be. But clause 3 (b) deprives the people of all these special rights and privileges. In the taluk which I happen to represent, Melur, a ukase has been issued by the forest authorities restricting the ryots from taking leaf from the forests on the ground that it would lead to deforestation. The entire firka is deprived of the benefit

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of this forest on account of the action of the forest authorities. That is the position to which the ryots in the estates also will be reduced when these forests stand transferred to the Government. They will be losing all their special rights and privileges.

" Then, Sir, there are several other portions of this Bill where fairness has not been shown. The way in which the compensation is fixed is most extraordinary. I would request the Hon. Minister to kindly note clause 36. It says that where the basic annual sum exceeds Rs. 1,000 but does not exceed Rs. 3,000, the compensation will be twenty-five times such sum or Rs. 30,000 whichever is greater. This is a kind of camouflage, because even if the basic sum is Rs. 1,200 twenty-five times the amount will be Rs. 30,000. Therefore all persons in whose case the basic sum is between Rs. 1,200 and Rs. 3,000 will get only Rs. 30,000 and no more."

THE HON. SRI KALA VENKATA RAO:—" They will get Rs. 30,000 or twenty-five times the basic sum whichever is greater."

SRI A. VAIDYANATHA AYYAR:—" Then, Sir, with regard to the compensation, some people have purchased these properties through the Government themselves, when the properties were under the Court of Wards and when they were sold for arrears of peishkush and other things. The purchasers have paid considerable amounts especially in the case of inam lands. But the compensation that is likely to be given to such purchasers would be only a small modicum of what they have paid. It is a very unjust undervaluation. It is very doubtful whether the Act itself could possibly stand, if it provides for the payment of a compensation of Rs. 1,000 for a person who has bona fide purchased the property for Rs. 10,000, whether it can be considered to have provided for the payment of proper compensation."

" Then, Sir, there are cases where an inamdar has invested lots of money in the conversion of his land. For instance, in the Pattukkottai taluk, people have invested large amounts in converting their lands into nanja lands in pursuance of orders issued under the Defence of India Rules. Every acre of land has been burdened with Rs. 500 by way of encumbrances. There is no provision here by which where a man has spent large amount of money on the conversion of his land or where he has paid a large sum of money for the purchase of his land, the true value should be paid to him as compensation."

" Then, Sir, the way in which the matter has been dealt with as regards the inams which are supposed to be excluded and those inams which are included, is somewhat extraordinary. One would have thought that if the 1936 inams had been excluded from the Act, there would be an end of it. The matter is one for the civil courts to decide whether an inam is a 1936 inam. But what is provided in the Bill is a Special Tribunal to decide whether an inam is a 1936 inam or a 1908 inam. With regard to this question,

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the Privy Council has, after a long series of decisions, laid down that there should be no presumption as to whether a man owns both the warams or only the kudiwaram. But here the tribunal dealing with the question whether an inam is a 1936 inam can presume that it is a 1908 inam. The question of onus is of considerable importance, because with regard to many of these grants it is difficult to find anything to enable us to judge one way or the other. Therefore the consequence of raising a presumption with regard to these inams that they are 1908 inams would practically lay all the 1936 inams at the mercy of the officers. These inams are not being adjudicated upon by the civil courts and by the appellate courts. They are going to be dealt with by the settlement officers and their appellate authorities. If their decision is going to be final, the result will be an increasing tendency on their part to square the thing and say that all the 1936 inams are 1908 inams and could very well be brought under the Act.

"Then, Sir, when we are shifting from one tenure to another, one important question is what happens to the interim rents. The landholder has already paid the quit-rent or the peshkash for the previous years. So far as arrears are concerned, even at the time of the Rent Reduction Act we said that the Government should step in immediately and collect them or arrange the matter in such a way that the landholder himself could collect them. But now the Rent Reduction will operate from 1956. From 1st July 1947 it seems to have been in operation. The actual determination of rents will take some time. During all this time it is not practical politics to think that the ryot will be fool enough to try and pay what at present might possibly be a higher rent when he can get the benefit of the rent reduction. Even under the Rent Reduction Act the Government are going to collect only after a notification and after it is decided what is the amount to be collected. Under the circumstances there is practically a deadlock in the districts of Madura and Ramnad. Many of the tenants have not paid for the simple reason that if they pay now they will have to pay more. In other places the Government have issued notices to the zamindars and the inamdars for the payment of peishkush and quit-rent while the ryots are not paying their own dues. The result is the people are being taught how not to pay rent and it is a very bad and undesirable thing for the future administration of the estates when the Government themselves take charge of them.

"Then, Sir, in the case of under-tenures the matter is equally unsatisfactory. Clause 9 says that the under-tenure holder must first file a petition and get an adjudication that he is an under-tenure holder. There may not be any doubt that he is an under-tenure holder. Even if he has the best of materials for proof, clause 9 says that he must file a petition within the time prescribed and get an adjudication. In the absence of that adjudication, it will be regarded for the purpose of this Act as having been created after 1802 or the date when the zamindari came into

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existence. This is a position which takes away whatever benefit a man may have, because we know that the under-tenure holders may not all of them be vigilant and do what they should.

"Then, Sir, with regard to non-ryoti land, clause 22 leaves the people entirely at the mercy of the executive officers. Clause (b) says:—

'(b) in respect of other lands, the land revenue payable shall be calculated at such rate or rates as the Government may, by general or special order, determine.'

The result is, practically any rent may be fixed for these non-agricultural lands.

"I now come to private lands. In the Bill as it has emerged from the Select Committee I find the following in clauses 11 (b) (i) and 12 (b) (i):—

'... provided that the landholder has cultivated such lands himself, by his own servants, or by hired labour, with his own or hired stock in the ordinary course of husbandry, from the date of such acquisition or the 1st day of July, 1945 whichever is later and has been in direct and continuous possession of such lands from that date.'

Two qualifications are required here: not merely must he have been in possession from the later date, he must also have actually cultivated the land. What was agreed to by the Hon. Minister before the Select Committee was important; it was a separate thing as may be verified from the proceedings of the Select Committee. It was of a distinct category. If the person had been in possession and the land had been cultivated by the landholder or had been in his possession since 1st July 1945—that is a very serious matter because the mere fact of the person having been in possession since 1st July 1945 was agreed to by the Revenue Minister as being by itself sufficient for the purpose of giving patta for the land; but somehow in the printing of the Select Committee report, the 'or' has become 'and' and it will considerably reduce the category to which it belonged.

"One other undesirable feature is this: out of the many well-considered propositions brought before the Select Committee, one was section 15. It was recommended by the Select Committee, but by a stroke of the pen as it were, it has met with deletion here in this House. The Hon. Minister himself moved for the deletion of that clause. What trouble has it caused is not probably known to hon. Members of this House. In the case of many temples, there are many villages owned by them; for instance the Meenakshi Temple Devasthanam has many villages surrounding the Madura town. A portion of a village has now come into the Madura town; it was originally all dry land; and on account of its having come into the town, the persons who were owners of such land have sold them out at prices approximating even Rs. 20,000 per acre. When an unearned increment has come in and the property has risen in

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value merely on account of its being brought into the town, naturally both the sharers should be entitled to take the value therefor. The Meenakshi Devasthanam has got about 100 acres within the town. They agreed to pay Rs. 5,000 per acre to the devasthanam and about Rs. 50,000 was about to come in; and because of this decision to delete section 15, preventing the landowner also from taking his share of the property, the amount is gone.

“ One other undesirable feature of the Bill is this: this morning an amendment was moved. I thought from the Hon. Minister's amendment that he had at least a Bench of two High Court Judges to hear a particular matter and when they disagreed, a third Judge's decision was to be final. But there are two unsatisfactory things in it; even the highest court in this Province of Madras does not seem to be exempt from suspicion. Why should the adjudication of a Bench of two Judges be made final at all? Unless it happened to be not such an important matter as to be capable of being taken up to the Supreme Court or the Privy Council, there is no point in saying that there should be no appeal at all. Unfortunately, the Bill has a provision like that.

“ Another curious thing is this: you have decided to let the High Court hear an appeal; but this morning, an amendment was brought forward to say that rules are to be enacted even for a special tribunal regarding the way in which it ought to hear appeals, the procedure they ought to follow, etc. All that is to be dealt with by rules to be framed by the Government.

“ Last but not least, Sir, is this: the Central Government have stated that they cannot give any contribution. Any kind of postponement of compensation is also likely to lead to undesirable results. The Bihar Zamin Estates Acquisition Bill has been sent back by the Central Government to-day because they said ‘ you cannot satisfy people by bonds, you must pay cash ’. If that is the position, when we are committing ourselves to what might possibly be—according to the optimistic outlook of the Revenue Minister—Rs. 12½ crores, how is this to be met? One would like very much to know in what way it was to be met, by embodying the necessary provisions in the Act itself; but the way in which you propose to do it is to be found in rules to be framed under the Act. By making rules in this regard, I am sure we cannot escape from the defect found here. Therefore, one of two alternatives should come in, viz., either the rules should go on providing for payment in instalments which will not be a proper method of payment of compensation, or they should provide for bonds—which method is not accepted by the Central Government. The third alternative, which is of course an easy one, is to try to postpone the fixation of this compensation for such a long time that meanwhile you can go on making interim payments every year by dribblets; and this of course is a very wrong procedure to be adopted.

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“ Lastly, Sir, the way in which the whole matter is being approached is hardly right. The Government are themselves the acquiring authority and they have got the power to pass a statute here. In this case, it is not the case of a Government whose idea as to the making of law is in any way upset by the Legislature. The Government have got here such a majority that whatever the Government bring forward, the Legislature is likely to pass and whatever the Government reject is easily thrown out, as could be seen from the fate of the 400 and odd amendments which were given notice of in this House. Not all of my powers of eloquence could manage to extort from the Hon. Revenue Minister any very changes in the provisions, though I tried with all my powers of persuasion which have been found acceptable elsewhere, all my efforts have failed; apparently, the Minister is made of some material stronger than ‘ adamant ’. I therefore feel it is no wonder that these amendments have gone the way of all mortals. In an Assembly constituted like this, any legislation which is placed before this House by the Government is easily got through. And when such legislation deals with the acquisition by Government themselves of particular property from third persons, we are in a very vicious situation. The person who is to acquire is the Government; the person who pays for the property is the Government and the person who is to make the law for the payment of compensation and to fix the rate is the Government—and that Government is to bring the legislation before the House. The tendency under such circumstances will naturally be to see that all power which the Government possess is exercised with a view to see that the minimum amount of money is to be paid by the Government, because otherwise the Government may not be able to acquire the property and the legislation will be a dead letter—a very unhappy position indeed if the maker of the law for the purpose of fixing the rate of purchase is himself the person who is to be the paymaster as well. The persons who are to get compensation by virtue of such a situation have not had proper chances to place their point of view before the Government. The proper course under the circumstances is not to pass the legislation in the way in which it has been rushed through; the better way of doing it would be to have an investigation to find out how much and how many are these lands, what is their income, how much value would have to be paid, and after Government have gathered all this information, then to see whether we can purchase the property. My baby comes and says she wants to have a real live motor car; naturally when I ask her how much she will pay, she says she will pay three pies, because that is all she has got with her. That seems to be actually the attitude of this Government. The proper thing to do is: first to make an estimate of the value of the motor car through proper persons, to have an investigation of the property to be acquired and then see whether you have got the money to pay its value. I expected that the Constitution Act to be placed before the Constituent Assembly shortly would say

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what the proper amount to be paid is, and what would be proper or equitable compensation. But you don't first acquire or say that you are going to acquire the property and then fix the compensation without knowing exactly how much you are going to pay. This reverses the natural order of things and leaves the persons concerned at great disadvantage. The second reading is over and the third reading will be finished to-day or to-morrow; but I say it is a big incubus that is going to sit upon the people of the land. I do not accuse the Minister of delaying tactics, because with the utmost celerity, he has been trying to exert his level best to see that the Rent Reduction Act is enforced, but only a small portion has been gone through. We have to see that all the villages are taken up and completed, and after the whole thing is done, we have to fix the value to be paid. Meanwhile, interim payments are to be made. The ryots have not yet seen the finality of the rent reduction, and we are thus going to create utter chaos which any Government ought to fear. It is for this reason, and not from any desire to obstruct the Hon. Minister that I prayed on bended knees at the time of the Rent Reduction Act that things should be done in such a way that there should be no interregnum during which the ryots will say: 'I won't pay to the Government; I won't pay to the landlord; I pay nothing because I do not know exactly what is the rent I have to pay.' After my first statement on the Rent Reduction Bill when it was before this House and after this Bill itself was introduced, many are the people who have come to me and said 'the deadlock you feared has already happened; we are not able to pay the peishkush and every time we have to go to the Hon. Minister to postpone the instalments'. Let us hope that God at least will step into the breach—I do not know in what way He will do it—unless the Hon. Revenue Minister himself is beloved of the Gods and they will make him try to rectify the mistakes that have been made openly and recklessly—it should be a very indulgent God and a favourite God if it is going to give him the mind to rectify these mistakes. We see the storm is already gathering, the clouds are there and by the time the next elections come, let us hope we will have some kind of order, and orderly land-tenure, and the Government will be able to take credit for it. Sir, all my sympathies go to the Hon. Revenue Minister for the future."

MR. SPEAKER:—"As a number of Members want to take part in the debate, I propose to allow twenty minutes for each member."

SRI T. VISWANATHAM:—"This is a very important legislation and I think some more time should be allowed, Sir."

SRI K. BHASHIAM:—"I think it is better we have 30 minutes each."

MR. SPEAKER:—"Then we will have thirty minutes for each Member. But we are pressed for time."

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THE HON. SRI KALA VENKATA RAO:—"We are giving a Tea Party to the newly elected Congress President to-day. To-morrow evening, if you want, we may sit even till 8 p.m. We are ready for that, provided we finish this to-morrow."

MUHAMMAD RAZA KHAN SAHIB:—"Sir, my real difficulty is that I am called upon to speak after a very brilliant speech from my hon. friend Sri Vaidyanatha Ayyar as usual."

MR. SPEAKER:—"He should be referred to as Hon. Gentleman."

BEGUM SULTAN MIR AMIRUDDIN:—"That convention not to call the Opposition members 'friends' may obtain in Britain; but here I think we are all friends."

MR. SPEAKER:—"When we speak in English, we shall follow the English convention; when a Member of the Opposition who is not in your party is addressed, he should be addressed not as 'hon. friend' but as 'hon. Gentleman'. You can address a member of your own party as hon. Friend."

M. MUHAMMAD ISMAIL SAHIB BAHADUR (the Leader of the Opposition):—"Sir, on a point of information. I want to know whether it is based on the fact that members in opposition cannot claim to have any friends in the party opposite?" 3-15 p.m.

MR. SPEAKER:—"It is only a convention that is followed, because we are conducting our proceedings in the English language which is a foreign language. As far as I am concerned, everybody is my friend, because I do not belong either to the opposition side or the Ministerial side. My point is, suppose after hundreds of years, somebody reads the speech of the hon. Member, Mr. Raza Khan, as referring to Mr. Vaidyanatha Ayyar as his friend, it may lead to the impression that Mr. Vaidyanatha Ayyar belongs to his party. It is in order to avoid such a thing I would like to follow the convention followed in the House of Commons."

MUHAMMAD RAZA KHAN SAHIB:—"Sir, we have just now heard a very eloquent speech by the hon. Gentleman, Mr. Vaidyanatha Ayyar. Well, Sir, he has brought to bear on the discussion all his legal acumen and pointed them out at least for the benefit of the members of this House, but it is not the case with the Hon. Revenue Minister. I do not think, however, it is too late for him to be convinced. Therefore, Sir, whatever I have to say, I would just like to bring to the notice, not only of the Government concerned but of the people who are going to judge our position and our point of view."

"Sir, on an occasion like this, I wish that I congratulate the Hon. Revenue Minister for his hard work and the way in which he laboured hard to get this Bill through, but I feel I cannot do it and in fact, I am unable to do so. I would much rather

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express the appreciation of all the members of the House for the businesslike manner in which you have conducted the proceedings of the House all these days and in fact all sections of the House have been given a chance to have a say in the matter.

"Well, Sir, the hon. Gentleman, Mr. Vaidyanatha Ayyar, has remarked that almost all the amendments, numbering somewhere about 400 or 450 have been thrown out. It was not on account of any pleasure on the part of members like Mr. Viswanatham, or the hon. Mr. Bhashyam or Mr. N. S. Varadachari or some other of my zamindar friends to have suggested certain amendments to the Bill but it was because they thought that this House was being committed to something wrong or because they thought that something against the principle of justice was being done or that something against the present law was being done by the Hon. Revenue Minister. Of course, nobody can attack his sincerity; his sincerity is at the maximum, but the only difficulty with him is, he has been pursuing a wrong path knowing for certain that it is a wrong path and he was prepared to go even a step further. In fact, Sir, we have been sitting here all these days and during the second reading stage I felt as if the Hon. Minister was running a race against time, because his anxiety was that the Bill should be finished by us some how or other. He was not in a mood even to listen to the speeches or to the good arguments of the members in opposition, much more so even of the members of his party. On occasions, his speeches have been resented. Though he has every right to make speeches, yet it is our right to ask you, Mr. Speaker, about the way in which things are happening here. Let me leave it at that.

"Now, Sir, as far as the speeches of some of the hon. Members from different sides who have tried their best to make necessary alterations or necessary changes in the Bill are concerned, they were all made in the interests of the country or in the interests of the Government and more particularly for the benefit of the Hon. Revenue Minister himself, but they have failed and failed miserably in carrying out their object. Though, of course, the Hon. Revenue Minister might have been convinced of the reasonableness of the amendments proposed by hon. Members or the points which they have brought to bear, yet ultimately when it came to a question of accepting them, he had to say, well, I cannot accept them. Now, Sir, I ask, where do we stand? If I am asked to give my reaction as to how I view this Bill, I may put it briefly like this. (At this stage the Deputy Speaker occupied the Chair.) Madam Deputy Speaker, we may have reason on our side, we may have justice on our side and yet all these are of no avail especially when we do not have the votes on our side. That is our position. He would say, you may talk about justice, you may talk about fair-play, you may talk about reasonableness and use good phrases or expressions, till the time you are tired and then sit down. It is all a question of votes and

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votes are in his pocket—the Hon. Revenue Minister seems to have a long pocket—while all our suggestions have to go the way they have gone. Therefore, Madam, we have not been able to make any appreciable changes, and as a matter of fact, even any change in this Bill, right through the second reading stage. (Sri A. Kaleswara Rao: 'What about your whip?') I am not concerned with whips or with votes, but the fact remains that we have not been able to make any headway in the matter.

"Madam, I do not like to go into the legal aspects of the matter as they have been dealt with by the hon. Gentleman, Mr. Vaidyanatha Ayyar, at great length. In regard to the question of compensation, I think the manner in which this compensation was calculated, the way in which we were forced to accept it, are something very impracticable and something very unusual. We have been asking the Hon. Revenue Minister what is his difficulty in arriving at the right method and the right way of calculation. His whole basis has been only on his so-called theory that the zamindars or inamdars or others are nothing but rent collectors. Of course, I can appreciate the anxiety of the Hon. Revenue Minister to pay as low a compensation as possible, but he could have the courage and the boldness to stand up here and say, I can only afford so much; this Madras Government can only afford to pay 10 or 12 crores and nothing more than that. He should have taken a courageous and straightforward stand. Instead of this, he has adopted more or less a circuitous way by coming forward with a new theory. If you really go into the analysis of this compensation question which is to be paid either to the top man, the big zamindar or to the lowest of the zamindars, in the ultimate scheme of things, what the Hon. Revenue Minister is going to pay will only be in the case of the big zamindar hardly about 2 to 2½ times the year's income and in other cases hardly 5 or 6 times the yearly income and then there is to be a further reduction of 8-1/3 per cent in the basic income. So, Madam, in the ultimate analysis it will work up to not more than 2, 3 or even 5 times the annual income. Is it fair? It is not fair. We have been pointing this out a number of times and we do not like to repeat it, because we are apt to be misunderstood that we are supporting the capitalists. It is not so. By passing this Zamindari Abolition Bill, are you going to cut away the capitalists. You should not be carried away by mere catch-words or shibboleths. Especially when it is a question of enacting a law for the people, we should not be carried away by such slogans. Unfortunately, I should think the Hon. the Revenue Minister is going the wrong way about—not that I like to make any charge against him—rather than face the realities of the present situation.

"In this connexion, I would like to draw your kind attention, Madam Deputy Speaker, to what I have been repeatedly saying. If it is a question of handful of zamindars who are going to be

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hard-hit, it is a different matter and there is also no justification even if 50 or 100 of them are going to be affected. But, you are going to deal with not hundreds but thousands of families as has been pointed out during the course of the discussion, whose income may not range beyond Rs. 20 which is all that they possess in this world. If you are going to deal with these small zamindars, it will only mean ruination in the case of most of them. Madam, after this Bill is passed by the other House and gets the sanction of His Excellency the Governor of this Province and the Governor-General, you can imagine the fate of these people. They will merely be thrown in the streets and forced to face such a situation for no fault of their own except because we thought it best to get this Bill through.

"Madam, I do not like to go into the other aspects of the Bill because it is not going to be of any benefit, except to refer to only one thing. The Hon. Revenue Minister, during the course of the debate gave us to understand, to which the hon. Gentleman Mr. Prakasam, also has drawn attention, that at some future date, he is going to bring in a comprehensive legislation involving everybody. Except for that promise, there seems to be nothing. This Bill is nothing but a transaction as between the Government on the one hand and the parties affected on the other. Now, in regard to the question of taking away properties, whatever may be your argument, whatever may be your talk, the fact remains that according to the present law or the scheme of things, they are the owners of property and they have got all the rights and you are taking away their rights and properties on payment of certain compensation. It is an insult to call it compensation, I mean the payment you are going to make in lieu of the properties you are going to take away from these people.

"Now, Madam, in regard to the other point which was rightly referred to by the hon. Mr. Vaidyanatha Ayyar, I do not think it will be any use in my repeating it and though you may take it as nauseating, yet so far as the Hon. Revenue Minister is concerned, it makes no difference. Even an ordinary man or a man who does not know much of law, knows that there are always two parties to a dispute and there is always the court to decide it. Whether it is the civil court, or the district court or the High Court, they have got a right to go there and get their grievances redressed. Of course, I do not wish to attribute motives to anybody, but there are some officials who in their anxiety to pay as much less as possible to the persons who are affected, may estimate properties worth, say Rs. 5,000 at Rs. 2,000, because they have got their own way of calculation and they can manipulate it in such a way that these inamdars or others deserve only Rs. 2,000 or so. Under such circumstances, the parties concerned have no means of going to a court of law. When this was pointed out to the Hon. Revenue Minister, his argument was, I want to save these people from litigation. But, I do not understand how

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you can take away their right of going to court and spend money on litigation especially when you are taking away their property. Therefore, the argument of the Hon. Revenue Minister that it is in their own interests that the jurisdiction of the High Court is ruled out is not convincing.

"Madam, the next point I would like to submit is this. We have just now heard what has been the fate of the Rent Reduction Bill which has been passed by this House recently. There are many estates, zamindaris and so many inams where preliminary work has not yet been started and I think it will take even five or ten years for the preliminary work in them to be carried out. You may bear with me when I say that the whole basis of the Bill is that the rents in the estates and inams have first to be reduced to the ryotwari level and till such time as that is done the provisions of this Bill cannot be put into effect and then you have to notify the estates in the Gazette. Therefore, even according to the estimate of the Hon. Minister it will take more than seven or eight years for this Government to succeed in bringing all rents to the ryotwari level. Again you have to go through the process of survey, etc. In the meanwhile what is to be the fate of the people affected?

"Now, so far as this Bill itself is concerned, it has to go before the Council and after it is passed there, the sanction of the Governor of Madras, according to the constitution, has to be obtained, as also the sanction of His Excellency the Governor-General. When once it is passed into an Act and notified in the Gazette, it means that all the properties automatically come into the hands of the Madras Government. When you take over the properties and the rights of the zamindars and others, where do they stand? As I have already told you, it may take even ten years to finalize the quantum of compensation to be paid to them. (The Hon. Sri Kala Venkata Rao: 'The hon. Member has stated that it may take seven or eight years and now he is increasing it to ten years.') Yes, Sir, if you take all other things also into consideration, it will mean ten years or even more.

"In this connexion, I may point out that it is the elementary rule of any transaction that when you once take away anybody's property, you have to pay him the amount of compensation or the amount which is fixed. During all these ten years when the Government will be in virtual possession of these estates or inams, the people affected will not get any income except on the basis of the 25 per cent and this position will be really hard on those people affected, because along with taking away their rights and properties, you are also taking away everything else they possess. If I ask the Hon. Minister whether they deserve only this 25 per cent of the income, he will say, the compensation has been decided on the basis of 25 per cent of the income. It is really unfair. I want to know what is the difficulty of the Madras Government in regard to the matter? Of course, I think the whole difficulty is

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the question of finance. If really the Madras Government think that they are not in a position to pay these people, let them say so definitely. I say it is but right that they should do justice to these people, even though it means the payment of a few more crores, because it is a question of prestige of this Government. Simply because you feel you cannot pay them, as I said on a previous occasion, you have no business to take over their properties and say, you are going to pay only less.

“Then again, Madam, the question of finance, as I have already said, is going to be a very very difficult one, so to speak and the hon. Gentleman Mr. Vaidyanatha Ayyar has already drawn your attention to this aspect of the matter. On a previous occasion, when we asked how the Government was going to find funds for this, we were made to understand, it was none of our business and that some how or other the Government were going to find the necessary finance. But, so far as the Government of India are concerned, take it from me, Madam, they are not going to advance a single pie to the Provincial Government, and because it is a matter of All-India Policy—and it is also the policy of the Government of India to fight inflation—they feel that this is not the opportune moment for the various provinces in the Indian Union to acquire properties like this. Of course, so far as this Province is concerned, it may be a question of 8, 10 or 12 crores but in a province like the United Provinces, it seems the compensation amount comes to somewhere about 125 crores. Therefore, the Government of India have made it quite clear to the Provincial Governments that this is not the opportune time to launch on this measure.

3-30 P.M. “The Hon. Minister has said that he is only going to pay about 12½ crores of rupees and therefore, we need not bother about it. But if supposing when the matter is really calculated, it comes to 25 or 30 crores, my question to him is: Will he be in a position to pay? and if we have no cash money, how are we to pay. You will pay at some distant time, say seven or eight years afterwards. That, I say, is entirely wrong. Sir, when once this Bill passes through this House, it is a Bill passed by this House and the fact whether it was opposed or supported by some is beside the point. I am not suggesting that the persons affected must go to court but it is possible and it is quite likely that some parties who are affected might think of going to court, the Provincial High Court or the Federal Court or the Higher Courts for the redress of their grievances and I do not wish that that contingency should arise at all. As a matter of fact even the zamindar friends who spoke on the Bill said that so far as the principle of abolition of the system is concerned, they are one with us and there is no difference between them and the other parties. But they have definitely pointed out that the Government is entering into this transaction and the only pertinent point which should be observed is justice. I do not like that I should

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in any way be instigating these parties to go to court. This Bill will certainly get through with the Hon. Minister for Revenue saying: ‘Everything just has been done and all have been treated fairly well and I have nothing to add’ and then the Bill will go to the other House and within three or four days it will get through there. They have to obtain the assent of the Governor-General and the Bill has to go to the Government of India for scrutiny by the Legal Department of the Government of India. It has got far-reaching consequences and every clause of it will be scrutinized by them because you are setting up precedents for years to come and you are initiating principles to be followed. When we put the question to the Hon. the Minister for Revenue or to any one on the Treasury Benches, they bring some quotation of 1937 or of 1916 and they say that they are doing that particular thing on account of that, it might be that it related to the Adviser regime or the Congress Government themselves. Therefore, whatever this Government are doing will be quoted by the Governments coming afterwards and therefore, it is that the Bill will be examined very minutely by the Legal Department of the Government of India where there are very many legal brains. Ultimately, this Bill will have to receive the sanction of His Excellency C. Rajagopalachariyar. He has a clear mind about this matter. In the year 1938 he had some conception that the zamindari system should be abolished and therefore, having the responsibility for the welfare of the whole country, if he is satisfied that something wrong is done, whether it be the Government of Madras or any other Government he will certainly send back the measure for the necessary alterations and rectifications, not that my speech is going to influence such a great personality; I know the man and he will surely forward the Bill saying: Here are the clauses which are defective and here are the provisions which are anomalous and certainly I think it will surely come. I am not a lawyer but still I am able to observe so many anomalies but when these are pointed out to the Hon. Revenue Minister he has simply ignored them as if they are of no consequence and that somehow the Bill can be passed. Just as I said in the beginning, the thing of consequence is justice and the name of the House and the Hon. the Minister for Revenue may even laugh over it. He has been here all these three years and in reply to representations, he has been merely turning a deaf ear. It may be he feels that he has got something to show to the people, that is the tendency in these days, saying that we have abolished the zamindari. If he feels like that he is committing a mistake and least of all is it a thing to be talked of as if it is done for the sake of the people. After all we talk in their name, and we feel so much for them but do nothing. As has been pointed out by the hon. Mr. Bhashyam where do the poor people come into the picture here? It is the Government who are acquiring the right and it is they who are going to make the collections from the ryots and pay the compensation to the zamindars: it

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only promises us that at some distant date the Government will be doing something to the people. It is perfectly right on my part and my hon. Friend Mr. Nagappa also thought like that that by a merely changing the word from 'ryot' to 'tiller of the soil', the very basis of the Bill could be changed. The Hon. the Revenue Minister had raised hopes in the minds of the poor people, the tillers of the soil, that he would do something for them; but to-day they have all been disillusioned? Is it something like giving a promise which you know you are not going to fulfil? All of us irrespective of our political ideologies want to do some service to the people. To my dismay I found there are some hon. Members who wanted to go a step further than the Hon. Revenue Minister himself; they complained that he is going to give ten crores of rupees on the basis of this Bill; they complained that he was too generous; 'pay nothing' they said, and 'let us turn them out'. They stooped to that level but forgot the essential principle of justice that one should not be generous with other's properties. I do not wish to cast any reflection on any hon. Member. I can understand one being generous if it is going to affect his own purse or property but there is no use, and it is bad also, trying to be generous at other's expense and trying to keep the property of others—whether it be for the Government or others and I do not know what the consequences would have been if it had all been accepted. I do not wish to take much time except to say: What the Hon. Minister is doing by means of this Bill is wrong in law and against the principles of justice; he knows it to be so and yet he persists in it."

(At this stage Mr. Speaker occupied the Chair.)

* SRI K. BHASHYAM:—"Mr. Speaker, I think, Sir, so far as this House is concerned, we are coming to the end of our troubles. There will be plenty of trouble about it in the country after the Bill is passed, how the Government are going to tackle the matter is a question for the Government that is in power at the time. Perhaps this Government might leave a legacy of trouble for their successors. There will certainly be trouble and there is no doubt about it.

"First and foremost, is the question whether the Bill is legally valid and can stand the scrutiny of a court of law. That is a matter which has been debated at length on the floor of the House and the Government must have taken care to see that all arguments and loopholes for contending that this Bill is not a good one or a sound one, must be guarded against. My hon. Friend Mr. Kaleswara Rao has placed before the House many amendments for the purpose of meeting this point to say that it is not acquisition but merely abolition have not been accepted; all the words which may lend support to the argument that there is some property which is acquired must, he said, be avoided; but it has not been heeded. The Government themselves are courting trouble from the landlords themselves from what they have done.

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Practically they are handing over from the various sections of the Bill a case for the landholders for placing their arguments upon for declaring that the Bill is not sound and good and valid in law. Next the Government themselves have not been able to make up their minds what interests are to be affected; time and again they have changed their minds; they put all the inams together; there was the question regarding the charitable and religious endowments; they changed their minds; then there was the question of the 1908 and 1936 inams; they changed about it also. They were not able to see and come to a conclusion on what they can really abolish, what they want to abolish and what they cannot abolish. The reason is they had not the necessary materials upon which to come to a definite conclusion. It is true there is the Prakasam Report so far as the zamindaris are concerned and a wealth of material has been collected and conclusions have been arrived on the basis of data. But as regards the others, undertenure holders, inams in the hands of religious and charitable institutions, these had not been investigated and I do not think that the Government have even now got the necessary data for the purpose of arriving at definite conclusions. But the Government have dared to deal with the question of inams without the necessary data. I am not able to accept the estimate given by the Hon. Revenue Minister that it will take Rs. 10 or 12 crores. As a matter of fact I feel it may go much farther. Regarding the 1936 inams they omitted them not because they wanted to show them any concession but because they thought that if they were to be paid compensation, the figure would go much higher and without the help of the Central Government—they refused to help them in this regard—they could not be abolished. But here also, there is this one thing to notice. The Government has neither been honest nor sincere about the exclusion. They did not say that the 1936 inams would be excluded but they said all inams shall be considered as 1908 inams unless the inamdars prove that theirs are 1936 inams and the onus of proof has been laid upon the parties claiming the inams as 1936 inams and if they fail to prove, it is included within the scope of the Bill. I ask, Sir, whether in the circumstances that is a concession shown to them. In their case, there is great difficulty in proving their origin and they stand on a different footing from zamindars who may have records and preserve them. They pride in their birth and their descent in that they have been descended from a particular ancestor hundreds of years ago. So far as they are concerned, the records are available and their origin may be ascertained. But the inams is a difficult matter and it is really wrong to place this question of proof on them and Government must take the responsibility of saying which are the 1908 inams and which are the 1936 inams as they have records in their possession. There are reports and statements available with them and when that is so, they must be able to say definitely whether a particular inam comes within

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"There is another point to be borne in mind. There are several creditors of estates. The amount payable to them might swallow the compensation amount and something more might be due to them over and above that. In such cases nothing will be left to the zamindars and the maintenance-holders. So at least if a certain percentage of the compensation amount is set apart for the creditors is better so that the balance might be left to the zamindars and the maintenance-holders. But the law as it stands is such that as the creditors who have got a first charge on the estate they will take the entire amount to them and only the balance, if any, will go to the zamindars and maintenance-holders.

"Now, as regards the maintenance-holders, Government want to have a new rule. Whatever contract there may be, whatever the decree of the court may be, the Government upset all these. A fresh distribution will take place out of the money deposited in court. All claims of prior decrees and contracts in writing will be wiped off. I think, this is going too much. It will create confusion in the minds of the people.

"Again, Sir, in the case of purchasers of estate for value, I want to reiterate here what I have already said in the course of the second reading. I want to say this: the present holders who are purchasers of zamin estate, purchased the property on the full representation by Government itself that the persons who are in possession of the property are still owners of the land. So they purchased the property as owners of the land and that ownership has been attributed to them by Government themselves. Some estates have been confiscated have been sold by the Government themselves to various persons. In such cases it is equitable and just that their title to the property should be recognized; and so, purchasers of estates stand on a different footing from zamindars.

4 p.m. "So far as survey and settlement are concerned, I will say only one thing. The principles on which survey and settlement are to be made are to be published by the Government, but they ought not to be questioned by a court of law. The amendment to the effect that those principles may be placed before the Assembly at least so that the Members may scrutinize them has not been acceded to by the Hon. Revenue Minister.

"The next point to which I refer is about the arrears of rent. The rent which the zamindari tenants have been paying has been reduced to the ryotwari level. That is an advantage which the tenants gain, and they must be really thankful for the Rent Reduction Act. Even that reduced rent need not be paid except for two years is the provision made in the Bill. I do not see the reason why it should be so. The complaint has been that the zamindari tenants have been overtaxed and burdened with liabilities which were not theirs in reality. Therefore, they got relief through the Rent Reduction Act. Why should any further relief

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be given now? If a tenant has been dishonest enough to evade the payment of rent for several years and if he pays the rent for two years, the whole arrears of rent are wiped off. I think this is most unjust and inequitable, especially when the Government have not given any concession to the landholder in the payment of peishkush. If they had shown any concession, there might have been some justification in wiping off the arrears. This wiping off of arrears has been resorted to too often that I think for some time to come even the ryotwari tenants may hold up the payment of taxes due to the Government in the hope that the arrears would be wiped off by a future Government. It is really very dangerous, and when the provision is actually put into force, it will cause great embarrassment to the Government.

"This Bill has gone through so many stages and passed through so many vicissitudes that it has come out in a form which is hardly recognizable from what it was in the first instance. Therefore, it would have been better if the Hon. Revenue Minister had placed copies of the Bill as amended in the hands of the legislators. Copies have not been supplied and we are really hard put to it to find out the sections as they stand after the amendment. (The Hon. Sri Kala Venkata Rao: 'It is not my mistake.') I do not know whose mistake it is. Certainly I shall hold the Government responsible for all the ills in the world and they must set them right. While I am labouring under a disadvantage, I can only approach the Government and it is for the Government to find out the person responsible and get redress done to me. But the fact remains that we have not been supplied with the Bill as amended in time to enable us to effectively criticize the provisions, and the blame for it must rest on the Government and Government alone. (The Hon. Sri Kala Venkata Rao: 'I gave you my record.') Your record, with all the notes and arguments, was so confusing that I could not follow it. When several sections have been modified or recast, how can we be able to follow, merely from the discussion on the floor of the House, the implications and the legal consequences of the amendments? The criticism that I have so far made is inadequate, because I have not got material on which to proceed.

"I am sure this Act is going to cause a lot of trouble and a good deal of head-ache to the Government. First and foremost there is the question of the interests of the zamindar, and the question of inamdar will come up at every stage. Whether a particular land is the private land of the zamindar or not, whether an inam is a 1936 inam or 1908 inam, whether it is a pre-settlement or post-settlement inam, whether it is an under-tenure estate or not—all these and other matters have to be decided by the Settlement Officers. How far can they carry these heavy burdens without help from lawyers or persons with legal training is a matter for the Government to consider. As a sort of remedy to the difficulties that have been pointed out, I suggest that legal assistance must

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be allowed to the parties in presenting their case before the Settlement Officers. This is one thing which I request the Government to do. I repeat what I said because the Revenue Minister was not listening. In the case of any dispute between the Government and the parties concerned, legal assistance must be given to the parties in presenting their case before the Tribunals, the Settlement Officers or other authorities.

"The Tribunals should be composed of persons with legal training. I do not mean to say that they should be lawyers because I know that this Government have got a prejudice against lawyers. Even in Government service, there are persons who have passed a course of study in law or who have had some training in deciding cases involving a legal principles. Such persons may be selected.

"As regards the Tribunal, I am anxious that it should be a perfectly independent body. My amendment proposing that outsiders may be appointed has been thrown out. It would have been better if my amendment had been accepted. Only the Government officers have been retained. Even among these officers, let the Government select those who know all these things very well, and not merely the executive officers some of whom do not know anything more than to say 'petition rejected'.

"These are the various thoughts that struck me and I place them before the Government for careful consideration, not the careful consideration which they accorded to my amendments, but the careful consideration in the proper setting, which they deserve and is due to them.

"Before I sit down, I want to say just a word about the manner in which the Bill has been rushed through, though I am not inclined to refer to it because some other Member has already referred to it. This is a Bill which affects millions of people. Even though the zamindars are few, I say that this Bill affects millions in this sense. The maintenance-holders, the creditors, the tenants, the junior members of the zamindar's family—all these people are affected. Such being the case, more time must have been allowed for discussion and for eliciting opinion. The Government must have been less complacent and more ready in accepting suggestions. It is not as if every amendment makes a change in the principle of the Bill or radically alters anything important. Amendments relating to procedural matters could have been accepted. Somehow or other, the Revenue Minister feels that any criticism or suggestions from Members must be viewed with suspicion, and that they must be examined carefully not by himself but by his department. He thinks that what all the department does is right and proper and that any suggestions from us are not quite acceptable. Many of the suggestions made by me related only to procedural matters and were intended to benefit the parties as well as the Government. The Government have not accepted them. I am sorry for it and I express my feeling on the floor of this House.

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"With these words, as a Member of the Party to which I belong, I support the Bill."

* SRI T. VISWANATHAM:—"Madam, Deputy Speaker, a very important Bill has come to the stage of Third Reading. I certainly congratulate the Hon. Revenue Minister on his getting the privilege of pushing through this legislation. During the Second Reading stage, I pointed out several features of the Bill which were not good according to me and they still persist here. I hope to refer to them somewhat later to-day. Notwithstanding all those undesirable features and what we consider as defects, on giving effect to the principle of the Bill, namely, the abolition of the zamindari system of tenure in this Province, the Hon. Revenue Minister deserves my word of congratulation. Madam, as I have already said, there are several things which require to be pointed out even at the Third Reading stage which I do not consider too late. After the Third Reading stage and before the Council stage, there is an interval during which the Hon. Revenue Minister can take better counsel and try to improve the provisions of the Bill. (Interruption.) I am not referring to the Governor's assent, or the Governor-General's assent, because it is not our concern. I am a Member of this House and I am content with the decision which the legislators of this Province arrive at wholeheartedly and without reservation on the provisions of the Bill.

"Provision for the repeal of the Permanent Settlement, provision for the acquisition of the rights of landholders in permanently settled and certain other estates, and the introduction of the ryotwari settlement in such estates—are the three ostensible objects of the Bill. I would like to ask whether the Government have stuck to these three objects in the provisions that they have made in the Bill. When the Bill was originally published, it contained 25 clauses. Then a Joint Select Committee was appointed which sat for nearly 37 days taking evidence and discussing the clauses. I have got a copy of the proceedings from which I see that there was pretty little discussion. A few points were pressed, finally the Hon. Revenue Minister moved an amendment and that was adopted, sometimes unanimously although five or six members differed and made directly opposite suggestions. Thus for 37 days the Select Committee proceeded. The result is that instead of the original 25 clauses, the Bill as amended by the Joint Select Committee contains 64 clauses.

"Then came the stage of second reading and not content with the changes made already and not content with the perfection of workmanship so far carried out, the Hon. Minister for Revenue introduced a number of new clauses and we have now 68 sections. It is now not a small Bill of 25 sections as originally published but a new Bill of 68 sections on which we are having the third reading just now. Not only has there been an increase of new sections in this Bill, but several important features of the original Bill have been changed substantially, as has already been pointed

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out. I shall confine myself for the present with the objects as stated in the Preamble and the title of this Bill. If the object is to repeal the Permanent Settlement Regulations and to bring those estates under the ryotwari settlement, this Bill should have been strictly and rigorously confined only to those estates which were brought under the Permanent Settlement Regulations in the years 1802-1805. The estates which are now in the list of permanently settled estates are not the only estates which were permanently settled in those years. If we refer to the old accounts, we will find that the peishkush payable by all those estates was about Rs. 1.15 crores. But several things happened afterwards and the peishkush which was originally fixed was so high in some estates, that it was almost impossible for the estate-holders to pay the peishkush and retain them, and hence those estates had to be sold in course of time and when the Government found that the selling of the estates was no more of any use, they converted several estates into ordinary ryotwari areas and that is how the estates which were expected to pay peishkush to the tune of Rs. 1.15 crores were reduced in number later and now they are paying only a peishkush of Rs. 47 or 48 lakhs, and the present figure of Rs. 48 lakhs has been there for a very long time. This figure is also liable to slight variation, because some of the very small estates have been vanishing from time to time. Therefore, what I am trying to point out is that if the object of the Government is only to acquire those estates, which were permanently settled, the provisions of this Bill should have been rigorously confined only to those estates. But what has been done in this Bill? These permanently settled estates were originally there, but later on for convenience of administration, what happened was, certain kinds of other lands, namely, under-tenure lands and certain kinds of villages known as inam villages were also brought under the definition of estates, only to apply some of the provisions of this Act relating to the landholder and the ryot so as to enable the landholders to collect their rents from those ryots. Because the procedure in respect of the collection of rent was common to both, these inam villages, under-tenures, mokhasas and jagirs and other similar villages were all tacked on together under the definition of estates. But they were by no means confused with or taken as permanently settled estates at all. In fact, from the very beginning of the history of this legislation in this Province, and from the various records of Government which were examined and scrutinized from time to time during the last 140 or 150 years, it will be seen that the legislatures and the Government had constantly and uniformly kept clear in their views that these mokhasas, jagirs, etc., are distinct and different from estates which were settled under the Permanent Settlement Regulations, because both in origin and history and purpose of the grant these mokhasas, inams, jagirs, etc., are entirely different from those of the estates. Even the Select Committee which reported on the present Bill at one stage,

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at any rate, did pay attention to this particular aspect of this question. On page 2 of the Select Committee's report we find that it is stated that so far as inamdars are concerned, the Committee considered that this division of two-thirds and one-third should not apply to them having regard to the origin of the grant. Although the difference between these two was not so elaborately discussed by them, yet it was assumed by the Members of the Select Committee that the origin of the grant was totally different between estates and other kinds of inams, mokhasas, jagirs, etc. I submit, Sir, that when once they recognized that these two things were different, they should not have brought these inams within the purview of this Bill. That was one of the contributory causes for the delay in the passing of this legislation for so long. I dare say that the Hon. Minister for Revenue knew perfectly well that these inams had a different origin from the zamindaris. The position of the tenants in the zamindaris are entirely different from that of the ryots in the inams, mokhasas, jagirs and that the rights of the tenants in the zamindaris are also absolutely different from the rights of the inam ryots, although for the sake of argument, he might now assert, 'Oh, all these are one and the same'. That might be true in the sense of what Sri Sankaracharya says that all things in this world are one and the same. If to-day Sri Sankaracharya comes here and says, 'We are all one, we are all Gods, I am God, the table is God, the microphone is God and everything in the Universe is God', perhaps we might follow the point, but that kind of argument, coming as it did from the Hon. Revenue Minister cannot take us anywhere. We are making this legislation and we are working out certain policies for the amelioration of the people and as legislators and citizens of this Province, we have got our own set of rules and regulations for the conduct of our business in an orderly manner, in a manner understandable, and in a manner which the ordinary man-in-the-street can appreciate and follow. The Hon. Minister for Revenue mentioned in the course of his speech at the second reading of this Bill that both inams and estates are, for all practical purposes, one and the same. That is a most untenable position. I submit, Madam, that these inams should not have been brought in at all in this Bill.

The next point that I wish to advert to is about the distinction which is sought to be made between what are called 1936 inams and the 1908 inams. I have already explained at great length in this House that these inams were granted long long ago. No inam was granted either in 1908 or in 1936 and certainly no inam was granted between the years 1908 and 1936, to warrant this distinction. If I may say so with all respect to my hon. Friend the Revenue Minister, what the Act of 1936 did was only this. It laid down a particular presumption in the case of all inams. There was no question of 1936 inams or 1908 inams. Then there was a certain amount of doubt and uncertainty with regard to the occupancy rights as between the inamdars and their tenants.

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The inamdar claimed that he had both the warams, while the other party denied it. Matters went before various courts and after conflicting decisions in various courts, the Privy Council finally set them at rest and said, 'the ordinary law in regard to the burden of proof applies'. What is the principle of law in regard to the burden of proof? Everybody knows and the Hon. Minister for Revenue also knows that the burden of proof lies on the man who would lose the case, if he does not prove his case. That is the fundamental principle of law in regard to the burden of proof. Certain political troubles intervened in this Province afterwards which have nothing to do either with tenancy or with land revenue reform, and as we all know, politics had always played a great part in the matter of legislation in this Province, and owing to certain political considerations, the Legislature in 1936 wanted to nullify the decision of the Privy Council with regard to the 'Burden of proof' in respect of inams. They therefore passed this legislation, saying that in all cases the burden of proof was upon the inamdar himself. That was the essence of the Act of 1936. It said so, not only with regard to the inams which were the subject-matter of litigation in courts, but it covered all the inams that were in existence before and those that came into existence subsequently in 1802. In effect that Act laid down that with regard to every inam, the inamdar has no right of occupancy within himself and that if he says that he has got it, he must prove it in a court of law. Therefore, Madam, I submit that the distinction sought to be made by the Hon. Minister for Revenue at a later stage between these two kinds of inams and the amendment has made in sub-clause (7) of section 2 of this Bill are really of no use at all. Even assuming that he wanted to exclude certain inams from this Bill, it was difficult for him to know what those inams were. From the very beginning it was the general complaint in this House that the Government had not before them the various kinds of inams, their extents and their incidents of revenue and other details. In spite of all this, the Hon. Minister for Revenue did two things in this Bill. One is, as I have said just now, he amended sub-clause (7) of section 2 and the other he introduced clause 9. This new clause 9 is almost exactly a reproduction of a previous section of the Act of 1936 and the final sub-clause of that section says, '*in the absence of evidence to the contrary, the Settlement Officer and the Tribunal may presume that the inam village is an inam estate*'. Therefore, this Bill which is going to be passed into law just now, has given a new term, namely, 'Inam estates' as distinct from 'Inam villages'. It has already been dealt with by my hon. Friend Mr. A. Vaidyanatha Ayyar very elaborately. But so far as the scope of this Bill is concerned, without confining himself to the abolition of the zamindaris, which we have all at heart, the Hon. Revenue Minister has brought within it the inams, not knowing what they are and even to-day we are in no better position to know

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what exactly they are. Then so far as the other things, like the amount of compensation, etc., are concerned, some of us, at any rate, are still in the dark. It is true that the Chair has already ruled that we cannot refer to what the Congress High Command has advised in regard to this matter and we submit to that ruling. But it will be difficult for us, especially when the Hon. Minister for Revenue has been canvassing our support for this Bill on the basis of the advice given by the High Command, not to refer to it, because we also respect the Congress High Command as much as he does.

"Sir, we also respect the High Command. The High Command is not the High Command only to the Hon. Minister. (The Hon. Sri Kala Venkata Rao: No, no.) We only plead for a little enlightenment. We plead that the Hon. Minister should not monopolise all the correspondence to himself, and yet use the name of the High Command to canvass support. That is all the complaint, and it is there, notwithstanding the fact that the Hon. Minister was able to put before us in a most unwilling manner a few documents, and that too only portions of those documents. The real trouble in this Bill has arisen on account of these. I shall try to analyse all the difficulties that have arisen. If we really wanted to abolish the zamindaris, there would have been absolutely no difficulty at all, because it is a proposition accepted not only by Congress men but also by others. Except perhaps one or two zamindars, I suppose everybody was agreed on the principle of the abolition. There are four parties to be taken into consideration. The parties involved in the Bill are (1) the zamindar and the ryot, (2) the zamindar and the Government, (3) the ryot and the Government, and (4) the Government and the inamdar. If we abolish the zamindari tenure, there would be only three parties to be taken into consideration. That is, the zamindar and the ryot, the zamindar and the Government, and the ryot and the Government. So far as the zamindar and the ryot go we are not concerned about them. What has the zamindar been hitherto doing towards the ryots? There have been transgressions of law, etc. But there may be exceptions here and there. We need not go into all those now, because we have already presumed that the zamindar has transgressed the law, and it is only on that basis, on the basis that the zamindari system was not beneficial to the cultivators of the soil—was not beneficial to the prosperity of the people as was originally imagined by the framers of the Permanent Settlement Regulation—we have come to the definite conclusion that that system should go. There are two more parties who have to be taken into consideration; they are the zamindar and the Government on the one side and the ryot and the Government on the other, the residuary legatee, as it were. If the future relations between the ryots and Government have been excluded from the purview of this Bill, most difficulties and most of the criticisms which have arisen in trying to find out a solution would not have cost us so

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much time and acrimonious debate now and then. If the Government have only stated that so far as the ryots are concerned, their policy is to be defined in a separate legislation, there would not have been any difficulty. So far as rents are concerned, they have to be reduced to the level which was prevailing at the time when the Permanent Settlement Regulation came into force.

"Then, Sir, about the zamindars and their ryots. So far as the ryots are concerned, we are trying to restore the conditions of the Province, by abolishing the zamindari system to those in favour of the tenants at the time of the Permanent Settlement. We could do all the three things separately. Only we have complicated the passage of this Bill without having any countervailing benefit to the people. In the 1802 Regulation, you will find that the relations between the estate-holders and the Government were covered by one regulation while the relations between the zamindars and the tenants were regulated by other regulations, because, clarity of legislation was absolutely essential. It is essential even now if we want to make any definite progress.

"So far as the ryots are concerned, there are not many clauses in this Bill relating to them. Four clauses relate to settlement. While the details relating to Settlement are not given here, we know what settlement it would be. It will be the ryotwari settlement. Arguments have been advanced, that these ryotwari rates should not be imposed on the ryots. It is only fair and just that when their estate-holders are removed, these ryots also should be taken back to their original position of the rents prevailing at the time of the Permanent Settlement. Clauses 19 to 23 deal with the ryotwari settlement. This ryotwari settlement is all right in a way because it reduces rents to a great deal in the Telugu portion of this Presidency, but so far as the other portions of this Presidency are concerned, it does not do much good, because, in some cases, we have been told—and it is a fact—that the rents are lower than the ryotwari rates. If only we look into the previous debates of the Legislative Council we will find that Members representing the tenants have always protested that this ryotwari basis is not a favourable basis favourable to the cultivators of the soil. While the Government always claimed that they would take only half of the net income from an acre of land, the people have worked it out—and economists also have worked it out—and they have found out that Government really took 75 to 80 per cent of the net income from an acre of land. That is the objection to the ryotwari settlement and that was the objection to the re-settlements also. The Hon. Revenue Minister knows that. That is why some of us always insisted that with the repeal of the Permanent Settlement the tenants also should be given all the conditions obtaining before the Permanent Settlement came into force. Sir, the 1802 rents have sometimes been styled as anti-diluvian. We are to-day dealing with conditions which obtained in 1802. We are repealing

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the 1802 Regulation to-day. Therefore, to say that so far as the tenants are concerned, it is anti-diluvian to impose rents that were so low in 1802, is not correct. These are all living things. We are repealing the Permanent Settlement only to-day. Therefore, I submit, the ryots should be entitled to that smaller rent as provided in 1802.

"Sir, the other provision in the Bill relating to ryots, is the wiping out of arrears. I am one of those people who believe that most of the tenants in this Presidency have been over-burdened with rent. I am very glad to be able to support a measure which seeks to wipe out arrears. It is true that the Advocate-General has opined that arrears cannot be wiped out. I do not know what that opinion is, because the Advocate-General's opinion is not placed on the Table of this House. Reference to this opinion is also made in the proceedings of the Select Committee. But we do not know exactly what that opinion is. If we had the power under the Agriculturists' Debt Relief Act to wipe out arrears, we equally have the power to wipe them out under this Bill. It may be true that there are some ryots who are in the habit of lending to their landlords at even 30 per cent interest. If those people are to be benefited by this wiping of arrears, it amounts to injustice in a way. But if it is to benefit 80 per cent of the ryots, I should be very glad to see that all these arrears are totally wiped out. As a matter of fact, most of the arrears which have not been collected by the zamindars can be safely written off to-day, because they cannot be collected at any time hereafter. These poor zamindars simply imagine that they can go and collect rents only if a chance is given to them. They do not know that since the appointment of the Prakasam Committee and their report, and more particularly after the introduction of this Bill in this House, it has not been so easy for them to collect any arrears. Much argument need not be wasted upon the legality or otherwise of wiping out these arrears, because (except in the case of some zamindaris which are in remote corners, where there is no civic life, and where rents can be collected by force) arrears cannot be collected now in many of the zamindaris. There is a new general atmosphere—as chill that overtakes the country during winter—and a wave, as it were, of 'no payment of rent' all over the Province. I ask the zamindar friends to be more graceful and not to fight about these arrears which they can never hope to collect. I am glad that a provision for wiping out arrears has been made in this Bill.

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

"But Madam, wiping out of arrears and lowering of rents have nothing to do with the compensation payable to the estate-holders. That is a point which I want to submit in a little more detail. I would crave your indulgence to refer to the report of the Flood Committee in this country. They went into the question thoroughly with regard to the Bengal Zamindari system. The

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zamindari system there has created much more trouble and harassment and is said to have really retarded the prosperity of that Province more than any thing else. What were the recommendations of that Committee? The Floud Committee in its recommendations said that with regard to the basis of calculation of compensation 'first you must take the income as it is; deduct from it payments which are payable to Government and management charges'. Then they laid down an unexceptionable proposition of law, and that is 'Compensation must be on the amount including arrears legally recoverable from the ryots'. Compensation should not have any relation to the future use to which you are or are not going to put the land. Suppose, for example, we acquire an estate to-day with the object of not making any money out of it, but for some other purpose. Suppose Government do not want to collect any revenue from such a land, does it mean then that the estate-holder should not get any compensation at all? Suppose for example the Government want to locate a museum in one of the buildings in Mount Road. Surely, Government cannot make any money out of that museum. But on that account they cannot say to the owner of the building 'we are going to start a museum; we would not get any income out of it; and therefore we shall not pay any compensation to you'. The income, which we are likely to get, from this building is the basis for calculating the compensation payable to the owner of the property from whom we are taking away property. The Floud Committee made that unexceptionable proposition and laid down that compensation must be on the amount including the arrears legally recoverable from the ryots. But these two things have been mixed up here in the Bill before us and, there has been some confusion. If I try to extent the proposition of law that *bona fide* purchasers or persons whose properties are taken away, ought not to be prejudicially or adversely affected or that their property should not be confiscated, because the compensation payable to them has been linked up with the future unascertained income of the estates, a sort of confusion arises. Madam all those who say that compensation must be paid on the present income are said to be against the interests of the tenants. The fact is that compensation for properties should not be mixed up with the rents payable by the ryots or with the unascertained future position of the ryots. Government are to-day collecting rents at rates varying from Re. 1 to Rs. 11 in different parts of this Province.

4-45 p.m. "But, supposing, Madam, to-morrow the Government come to the conclusion that the present system of Land Revenue System is not a scientific system as the Hon. the Revenue Minister has himself been saying often, then they should not collect any rent at all or increase the existing rent on the uneconomic holdings. There are so many holdings whose extents range from ten to fifteen acres but whose income is very low. If you refer to most of these zamindaris, you will find that there are estates whose gross income after

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deducting the peishkush payable, etc., will range from Rs. 7 to Rs. 150. There are nearly three hundred such estates. In future those lands will have to be exempted from assessment. I, therefore, submit that the future income should not be taken as the basis of compensation in the case of these small holdings. If I am given the power, I would certainly exempt the owners of these small holdings from the payment of any land revenue whatsoever."

DEPUTY SPEAKER:—"The hon. Member has taken half an hour and I have allowed him five more minutes also."

SRI T. VISWANATHAM:—"I have not even come to the Bill proper. I am still in the Preamble."

DEPUTY SPEAKER:—"The hon. Member may take two more minutes."

SRI T. VISWANATHAM:—"I would request the Chair to show more indulgence. I wish to submit to the Chair only this thing that the compensation that is payable to these estate-holders should not be and need not have been linked up with the rents which the Government are going to collect in future from these estates. I do not know whether I am very clear on this. But, anyhow, I will pass on to another point."

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

SRI T. VISWANATHAM:—"I am not in the habit of bargaining, Madam, but as this is a very important Bill and as this is the last time I am going to speak on this, I hope the Chair will show me greater indulgence."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"The hon. Member is one of those few persons who have taken a keen interest in this subject."

SRI T. VISWANATHAM:—"Unless the Hon. Revenue Minister is particular that I should sit and I hope he is not . . ."

THE HON. SRI KALA VENKATA RAO:—"My only suggestion is this. Let one hon. Gentleman speak or several hon. Members speak. I have no objection; but let this be finished by to-morrow evening, 5 o'clock. On that condition, I have no objection to anybody speaking."

SRI T. VISWANATHAM:—"Madam, time is a very continuous factor in this world, and a reference to time in the middle of the speech always breaks the trend of my thought and I do not now know what I was speaking about."

THE HON. SRI KALA VENKATA RAO:—"I am in a dilemma, Madam. I wanted the House to adjourn ten minutes

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earlier to-day. In spite of the extension of time by eight minutes, the hon. Gentleman has not yet finished his speech. Therefore, it is for you, Madam, to decide whether you should allow any more time to the hon. Member."

SRI T. VISWANATHAM:—"I submit, Madam, that the whole trouble is this. This is not a competition in recitation or a competition in elocution. We have got to discuss here certain points. The attitude of the Hon. Minister clearly shows that he is not willing to listen. But, I, somehow or other, have got some belief that I can press something into his mind even at this stage so that he can admit some of the suggestions made by me. Therefore, however much the Hon. Minister may shake his head, I would only request him to excuse me and to hear my suggestions."

DEPUTY SPEAKER:—"As it has been decided that the House should adjourn ten minutes earlier, I now adjourn the House to meet again to-morrow at 11 o'clock."

The House then adjourned to meet again at 11 a.m. to-morrow.

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APPENDIX I.

[Wide answer to unstarred question No. 53 asked by Sri L. S. Karayalar at the meeting of the Legislative Assembly held on the 26th October 1948, page 764 supra.]

G.O. No. 1435, Education, dated 1st August 1940.

[College—Government—Selection Committee—Revival—
Considered unnecessary.]

Representations have been made to Government that the abolition of selection committees for selecting candidates for admission into various Government Colleges ordered in G.O. No. 308, Education, dated 5th February 1938, has been followed by a noticeable increase in the admission of Brahman candidates and reduction in that of non-Brahman candidates, and that therefore it is necessary not only to reconstitute such selection committees, but also to fix a definite proportion of seats in the said colleges for each community, somewhat on the basis of the rules for communal representation in Government services. The Government have called for statistics of admission of the various communities into the Government Arts and Professional Colleges for the years 1937, 1938 and 1939 and on an examination of the figures, are satisfied that there is no foundation for the allegation that undue preference has been shown to the Brahman community. Even in case where the number of Brahman applicants selected is disproportionate to their population strength, it is found that the proportion of the number so selected to the number of applicants is mostly less than that for other communities.

2. Government think that colleges which provide training to fit students to enter a profession and earn their own living without special reference to Government service, should not be treated, for purposes of admission, in the same way as Government service, and that admission to such colleges should be in proportion to the extent to which the communities wish to take advantage of the facilities offered.

3. The Government are against fixing a rigid communal proportion for admission into Government Arts and Professional Colleges. They had however issued a Press Communiqué, dated 29th March 1938, which is as follows:—

"The Principals of Government Colleges are requested, while making selections for admission to all classes in their colleges, to exercise the greatest care in seeing that due representation is given to non-Brahmans, to all minority communities, to Muhammadans, to scheduled classes and to women. The fact that candidates from backward communities do not possess equally high

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marks as candidates from forward communities should not stand in the way of deserving applicants from such communities being given due consideration. In the case, for example, of the scheduled classes and of Muslim women, very few of whom ever reach the collegiate standard special consideration should be shown. In cases of doubt, the Principals of Colleges may, if they consider it necessary, refer the cases to the Director of Public Instruction for decision."

The Government wish again to draw the attention of all Principals of Government Colleges to this communiqué.

4. The Government do not consider that there is any ground for suspecting that the Principals of Colleges will not give effect to the Government's policy of fairness and justice to all communities or for fettering the discretion of the Principals of Colleges in the matter of admissions, by associating non-official committees with them. Such committees led to much canvassing in the past and were abolished on account of the dissatisfaction which they had caused. The Government are therefore against their revival.

G.O. Ms. No. 960, P.H., dated 14th March 1942.

[Colleges—Government Arts and Professional—Admission of students—Orders passed.]

READ—the following papers:—

From the Surgeon-General, dated 1st December 1941,
Ref. No. 32480-7 Mis.

From the Director of Public Instruction, dated 17th
January 1942, R.C. No. 44-A-42.

Order—No. 960, P.H., dated 14th March 1942.

The Government have re-examined the instructions issued with G.O. No. 1435, Education, dated 1st August 1940, in regard to the admission of students into Government Colleges and direct that paragraph 2 of the Government Order be cancelled.

2. The Director of Public Instruction is informed that the instructions in paragraph 3 of the Government Order referred to above should be rigidly adhered to. The Surgeon-General is requested to take similar action with regard to Medical Colleges.

(By order of His Excellency the Governor)

E. A. VENKATESWARA AYYAR,
Assistant Secretary to Government.

G.O. Ms. No. 997, Education, dated 22nd July 1943.

[College—Engineering—Guindy—Admission of students—Linguistic representation—Orders issued.]

In order to secure adequate representation of linguistic areas, the Government are pleased to lay down the following instructions to be observed in connexion with the admission of students

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belonging to this Province into the Engineering Class of the College of Engineering, Guindy:—

(1) The total number of seats available for admission of students every year, i.e., the total number of seats in the Engineering Class minus seats actually required for the admission of students coming from outside the Province including Indian States for whom seats have been reserved shall be allotted as indicated below:—

Group 1.—50.8 per cent of the seats will be allotted for candidates from the group of districts which is predominantly Tamil, viz., Madras, Chingleput, North Arcot, Salem, Coimbatore, South Arcot, Tanjore, Tiruchirappalli, Madura, Ramnad, Tirunelveli and the Nilgiris.

Group 2.—38.1 per cent of the seats will be allotted for candidates from the group of districts which is predominantly Telugu, viz., Vizagapatam, East Godavari, West Godavari, Krishna, Guntur, Nellore, Cuddapah, Kurnool, Anantapur, Chittoor and Bellary.

Group 3.—11.1 per cent of the seats will be allotted for candidates from the West Coast districts, viz., South Kanara and Malabar.

If sufficient numbers of eligible candidates belonging to any one of these three groups of districts are ~~not forthcoming~~ to fill the full quota of seats allotted to that group, the remaining seats will be made available to the other two groups in the ratio of the number of seats which they got under the original allotment. Should it happen that there are no eligible candidates of the required number in the groups, all the surplus seats will be made available to the third group.

(2) The percentages specified above need not be treated as hard and fast, but selections to each group should be made so as to secure these percentages as nearly as possible. The special need mentioned by the Director of Public Instruction to provide for such outstanding candidates as there may be from the West Coast districts should be kept in view, in selecting candidates.

(3) Candidates (whether Tamil, Telugu or other) will count against the district to which they belong according to their certificates of nativity.

(4) The instructions already issued regarding the representation of communities and classes (paragraph 3 of G.O. No. 1435, Education, dated the 1st August 1940, and paragraph 2 of G.O. No. 960, P.H., dated 14th March 1942) should continue to be observed.

2. These orders will apply to the admissions to be made from 1944 onwards. The Director of Public Instruction is requested to submit a report in July every year for a period of three years beginning from 1944 showing how the arrangement has worked.

[26th October 1948]

G.O. Ms. No. 1364, Education, dated 27th June 1947.

[Engineering Colleges—Rules for the selection of candidates—
Further instructions issued.]

Read the following papers:—

G.O. No. 1435, Education, dated 1st August 1940.

G.O. No. 997, Education, dated 22nd July 1943.

Order—No. 1364, Education, dated 27th June 1947.

The following further instructions are issued in regard to the selection of students for admission into the Engineering Colleges:—

(1) As already ordered in paragraph 5 of G.O. No. 1167, Education, dated 12th June 1946, 10 per cent of the seats will be reserved for ex-service personnel who are natives of this Province, possess the requisite qualifications and are eligible for the benefits of the scheme for further education; 23 seats in the aggregate stand reserved for candidates from outside the Province; in selecting candidates for the remaining seats, the following proportion should be kept in view and should be observed as far as practicable:

Non-Brahman (Hindus)	.. ..	5 out of 12 seats.
Brahmans	.. ..	2 out of 12 seats.
Muslims	.. ..	2 out of 12 seats.
Anglo-Indians, Indian Christians or		
Non-Asiatics	.. ..	2 out of 12 seats.
Harijans	.. ..	1 out of 12 seats.

Due regard should be paid to the admission of students from backward and unrepresented communities. A decent minimum qualification should be insisted upon.

(2) The linguistic proportions laid down in G.O. No. 997, Education, dated 22nd July 1943, should be adhered to; with a view to ensure adequate representation for every district, the number of seats for each district should also be fixed, to the extent possible, with reference to the ratio the population of the district bears to the total population of all the districts in the Province.

G.O. Ms. No. 1254, Education, dated 17th May 1948.

[Colleges—Engineering—Admissions—Rules—Modified.]

In partial modification of G.O. No. 1364, Education, dated 27th June 1947, the Government direct that the following communal proportion be kept in view and be observed as far as possible in regard to admissions to the Engineering Colleges from the academic year 1948-49:—

Seats.		
Non-Brahman (Hindus)	.. ..	6 out of 14.
Backward Hindu communities	.. ..	2 out of 14.
Brahmans	.. ..	2 out of 14.
Harijans	.. ..	2 out of 14.
Anglo-Indians and Indian-Christians	.. ..	1 out of 14.
Muslims	.. ..	1 out of 14.

26th October 1948]

APPENDIX II.

[Vide answer to unstarred question No. 59 asked by Sri P. Kakkan at the meeting of the Legislative Assembly held on the 26th October 1948, page 768 supra.]

[Statement showing the number of Harijan Upper Division Clerks and Superintendents in the departments of the Secretariat.]

Departments of Secretariat.	Upper Division Clerks.		Superintendents.	
	Number of Harijans.	Length of their service, both in lower and upper divisions.	Total number.	Number of Harijans.
Public Works	Nil	....	22	Nil.
Development	1	Two years and four months.	30	Do.
Public	2	{ (1) Seven years and four months. (2) Four years and six months. }	26	Do.
Home	Nil	....	18	Do.
Revenue	Do.	....	13	Do.
Food	Do.	....	16	Do.
Finance	Do.	....	9	Do.
Firka Development	Do.	....		
Local Administration	2	{ (1) Ten years. (2) Five years. }	8	1 *
Legal	1 †	Twenty-four years and two months.	6	Nil.
Education and Health	1	Seven years and seven months.	17	Do.

* Appointed temporarily.

† On other duty with the Government of India.

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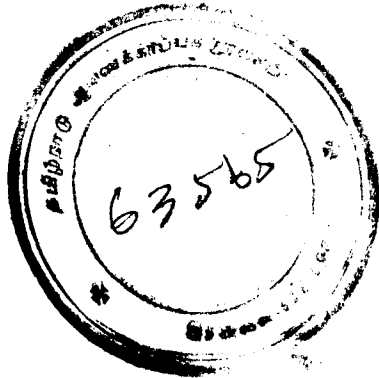
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