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MADRAS LEGISLATIVE COUNCIL
DEBATES

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OFFICIAL REPORT

SATURDAY, 14TH AUGUST 1948

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THE MADRAS LEGISLATIVE COUNCIL.

Saturday, the 14th August 1948.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Arrest of Sri Nippani Ranga Rao.

* 39 Q.—SRI B. BHIMA RAO : Will the Hon. the Premier be pleased to state—

(a) whether one Sri Nippani Ranga Rao of Rayadrug was arrested towards the end of April 1948 and detained under the provisions of the Public Safety Act and is now detained in the Central Jail, Vellore;

(b) whether he expressed his views that he will be loyal to the Dominion Government of India and strictly follow non-violent methods;

(c) whether his political views are that of a Socialist and not that of a Communist;

(d) whether the Superintendent of Central Jail or the District Magistrate of the district has submitted any report about his political views and about the necessity of his detention; and

(e) whether the Government have considered the matter and come to any decision about his further detention in the jail?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier):—“(a) Yes.

“(b) to (e) The detenu has submitted his representation in reply to the grounds for detention communicated to him by the Government. The question whether he should continue to be detained or released is under the consideration of the Government.”

SRI B. BHIMA RAO :—“May I know if this matter was referred to the Advisory Council and their views obtained.”

THE HON. DR. T. S. S. RAJAN :—“The whole thing is under the consideration of the Government, Sir, and usually records submitted to the Advisory Council and the report of the Council are taken into consideration by the Government.”

SRI B. BHIMA RAO :—“May I know what time would still be taken to come to a decision?”

THE HON. DR. T. S. S. RAJAN :—“It is very difficult to say. All the same there won't be much delay in the matter.”

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SRI R. SURYANARAYANA RAO:—" May I know, Sir, if in all cases the representations are sent to the Advisory Council or is it left to the Government to send only such cases as they deem fit."

THE HON. DR. T. S. S. RAJAN:—" In all cases they are sent to the Advisory Council."

Cultivation of certain lands.

40 Q.—SRI K. MANATHUNAINATHA DESIGAM: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the reasons given in the answer to the question No. 5 (f) on 21st February 1948 hold good for the non-cultivation of the large extent of 48,000 acres, which form 70 per cent of the total extent brought newly under cultivation;

(b) what steps the Government have taken in fasli 1357 to remove the impediments that stood in the way of cultivation, as stated in the answer to question No. 5 (f) on 21st February 1948;

(c) whether the Government have taken any action against those persons, who received subsidy in 1354 and 1355 faslis, and not cultivated in fasli 1356 about 5,467 acres 72 cents, to recover the amounts of subsidy paid to them;

(d) if not, what action they propose to take to bring the extent under cultivation, and to recover the amount; and

(e) what action the Government propose to take to bring the whole extent of 64,709 acres 17 cents under cultivation in fasli 1358 at least?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) to (e) The answer is laid on the table of the House."

SRI K. NATARAJAN:—" With regard to answer (c) to this question may I know whether the subsidy was granted even in the case of sandy and saline soil which cannot be brought under cultivation?"

THE HON. SRI M. BHAKTAVATSALAM:—" I should like to have notice Sir."

SRI K. NATARAJAN:—" Were there any forms in which the signatures of persons who obtained the subsidy amounts in which conditions were inserted as to the recovery of the amount in case money was not utilized?"

THE HON. SRI M. BHAKTAVATSALAM:—" The hon. Member may put a separate question, Sir."

SRI K. NATARAJAN:—" With regard to the last answer to clause (e) that there is no legal provision for the recovery of the subsidy, what kind of action is expected to be taken by the Government?"

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THE HON. SRI M. BHAKTAVATSALAM:—" It is mentioned in the last sentence of the answer to paragraph (e)."

SRI R. SURYANARAYANA RAO:—" If there is no legal provision instead of issuing notices which will have no effect as stated in the answer, why not Government take powers to issue legal notices?"

THE HON. SRI M. BHAKTAVATSALAM:—" We will first see whether this will have some effect and we do expect that this will have some effect, before taking legal steps."

Promotions of Assistant Engineers.

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

(a) whether the Government have introduced the communal principle for promotions of Assistant Engineers in the Public Works Department to the offices of Executive Engineers or Engineers of higher status than that of an Assistant Engineer;

(b) if so, when was this communal principle introduced; and

(c) whether it is a fact that some Non-Brahmans have been promoted as Executive Engineers superseding several Assistant Engineers of higher service overlooking their seniority; and, if so, a list may be furnished and laid on the table of the House showing the names, qualifications and period of service of the Executive Engineers so promoted and the names, qualifications and length of service of the Assistant Engineers who have been so superseded?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) No.

" (b) Does not arise.

" (c) The post of Executive Engineer is a selection post and promotions of Assistant Engineers as Executive Engineers are made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal. Accordingly during the last selection made in 1947, 20 senior Assistant Engineers (11 Brahmans, 5 Non-Brahmans, 3 Christians and 1 Muslim) were considered for promotion as Executive Engineers, and 11 were selected for appointment as Executive Engineers. Of these 5 were Brahmans, 4 Non-Brahmans, 1 Christian and 1 Muslim. No Non-Brahman was selected in advance of his turn and the claim of nobody was overlooked on the ground of his community. The selection was made strictly on the principle mentioned above."

SRI R. SURYANARAYANA RAO:—" May I know whether the list of Assistant Engineers who were to be promoted as Executive Engineers is sent to the Public Service Commission or the Government themselves decide the promotion?"

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THE HON. SRI M. BHAKTAVATSALAM :—" The list is first drawn by Government; it is also sent to the Public Service Commission."

SRI B. BHIMA RAO :—" Is it not a fact, Sir, that seniority and merit have been overlooked and others have been appointed as Executive Engineers? "

THE HON. SRI M. BHAKTAVATSALAM :—" I have categorically stated that it is not so, and I cannot understand why the same question is repeated."

SRI B. BHIMA RAO :—" Will the Hon. Minister be so good as to place on the table of the House the service of each of those who have been promoted as Executive Engineers and that information may also be given with regard to those not taken for selection? "

THE HON. SRI M. BHAKTAVATSALAM :—" If the hon. Member would put a separate question indicating in what way he wants the answers to be prepared we shall then see how far Government can comply."

Allotment of spindles.

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

(a) whether the allottees of spindles have received the spindles and established spinning mills or done anything towards that end ;

(b) whether the Government have taken any action against those who have not done anything towards the establishment of such mills ;

(c) whether any of them have transferred their concerns and whether the Government have approved of the same ; and

(d) whether any of them have applied for financial assistance to the Government, and, if so, who they are and how much financial assistance has been granted to them ?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. Minister for Industries) :—" (a) & (b) Some of the allottees have already imported the machinery and installed them, while some others have placed orders for the plant and are awaiting shipment. A few promoters did not take active steps to acquire the machinery. In these last cases, the allotment of spindles already made was cancelled and the unutilized spindles have been allotted to other applicants.

" (c) The Government have no information.

" (d) Yes. The Rayalaseema Mills, Ltd., Adoni, have applied for a loan of Rs. 10 lakhs under the Madras State Aid to Industries Act to complete the construction of their factory. The application is pending consideration of the Board of Industries."

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SRI B. BHIMA RAO :—" While allotting spindles to others, in the case of those that have been transferred was there any notification issued, Sir, giving particulars that such and such have been cancelled and others might apply for it? "

THE HON. SRI M. BHAKTAVATSALAM :—" I do not think any such notification has been issued as applications were already before the Government and the allottees were individually informed about that they have not taken advantage of the allotment and that Government took other applications into consideration."

SRI B. BHIMA RAO :—" In how many cases, the allotted spindles have been cancelled? "

THE HON. SRI M. BHAKTAVATSALAM :—" I think in about 6 cases it has been cancelled."

SRI B. BHIMA RAO :—" In reallotting, have the Government taken care to see that the area first allotted is given preference? "

THE HON. SRI M. BHAKTAVATSALAM :—" That is also taken into consideration."

SRI B. BHIMA RAO :—" Will the Hon. Minister be pleased to give a list of people whose spindles have been cancelled? "

THE HON. SRI M. BHAKTAVATSALAM :—" The following allotments have been cancelled by the Textile Commissioner of Bombay in consultation with this Government :—

Name.	Spindles.	Looms.
India Textiles, Limited	12,000	150
Peer Dhunmul	12,000	20
Mahaluxmi Mills	10,000	125
Asher Textiles	10,000	125
Anantapur Spinning and Weaving Mills, Limited	7,700	..

Kandan Textile Mills which were allotted 11,000 spindles were cancelled as they have since purchased second-hand spindles."

SRI R. SURYANARAYANA RAO :—" May I also have the names of fresh allottees, Sir? "

THE HON. SRI M. BHAKTAVATSALAM :—" I am sorry I do not have the list of fresh allottees, Sir, but I could mention the names of mills which have taken advantage of this allotment—

Name.	Spindles allotted.	Spindles established.
Aaron Spinning and Weaving Mills ..	12,000	7,200
Cannanore Spinning and Weaving Mills ..	12,000	12,000
Karthikeya Mills, Limited, Tinnevely ..	12,000	3,000
Murugananda Mills	12,000	6,000 "

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SRI B. BHIMA RAO :—" Have these companies been allotted originally those spindles? "

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

SRI B. BHIMA RAO :—" What is the principle on which these spindles are reallocated? "

THE HON. SRI M. BHAKTAVATSALAM :—" The same principle under which that was originally allotted."

SRI B. BHIMA RAO :—" We have been given figures of spindles allotted and established. May I know the spindles originally allotted and those accepted? "

THE HON. SRI M. BHAKTAVATSALAM :—" I am sorry I do not have the figures just now."

Introduction of Basic Education.

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

(a) whether the Government have under consideration the question of introducing " Basic Education ";

(b) how the proposed system of Basic Education differs from the scheme adumbrated in the scheme of the Central Board of Education, otherwise known as the Sargent Scheme;

(c) whether any syllabus of Basic Education has been prepared;

(d) in what respects the proposed syllabus differs from the existing syllabus for elementary schools;

(e) whether the Government propose to introduce the syllabus in Basic Education in all elementary schools;

(f) whether the crafts taught in a school will have some relation to those in the locality; and

(g) whether the Government will be pleased to place on the table of the House their scheme of Basic Education with full particulars?

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

" (a) Yes.

" (b) & (d) A statement is laid on the table of the House

" (c), (e) & (f) Yes.

" (g) By ' scheme ' it is presumed that the hon. Member means the regular syllabus of Basic Education approved by Government. A copy of it is placed in the library of the Legislature for ready reference."

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Price of groundnut cake.

* 44 Q.—SRI MOTHEY NARAYANA RAO : Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the Government have fixed the price or rate per bag of groundnut cake and whether it is a fact that the millers have been selling them in the blackmarket at a very abnormal price or rate;

(b) what steps the Government propose to take to check the same;

(c) whether it is a fact that large stocks of groundnut cake are available in the Ceded Districts for transport; and

(d) what action the Government propose to take for the quick transport of the said cake from the Ceded Districts and thus make it available for the ryots at the controlled rates?

THE HON. SRI K. MADHAVA MENON :—" (a) Ceiling prices for the sixty per cent of the production in the mills to be procured by the Agricultural department have been fixed. The millers are at liberty to sell the decontrolled forty per cent of the production without price control.

" (b) Does not arise.

" (c) The stocks with the millers in the Ceded Districts are as follows :—

Cuddapah	..	1,215 tons on 1st June 1948.
Kurnool	..	3,129 tons on 1st June 1948.
Bellary	..	1,178 tons on 1st July 1948.
Anantapur	..	3,119 tons on 1st July 1948.

" (d) The Chief Commercial Superintendent and the Regional Controller of Railway Priorities have been moved by the Director of Agriculture for movement facilities and it is expected that the stocks will be moved as quickly as possible."

SRI N. RANGA REDDI :—" Is it not a fact, Sir, that the Government have so framed the rules that the groundnut cakes available in the Cuddapah district could not be used in the Cuddapah district? "

THE HON. SRI K. MADHAVA MENON :—" It is quite possible, Sir, because the groundnut cakes produced in Cuddapah district have to be distributed not in Cuddapah district alone. This is a sort of rationing that whatever is allotted to Cuddapah is left in Cuddapah, and the rest sent to other districts."

SRI R. SURYANARAYANA RAO :—" May I know the rationale by which 40 per cent is decontrolled and 60 per cent controlled? "

THE HON. SRI K. MADHAVA MENON :—" With the existing prices that the Government are giving to the millers compared with the market prices of the groundnut kernel and oil, Government find that the millers cannot work the mills with any sort of profit if the Government continue to

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pay the same price for the entire quantity. Therefore to allow them to run their mills economically we thought it would be better to leave them a portion of the cake to be sold at their own prices. Even with this a number of mills have closed as they cannot work economically."

SRI R. SURYANARAYANA RAO :—" Why should not the Government purchase the whole stock of cake at a reasonable price which will enable the mills to run economically? "

THE HON. SRI K. MADHAVA MENON :—" Even at the existing rate, the agriculturists have to pay about Rs. 10 or Rs. 11 for a bag. I do not think that many ryots can afford to pay more."

SRI R. SURYANARAYANA RAO :—" Will it not be better if the whole groundnut cake is purchased by the Government and its distribution arranged on an equitable basis, if necessary, with Government subsidy, in the interests of agriculture? "

THE HON. SRI K. MADHAVA MENON :—" The Government are already subsidizing a good portion. They are not charging the cost of distribution and transport from one area to the other; they are charging only the actual cost and even this comes to a big amount. It is all a question of finance."

SRI R. SURYANARAYANA RAO :—" Is there any change in the method of distribution? "

THE HON. SRI K. MADHAVA MENON :—" My hon. Friend has asked a separate question, which will be coming up for answer some other day. The distribution of the controlled portion, namely, the sixty per cent has hitherto been done through the Agricultural department. But now it is proposed to entrust the work to the Co-operative department."

SRI N. RANGA REDDI :—" As the coupons issued in other districts are being honoured in Cuddapah district, is it not a fact that even the full quantity allotted for Cuddapah will not be available for distribution in that district? "

THE HON. SRI K. MADHAVA MENON :—" Coupons issued in one district may be cashed in any other district in the border areas. This is so for the convenience of ryots as otherwise they may have to travel long distances. If a coupon of any other district is cashed in Cuddapah, that much of groundnut cake will be replenished to Cuddapah by reducing the allotment to the district in which the coupon was issued."

SRI N. SANKARA REDDI :—" May I know whether the Government have an idea of the quantity available and the quantity for which coupons were issued? "

THE HON. SRI K. MADHAVA MENON :—" Certainly we have an idea. Even yesterday the Hon. Food Minister gave figures of the total quantity for which coupons were issued."

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SRI N. SANKARA REDDI :—" Are the Government aware that the cake available in Kurnool district can be given only at the rate of one bag for every thirteen acres? "

THE HON. SRI K. MADHAVA MENON :—" Considering the overall position in the province, we will be able to supply only one bag for every six acres of wet land."

SRI MOTHEY NARAYANA RAO :—" Are permits given for export to places outside the Province? "

THE HON. SRI K. MADHAVA MENON :—" No, Sir."

SRI MOTHEY NARAYANA RAO :—" Is it not a fact that permits were given for moving groundnut cake from West Godavari to Tanjore district? "

THE HON. SRI K. MADHAVA MENON :—" It is not a question of granting permits. Tanjore does not produce groundnut cake at all, whereas West Godavari does. The excess over the allotment to West Godavari is sent to Tanjore or any other deficit area."

SRI MOTHEY NARAYANA RAO :—" Is the Hon. Minister aware that the production in West Godavari is not enough for that district? "

THE HON. SRI K. MADHAVA MENON :—" Not only in West Godavari, but throughout the Province there is a deficiency."

SRI N. SANKARA REDDI :—" Is the Hon. Minister aware that for every thirteen acres, only one bag is allowed generally in the Kurnool district? "

THE HON. SRI K. MADHAVA MENON :—" I am not aware."

SRI R. SURYANARAYANA RAO :—" May I take it from the answer of the Hon. Minister that the stock transferred from the Ceded districts was not really the surplus stock but only the excess over the allotment? "

THE HON. SRI K. MADHAVA MENON :—" Yes, Sir, it cannot be said to be surplus if we give four and a half bags per acre."

SRI N. SANKARA REDDI :—" In view of the very small acreage of cultivation in the Ceded districts, will the Government be pleased to supply enough cake for those districts? "

THE HON. SRI K. MADHAVA MENON :—" Sir, it is very difficult. We have not got sufficient stock to meet even the minimum requirements of the whole Province. That is the reason why we have to ration. Whatever can be given to Ceded districts or Cuddapah considering the overall position will be allotted."

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MR. PRESIDENT :—" I think the hon. Member wants to know whether any preference will be shown to the Ceded districts."

THE HON. SRI K. MADHAVA MENON :—" As much latitude as is possible will be shown to the Ceded districts, because the area is generally famine-stricken."

Recommendations of the Bhore Committee.

* 45 Q. - SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the recommendations of the Bhore Committee have been considered by the Government;

(b) what the recommendations are in respect of which consideration has been completed and decisions arrived at;

(c) what the decisions of the Government are; and

(d) what steps the Government have taken to implement their decisions?

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

" (b), (c) & (d) A copy * of this Government's letter No. 138, Public Health, dated 17th January 1948, addressed to the Government of India showing the action taken by Government on the Bhore Committee's recommendations is laid on the table.

" The recommendations of the Medical Education Committee referred to in Appendix I to the letter are receiving the attention of the Government.

" Another expert Committee is considering schemes of medical relief and public health and its report is awaited."

SRI B. BHIMA RAO :—" Are the Government aware that eminent men like Dr. Lakshmanaswami Mudaliyar, Dr. P. V. Cherman and others were members of the Bhore Committee and that it is at their instance that the Committee has recommended that one-third of the number of admissions should be on the basis of merit and merit alone?"

THE HON. SRI A. B. SHETTY :—" The Committee's recommendation is that thirty per cent should be admitted on the basis of merit."

SRI B. BHIMA RAO :—" May I know the reason why the Government differed from that recommendation and allowed admission on a communal basis in the present year?"

THE HON. SRI A. B. SHETTY :—" Admission on communal basis has been made for several years. Admission on merit basis has been removed with effect from last year. The previous Ministry's decision to admit twenty per cent on merit

* Printed as Appendix III on pages 320-343 infra.

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came up before the Legislature during question time and there was a lot of protest against it. Therefore the decision had to be changed. Even according to communal proportion, only the best students are selected."

SRI N. RANGA REDDI :—" Is it a fact that the Bhore Committee recommended the opening of a medical college at Madanapalle or some other place in the Ceded districts?"

THE HON. SRI A. B. SHETTY :—" The Bhore Committee recommended that five new medical colleges should be started within a space of ten years and that one medical college might be started in Rayalaseema later on."

SRI N. RANGA REDDI :—" Have the Government taken any decision to implement that recommendation immediately?"

MR. PRESIDENT :—" I heard the Hon. Minister say 'later on'. That means 'after ten years'."

THE HON. SRI A. B. SHETTY :—" Starting of new colleges is very difficult now in view of the high cost of materials. The proposed two medical colleges, one at Guntur and the other at Madura, are estimated to cost four crores of rupees."

SRI B. BHIMA RAO :—" May I know whether the Government of India have deprecated the communal principle for admission to the colleges?"

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

SRI B. BHIMA RAO :—" We find from this morning's issue of *The Hindu* that the Government of India communicated their non-communal policy with regard to admission in colleges. I was very sorry to read that the Madras Government alone differed while all the other provinces had accepted it."

THE HON. SRI A. B. SHETTY :—" The hon. Member is stating his view and not asking for information from the Government."

SRI B. BHIMA RAO :—" Sir, I am giving information."

MR. PRESIDENT :—" What was your question?"

SRI B. BHIMA RAO :—" My question was whether the Government of India had communicated to this Government that the admission to medical and engineering colleges should not be on a communal basis."

MR. PRESIDENT :—" The Hon. Minister replied that he had no information."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" Sir, may I clarify the position? The Department that has been corresponding in the matter is the Education Department and it is quite possible that my Hon. Colleague might not be familiar with the facts. The Government of India

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did write to us and we explained to them the position in Madras. They conceded the position and said that the present practice might be continued with regard to admission to colleges."

SRI R. SURYANARAYANA RAO :—" As finance is the crux of the whole problem of medical and public health reform, have the Government drawn up a priority list so that something at least may be done without waiting for the finance to improve and, if so, did they consult the members of the Legislature or medical men? "

THE HON. SRI A. B. SHETTY :—" No priority list has been prepared. The Government have already launched upon the scheme of primary health centres which is given great importance in the Bhole Committee's recommendations."

SRI R. SURYANARAYANA RAO :—" Will it not be helpful to the Government to have a priority list with reference to the needs of this province so that the most urgent items of work at least may be carried out even though the finances are poor? "

THE HON. SRI A. B. SHETTY :—" Several items of work have already been taken up. For instance, there are the additions and improvements to the Vizagapatam Medical College and the Stanley Medical College. There are proposals for improving the Taluk Headquarters Hospitals and for giving a higher subsidy to rural medical practitioners. There are several matters which are already engaging the attention of the Government."

Trout fishing in the Nilgiris.

* 46 Q.—SRI K. MANATHUNAINATHA DESIGAR: Will the Hon. the Minister for Rural development be pleased to state—

(a) the amount spent by the Fisheries department regarding rearing of trout fishing in avalanche in the Nilgiris district;

(b) the amount received as licence fees, etc., from the above farm; and

(c) whether the Government will consider the giving up of the scheme and closing the farm, if it is working at a loss to the Government?

THE HON. SRI V. KURMAYYA :—" (a) and (b) nil. Since 1st October 1926 the trout fishing in the Nilgiris including hatchery at Avalanche has been under the control of the Nilgiris Game Association which is at liberty to appropriate all revenues from licences.

" (c) Does not arise."

SRI K. NATARAJAN :—" May I know whether the Government will consider the suggestion in clause (c) of the question, namely, the giving up of the scheme? "

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THE HON. SRI V. KURMAYYA :—" The scheme does not cost anything to the Government."

SRI K. NATARAJAN :—" It does not give any income at all to the Government."

THE HON. SRI V. KURMAYYA :—" The right has been given to the Nilgiris Game Association which is appropriating the income derived from licences."

SRI K. NATARAJAN :—" May I know whether the Government have any idea as to whether it is yielding any profit or working at a loss? "

THE HON. SRI V. KURMAYYA :—" I said that the right had been given to the Nilgiris Game Association."

SRI N. SANKARA REDDI :—" Is it only an experimental and research station or a production centre? "

THE HON. SRI V. KURMAYYA :—" A kind of fish is being hatched and reared in Avalanches. The right of fishing has been given to the Nilgiris Game Association which applied for a licence many years ago and the income from the licences is appropriated by that Association. There is no question of its being an experimental and research station or a production centre."

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

II.—INFORMATION REGARDING THE DETENTION OF DETENUS.

THE HON. DR. T. S. S. RAJAN :—" Mr. President, Sir, the Hon. Sri R. Suryanarayana Rao wanted information regarding the procedure, etc., adopted in regard to detenus under the Madras Maintenance of Public Order Act, 1947 and the number of cases in which detention orders have been (1) confirmed. (2) modified and (3) cancelled. 11-30 a.m.

" As regards the information regarding the procedure adopted, it is in accordance with the provisions in the M.M.P.A. Act, 1947. It is laid down in section 3 (1) of the Act that after grounds of detention are furnished to the detenus, they may make such representations as they think fit against the order of detention and that on receipt of such representations the Government should place before the Advisory Council the grounds for detention and the representations made by the detenus, so that the Advisory Council might consider whether the persons concerned should continue to be detained. The Advisory Council which reviewed the cases of certain detenus has observed recently that representations which contain denials of charges and other affirmative statements should first be referred to the concerned authorities for their remarks and the cases then transmitted to them with complete materials for their review. That is being followed now. As soon as the

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Advisory Council sends its recommendation, under section 3 (5) of the Act, the Provincial Government take action either to confirm, modify or cancel the order according to the merits of each case in the light of the recommendations made by the Advisory Council.

"So far detention orders have been confirmed in 51 cases and cancelled in 80 cases. No detention order has been modified. In the cases of certain R.S.S.S. men where externment or internment has been ordered, this has been done by a separate order on the advice of the Legal Department after cancelling the original orders of detention against them and releasing them. Hence, these figures have been shown under cancellation of detention orders and not under modification.

"With regard to the difference in the orders issued under the Public Safety Act and those issued under the Old Act of 1942, it is this. The wording used in the Defence of India Rules which was adopted in the orders of detention in 1942 is as follows:—

'That the Central or the Provincial Government, if it is satisfied with respect to any particular person that with a view to preventing him from acting in any manner prejudicial to the public safety, the maintenance of public order, etc., may make an order directing that he be detained.'

"The wording in the present Act which has been adopted in the detention order issued at present runs as follows:—

'The Provincial Government if satisfied with respect to any particular person that he is acting, or about to act in any manner prejudicial to the public safety, etc., and with a view to preventing him, it is necessary so to do, may make an order directing that he be detained.'

"It will be seen from the two wordings, that there is a fundamental difference between the condition necessary for detention under the Defence of India Rules and under the Public Safety Act. In 1942, the Government could simply issue an order of detention in respect of any person without satisfying themselves that he is actually acting in a manner prejudicial to the public safety, etc., or about to do so. Whereas under the present Act, the Government have to satisfy themselves that the person concerned is really acting or about to act in a manner prejudicial to the public safety, etc. The condition of either acting or having a clear intention to act in a manner prejudicial to the public safety was not necessary for detentions under Defence of India Rules. The authority competent could issue such an order merely to prevent any one from doing so. The present Act makes such a condition necessary. Detention under the present Act will either be in respect of persons who have actually stirred up trouble in any particular area or have gathered the necessary strength and are ready to launch any such trouble and when the authority concerned is satisfied that unless this is prevented in time there is likely to be a breach of the peace, an order of detention is issued.

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"This is the only principle difference between the orders under the old Act and the new Act."

DR. V. K. JOHN:—"In view of the information given by the Hon. Leader of the House, we do not wish to press our request for an half-hour debate, Sir."

III—GOVERNMENT BILLS.

THE MADRAS MAINTENANCE OF PUBLIC ORDER (AMENDMENT) BILL, 1948 (L.A. BILL NO. 20 OF 1948).

THE HON. SRI K. MADHAVA MENON:—"Mr. President, Sir, I move that the Madras Maintenance of Public Order (Amendment) Bill^a, 1948 (L.A. Bill No. 20 of 1948), as passed by the Legislative Assembly be taken into consideration at once.

"Sir, I am sure hon. Members of this House would have certainly followed the proceedings of the other House when this Bill was discussed there."

DR. V. K. JOHN:—"I was not present in the other House, Sir."

THE HON. SRI K. MADHAVA MENON:—"At least I believe the Hon. Leader of the Opposition would have read them from the newspapers."

DR. V. K. JOHN:—"I have no time to read newspapers."

THE HON. SRI K. MADHAVA MENON:—"I quite appreciate, Sir, that the Hon. Leader of the Opposition, being a very busy gentleman, would not have time to read newspapers."

MR. PRESIDENT:—"The Hon. Minister is apparently referring to hon. Members who have read newspapers."

THE HON. SRI K. MADHAVA MENON:—"Yes, Sir. I thought that since I have dealt elaborately with this Bill in the other House, there might not be any need for me to make a similar survey in this House also. Anyhow, Sir, let me be as brief as I can. The Public Safety Act of 1947 was passed on the 11th March 1947 and the circumstances under which that Act had to be passed are all fresh in our memory. As Mr. Prakasam, the then Hon. Premier said in the Assembly when he made a statement about the Ordinance which preceded the Public Safety Act, the Government were then acting with great restraint and a stage came when things could not be borne and could not be reconciled. The conditions in the country created by the action of the Communists were such that normal work in certain areas were getting paralysed and so the Government then had to pass the Public Safety Act and some considerable number of persons were detained under that Act. On the Independence Day, on the 15th August, as a matter of commemoration of Independence, and also as a matter

^a Printed as Appendix IV on pages 344-352 infra.

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of good gesture to everybody this Government released all those persons who had been detained under the Public Safety Act unconditionally and even withdrew most of the cases that were pending against them not only under the Public Safety Act, but also under the various provisions of the Indian Penal Code. Sir, we were taken to task in the Assembly for having done so and many hon. Members characterized that as an ill-advised action on the part of the Government and said that we ought not to have done so. We expected that those people whom we released and the parties to which they belonged would co-operate with us in maintaining our hard-won independence, but our expectations had been belied. Sir, I do not want to take much of your time in narrating the various circumstances which had forced us to resort to the Public Safety Act to maintain law and order. Early this year after certain conferences of the Communist Party in Bombay and in Calcutta, they decided to use very violent methods to have a social revolution and also to overthrow the present Government and take power if they possibly can. Elaborate preparations and arrangements were made by them to execute their object and we have evidence to show what their intentions were. But they could not do much all over the Province as timely action was taken. But in the inaccessible parts of Malabar and mainly in the districts of Kistna and Godavari, the Communists took the law into their own hands and did things which ultimately shocked even their own followers. I am sorry, Sir, my hon. Friend from Malabar Mr. Uppi Sahib is not here, because he actually belongs to that area and he knows the atrocities that have been perpetrated there. They were holding courts and awarding mediæval punishments like chopping off hands and legs to those who refused to carry out their orders. If people did not give them rice or paddy which they demanded, they would simply enter into their houses, loot their property and take away their foodgrains. Burning of houses, looting, murder and arson were rampant in Malabar for some time and I may tell you, Sir, that there are about 1,500 Communists who are now under-trials for various offences in Malabar alone. Sir, it is unfortunate that the existence of law-abiding people was made impossible and we had to take very strong measures to restore law and order and the Public Safety Act had to be resorted to again. It is also unfortunate that we had to do so, so soon after we had attained our independence. But it is necessary that our hard-won independence must be maintained and protected, for independence means the independence of the majority and we cannot allow the independence of the majority of the people to be jeopardized because of the mischief of a few set of people. In the working of the Act, we found certain difficulties to meet certain serious contingencies and it is to avoid these difficulties that I am moving this Bill. As soon as we began to take action against this lawlessness, people who were responsible went underground. They began to publish notices and leaflets from underground also by sending articles to the papers and giving directions to their

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party as to how they should behave. People against whom arrest warrants had been issued were sending these articles and leaflets with impunity to newspapers and the editors of these newspapers naturally took them as genuine and published them. When we discussed this matter with certain newspaper editors, they said that there is no law at present prohibiting these things and that we have no power under the Criminal Law to proceed against the editors for the publication of these articles. Then, Sir, we had to witness the unfortunate situation created by the assassination of Mahatma Gandhi due to the alleged conspiracy by one set of Hindus and we had to take action under the Public Safety Act against the Rashtriya Sevak Sangh. The troubles owing to the division of the country soon after partition on the 15th August 1947 increased our difficulties from the point of view of law and order and we had to take action against lawless persons in those troubled areas under the Public Safety Act. The situation in Hyderabad, by this time, had also deteriorated. Doubts were raised about the validity of some orders and about the scope of section 16 of the Act depriving the jurisdiction of courts to question the orders passed under the Act. Section 16 of the Act definitely says that no order made in exercise of any power conferred by or under this Act or deemed to have been made under this Act by virtue of section 19 shall be called in question in any court. Different interpretations were put on section 16. The intention of the Legislature was that orders passed under this Act should not be questioned in a court of law and it was not being properly interpreted according to the Government. It was said that the Courts had power to order and call for all the papers and information from the Government and scrutinize the Government's orders under the Act to see whether the Government were justified in passing an order and that Courts were entitled to go behind the order. We found that it was more dangerous to make public (which would be the result if things were placed before the Court) the various information that the Government have and to set aside those doubts and to meet other difficulties that I just mentioned above about the people who have gone underground and who were working from underground and the harbouring of the offenders, the Madras Maintenance of Public Order (Amendment) Ordinance, 1948, had to be issued. That Ordinance has to be placed before you, Sir, and I have done so, in the form of a Bill and it is proposed to include some other provisions in the Bill necessary for maintaining law and order. I shall explain briefly the scope of the amendments that I am proposing. I want to make one thing clear. It may be said that we are restraining the liberty of a subject. True, to some extent. But the only consolation is that if the liberty of the majority of people has been jeopardised by the activities of a small set of persons it is necessary to curb their liberties to maintain the liberty of the majority. Even in doing so, we have taken only the minimum powers that any Government

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may require to meet the situation, and whatever possible safeguards which human ingenuity can think of, we have tried to provide in this Amendment Bill.

"Sir, I shall now proceed to explain the general implications of the amendments that I have proposed.

"*Clause 2.*—Section 1 (4) of the main Act provides that the Act shall remain in force for a period of one year and confers powers on the Government to extend the continuance of the Act for a further period or periods not exceeding one year in the aggregate. At the time when the main Act was passed, it was hoped that the disturbed conditions which existed after the termination of the war would not last longer than a couple of years. The Act came into force on the 12th March 1947 and under the power conferred by section 1 (4), the continuance of the Act was extended for a period of one year from 11th March 1948. Under section 1 (4) as it stands, the Government have no power to extend the continuance of the Act beyond 11th March 1949. In view of the present abnormal conditions prevailing in the Province, it is necessary that the Act should continue to be in force for some more time. So originally we suggested that we should take power to extend the Act for a period not exceeding five years in the aggregate instead of one year but because of the objections raised in the other House and suggestions made by various hon. Members it was agreed in the other House to reduce the period of five years to three years, so that the Government could have power to extend the Act in the aggregate up to the 11th March 1951. That is the amendment that has been accepted by the other House.

"Sir, clause 3 contains only a small amendment. In the amendment as originally proposed by the Government we wanted to remove the words 'the Government if satisfied' and insert the words 'if the Provincial Government are of opinion.' It was suggested that the Government had a sinister motive in moving such an amendment. So we wanted to dispel any such idea and we agreed to drop it. Instead of that we have only added one phrase in the clause, namely, 'or likely to act', after the words 'about to act.' This was necessitated because of this position. If a person is about to act or is acting there is no difficulty if we wanted to detain him. But there were cases where after having sufficient material to satisfy ourselves that a man was acting or was about to act we detained some persons still on account of some technical difficulties the detention orders were not held valid, even though we had ample, sufficient and cogent reasons and grounds to feel that the man had to be detained. When such a person was under detention for a couple of months and then released afterwards it was doubted whether it could be said that he was acting or was about to act and whether he could be arrested again. For meeting such contingencies and for making provision for meeting such difficulties the words 'or likely to act' are also put in by means of this amendment."

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SRI R. SURYANARAYANA RAO :—"Has this any reference to any decision of a Court, Sir?"

THE HON. SRI K. MADHAVA MENON :—"This has no reference to a decision of a Court, Sir.

"Clause 4 reproduces sections 2-A and 2-B inserted in the main Act by Madras Ordinance II of 1948. The Press Note issued on 26th May 1948 explains the reasons for the promulgation of the Ordinance. The lawlessness that has been prevailing in parts of North Malabar, Krishna, Tanjore and other areas in the Province and the recent developments in Hyderabad with the organized raids by Razakars on border areas have made the situation appreciably worse and unless adequate measures are taken the situation may deteriorate further. The Ordinance therefore provided that persons who harbour or give shelter to those against whom detention orders have been passed will render themselves liable to punishment. Those who print or publish leaflets, appeals, etc., purporting to be from persons against whom detention orders have been passed will be equally liable to punishment. The continuance of these provisions has become necessary as many of the wanted men, Communists and others, have gone underground and are pursuing their activities from their places of hiding. Leaflets purporting to come from leading members of the Communist Party have also made their appearance in the province preaching defiance of authority and Government cannot permit subversive activities of this type to continue.

"*Clause 5, new section 7-A.*—This is intended to prohibit or regulate the wearing or display in public, of any dress or article of dress resembling any uniform or part of a uniform required to be worn by the military or police. Instances have come to our notice, Sir, when people dressing themselves in the uniform of police or military officers have gone into places and committed dacoity. The wearing or display in public of any distinctive dress, emblem or token which is likely to prejudice the public safety or the maintenance of public order or communal harmony may also be prohibited or regulated by the Government. This clause is based on section 8-A of the U.P. Communal Disturbances Prevention Act, 1947.

"Sub-section (2) is intended to cover cases where the display is made from a place which though technically a private property is from the point of view of the public peace as good or as bad as a public place—as for instance the balcony of a building, the terrace of a house, the open yard in the front of a building or other open space abutting on a road. It will be appreciated that such displays can provoke public disturbances quite as effectively as if the displays were in the open street. It does not need a long memory to recall Mussolini's dramatic performances from the balconies of his several residences. This clause is inserted to discourage persons from attempting to copy Mussolini's methods,

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" *New section 7-B.*—This penalises possession in any disturbed area by any person of arms for which he has no valid licence and the import into any such area of arms without a licence from a local Magistrate of the first class. A provision like this is necessary in view of the present disturbed conditions. Similar provisions exist in the U.P. Communal Disturbances Prevention Act, 1947, and the Bombay Act also. The new section throws on the accused the onus of proving that he had no knowledge of any arms being in the premises in his occupation or control. A prosecution can be instituted against any person for an offence punishable under the section, only with the previous sanction of the Government. It may be felt that the provisions of this section are too comprehensive and drastic; but the regrettable fact is that the activities of certain types of persons render it imperative that Government should have powers in this form. It has been alleged that individuals secrete various weapons in their godowns under bales of merchandise and when these are discovered they plead that the buildings are not in their direct possession and that they cannot therefore be held responsible while as a matter of actual fact very often they had deliberately put them there to enable them to raise such a plea and thus evade the law. But at the same time Government are anxious that this provision should not be abused by vindictive and unscrupulous enemies of any person and for this purpose a provision has been inserted that there should be no prosecution without the previous sanction of the Government. It need hardly be stated that the requisite sanction would not be granted except when the Government are really satisfied that the party in question has been voluntarily hatching mischief. The provision about bows and arrows will not sound archaic to those who have any acquaintance with the Agency Tracts and when it is remembered in what close proximity to Hyderabad they lie the purpose of the provision will be manifest.

" *Clause 6, sub-clause (i).*—Existing section 9 (1) empowers the Government by order addressed to a printer, publisher or editor or to printers, publishers and editors generally, to require that all matter relating to a particular subject or class of subjects before being published be submitted for scrutiny by a specified authority. The word 'printer' does not always include the keeper of a printing press. For example, if a person who has registered himself as a keeper of a press under the Press and Registration of Books Act, 1867, leases the press to some other person and the latter is carrying on the printing work, the person who has leased it cannot be said to be a printer because the actual work of printing is not done by him. In a recent case, where it was considered necessary to take action against the keeper of a printing press who had leased his rights to some other person it was found that unless the section was amended any action taken against such person would be of doubtful validity. Only the other day, Sir, I read in the papers that the President of the Kerala Provincial

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Congress Committee while speaking at Dindigul about a week ago, charged the Government that they were not sufficiently active against the Communists and that their measures were half-hearted. The instance he cited was this: namely, that we did not stop the Communist newspaper called 'Desabimani' even though we have banned the printer. Leaflets were coming in legions from that press. He asked: 'Instead of banning their work why don't you close down their press? It is criminal negligence on the part of the Government not to close down the press'. Sir, I have to say that we had no powers. The keeper of a press can publish. The keeper of a press is distinct from a printer under the Act of 1867. So we have taken power to prevent such mischiefs. Sub-clause (i) is intended to remove all such doubts by expressly including a reference to the keeper of a printing press also in section 9 (1). It really does little more than carry out the original intention.

" *Sub-clause (ii).*—This is based on clause (ii) in section 9-A (1) (b) of the Bombay Public Security Measures Act, 1947. The object underlying the new provision is that the Government can require newspapers to publish any matter which has already appeared in a previous issue of the newspaper in such manner as the Government may require. Thus if any objectionable matter has already appeared in a newspaper, the Government can require that the matter be republished again in a different manner removing the objectionable elements in the previous issue.

" Some objections were raised, Sir, in the other House and it was stated that the Government were taking powers to ask newspapers to publish anything they liked. 'Not at all. We do not ask the newspapers to do anything nor can we be expected to do any such foolish thing. Certain papers in the Province, particularly the Muslim League papers in Malabar and a Muslim League paper here also—The Hon. Pandit Jawaharlal Nehru also made a reference to the papers in Madras in his speech—were publishing certain items of news in a garbled version, namely, with regard to incidents that are taking place in Hyderabad and Kashmir.

" Things are not published in the correct way. Only half truths are published. Versions are published in such a manner as to put always the Indian Union at a disadvantage. Any one reading those versions will think that the Indian Union troops are faring badly in Kashmir, and that everything which the Indian Union do with regard to Hyderabad is outrageous. Only portions of statements or portions of news are published, and the rest is deliberately suppressed from being published. Government are asking for powers to require the press to republish the whole matter. Publishing only portions of statements are doing great harm to the Indian Union and it is creating trouble in this Province. It is to require the press to republish the whole matter, we are asking for powers. We ask for powers, because we have found out, out of sheer experience, that such powers are quite necessary.

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" *Sub-clause (iii).*—A certain amount of literature frankly hostile to all law and order and of a violently venomous communal character has been coming into the Province from outside. This sub-section (1-A) empowers the Government to prohibit or regulate the entry into, or circulation, sale or distribution in, the Province or any part thereof of any document or class of documents. Such a provision is necessary to prevent objectionable documents or literature from being sold or circulated in the Province.

" *Sub-clause (iv).*—This is merely consequential.

" *Sub-clause (v)* defines the scope of the expression 'document'.

" *Clause 7, new section 9-A.*—This provides for control over the movement of commodities from this Province. In view of the present disturbed conditions in the Province, it is absolutely necessary that the removal of commodities from this Province to the detriment of the public safety and tranquillity should be prevented. As there is no provision of law to prevent such removal, it is considered necessary to take power to require that no commodity should be removed from the Province except with the permission in writing of the Commissioner of Police in the presidency-town or the District Magistrate elsewhere.

" *New section 9-B.*—In recent months there have been a spate of speeches inciting persons to commit violence against persons and property of individuals, of the police, other servants of Government and sections of the community. Where the speaker instigates the audience to commit a specific offence he can no doubt be prosecuted under the Indian Penal Code. But some of the speakers have become wiser and have adopted a more indirect approach which, while keeping them outside the Penal Code still does as much, if not more, harm than before. There have been, for instance, speeches of this kind. Sir, I am quoting from speeches which have been delivered. 'If the landlords do not give you your just share (this 'just' share is not that fixed by law or custom or contract, but what the speaker thinks is just) see to it that there is no crop which the landlord can take home. See to it also that the landlord gets nowhere near the crop.' 'If the award of the tribunal does not grant us our just deserts see to it that no more of these capitalists will come into your midst' . . . 'If the procuring officers come to the village, receive them so, that they will not come any more' and so on. There was another instance of a speech by Communists. That meeting was prohibited under Section 144, Criminal Procedure Code. In defiance of the prohibitory order, the meeting was held. The speakers said in the meeting 'if the Police come to disperse us, please see that their turbans are used as footballs, and that they will have no more heads to wear the turbans later.' It is necessary to check such incitements to lawlessness and violence to prevent breaches of the peace. The new section therefore makes such incitement *per se*

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punishable. But no prosecution can be instituted against a person without the previous sanction of the Chief Presidency Magistrate in the presidency-town and the District Magistrate elsewhere.

" *New Section 9-C.*—This is intended to enable Government to deal more effectively with sabatouers. Similar provision existed in the Defence of India Rules. This provision is necessary particularly in the districts that border Hyderabad.

" *Clause 8.*—Section 10 of the existing Act merely empowers the Government to requisition movable property. In a recent case, it was considered necessary that the Government should have power to requisition and acquire arms in view of the present disturbed conditions. Section 10 is to be amended so as to make power not only for requisitioning movable property but also for acquiring such property. Very often it becomes necessary for the Government to requisition lands or buildings for accommodation of troops. In Bellary and other areas it became difficult to accommodate troops. Therefore it is proposed to amend section 10 conferring power on the Government to requisition immovable property also. Compensation will be payable in respect of immovable property which has been requisitioned in accordance with an agreement entered into with the owner of the property or where no such agreement is reached, in accordance with the decision of an arbitrator. The arbitrator who will be appointed by the Government will be a District Judge or an officer of the Government qualified for appointment as a District Judge. The arbitrator will have regard to the provisions of section 23 of the Land Acquisition Act so far as it can be made applicable. An appeal will lie to the High Court against the decision of the arbitrator, if the amount of compensation exceeds an amount prescribed by rules under the Act.

" *Clause 9, new clause 10-A.*—This clause is intended to confer power to take summary possession of property which has been requisitioned or acquired. Otherwise if a recalcitrant person does not hand over possession or obstructs the Government from taking possession, the remedy will only be to go to Court to put the Government in possession of the property.

" *New Clause 10-B* lays down the procedure to be followed when a property is released from requisition.

" *Clause 10* empowers a police officer to seize and search for copies of documents which have been declared forfeited under section 2-B (2) or 9 (2).

" *Clause 11* provides for the making of rules in regard to certain matters.

" *Clause 12* is self-explanatory. A saving provision like this is necessary so that prosecutions in respect of offences under the new sections inserted by Madras Ordinance II of 1948 may be instituted or continued even after the repeal of the ordinance.

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"Sir, I have myself moved an amendment to this Bill in the other House and that has been accepted. Under the present Act, Government stated in the orders of detention that a person shall be detained in such and such a jail. Vellore Jail was the jail we had thought as convenient to keep these detenus. Most of the orders passed by District Magistrates were for detaining the persons in Vellore Jail. Some doubts have been raised whether District Magistrates have territorial jurisdiction to issue warrants to Vellore Jail for detention—for instance, whether the District Magistrate of Krishna can pass an order for detaining a person in Vellore Jail. To obviate this difficulty, we have taken powers to declare that those orders shall be valid even though there is no territorial jurisdiction for the District Magistrate ordering the detention. This, Sir, is the scope of the amendments that I have placed before this House. I hope the House will give Government the powers they ask for. As I have already said, it has become absolutely necessary, out of sheer experience, that we should have these powers to meet the situation which, you all know and realise, is not satisfactory from the point of view of law and order and in view of the various troubles that we are to meet with. Arguments were hurled against me giving me dissertations on 'Independence' and how 'Independence' is being worked and all that. I am thankful for the lessons that have been given to me on 'Independence' and what 'Independence' means. (Interruption by Abdul Latif Farookhi Sahib Bahadur.) I have learnt it very well more than those who try to teach me Independence, and how to maintain it. I say, Sir, Independence does not mean licence. If Independence means that the country should be at the mercy of a handful of persons who can thwart it, then I am certain, Sir, that it is better that this small set of persons are prevented from doing so for the happiness of the general community."

MR. PRESIDENT:—"I find a number of amendments given notice of. I wish hon. Members finish consideration of the Bill before lunch."

(Dr. V. K. John rose to speak.)

MR. PRESIDENT:—"I thought you would like to speak last."

SRI B. BHIMA RAO:—"Sir, I wish to say a few words in support of this measure. I shall just appeal to the Leader of the Opposition . . ."

MR. PRESIDENT:—"You please go to the mike so that your appeal may be effective."

* SRI B. BHIMA RAO:—"Sir, I rise to add my words in support of this legislation. It might be a surprise to you and also to Members of the Opposition that I should rise to support this measure with a full heart. Last year when the Public Safety Act was debated in this House, Members of the Opposition might

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remember that I opposed certain objectionable features in that measure and I sided with the Opposition with the result that I incurred the displeasure of my leader Mr. Prakasam. My speech on that occasion is reported on pages 197 and 198 of Volume XIII of the Legislative Council Debates. It is a short speech, and I shall summarise it. I do not like to take much time. I want to finish my speech within 15 minutes and make an appeal to the Leader of the Opposition that I have now changed my front and that I support the Government outright. Last year, with considerable difficulty I rose to speak. Now with a full heart I concede the powers which the Government propose to take on this occasion. The powers that are now required are immediate and urgent because to put it in a nutshell, the Hyderabad situation has become critical and danger is imminent. A conflict may come about in two or three weeks. Hence it is but right and appropriate that Government should be armed with the powers that they propose to take. It is an emergency legislation and it is on that ground that I appeal to my hon. Friends (Dr. John, the Leader of the Opposition, and others), with whom I joined on the last occasion to remove certain objectionable features in the Public Safety Act, to support Government in this measure. I do not know if my learned Friend Dr. John knows that it was due to my insistence on Mr. Prakasam that a provision for the formation of the Advisory Council was inserted in that Act. In reply to the interpellation that I put yesterday, the Leader of the House was pleased to give me the names of the Members of the Advisory Council. I think it is a very excellent Council. Whatever injustices might be committed by this Government—I do not like to use the word 'injustices,' but I will call them errors of judgment—they can be rectified by that Advisory Council, which consists of eminent jurists of this place. This legislation must be treated as an emergency legislation, and not as an ordinary measure in which we can take out the objectionable features. Last year the Public Safety Act was passed on account of communist troubles, especially in Malabar, Krishna, Tanjore and other districts. Last year I did not apprehend any trouble in my district. There are only two or three gentlemen in my district styling themselves as communists. They are only political ideologists. They have absolutely nothing to act upon to enforce those ideas. One of them was the subject matter of the first interpellation yesterday. For styling himself a communist he has had sufficient trouble by being detained in the Vellore Jail for four months. I think that is a sufficient punishment for him. When I met him in the Central Jail, Bellary, after his arrest and put questions to him in the manner that I mentioned yesterday, i.e., whether in the event of a war between India and Russia, he would treat Russia as his parent country or India, he immediately answered 'certainly I will take up the cause of India and not any other country inclusive of Russia.'

Then, Sir, I asked him: 'Will you adopt violent methods 12-15 or will you adopt the method of the Father who is now in Heaven p.m.'

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(that is the non-violent principle) in order to achieve your object.' He said, 'I will certainly adopt non-violent methods.' That was the answer which he gave. I asked him to give it in writing and to put his signature. But the Superintendent of the Central Jail said, 'You cannot take it here; I will take it and send it on to the Chief Secretary to the Government of Madras through the Inspector-General.' Sir, he has been sufficiently punished for styling himself as a communist. There were two others also who were lawyers saying that they were communists. When I took them to the District Magistrate and when he put questions to them, the answer was similar. They have not been sent to the Vellore Jail but they have been treated as ordinary political ideologists. That is why I sided with the Opposition on the last occasion and made that speech. There were only two or three persons in my district who styled themselves as communists but really they were no communists at all, in the sense the communists are described in the newspapers here and are found in Malabar and other districts. I think there will be absolutely no trouble if this Act is passed and enforced.

"Sir, Sri Prakasam in referring to my speech in his reply on the Madras Maintenance of Public Order Bill in 1947 said, 'My hon. Friend Mr. Bhima Rao gave us advice. Siding with the hon. Members on the other side, he was doing it. Mr. Bhima Rao did not know all the matters relating to his own district or his own province. He said that there was nothing to warrant this measure. What does Mr. Bhima Rao know? He has not known anything, and I would not be justified in giving out the facts because, instead of creating a calm atmosphere, they might disturb the atmosphere.' Though my hon. Friend Mr. Prakasam was the Premier for such a long time, he did not know the real conditions of my place and he made such a statement. But, now people have come to know the real facts. I wish that my hon. Friend Sir Mirza Ismail had brought about a settlement. But, unfortunately, it has proved a failure. Even now, Sir, I heard that there are imminent conflicts. The other day, I had absolutely no sleep in the train throughout my whole journey. I wish our Father who is now in Heaven gives the Nizam the wisdom and the judgment and makes him go over to this place on the 23rd or the 25th to meet Rajaji here in order to come to a wise settlement in the matter. His own sons are of different opinion but the Nizam himself is under the influence of the Razakars and Kazim Razvi who has made him a prisoner in his hands. If he only frees himself from the influence of the Razakars and comes to Madras by aeroplane on the 23rd to meet Rajaji, there may be a wise and friendly settlement. Sir, in my district the Hyderabad border is 160 miles long bounded by the Tungabhadra which is only two furlongs off from my native district from where we can see the activities of the Razakars. I think in Kurnool the Hyderabad border is about 40 to 50 miles in extent and I do not know the actual length of the Hyderabad border in the Kistna district. I think my hon. Friend opposite would be able to tell the actual

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extent of the border there. That is the picture. Sir, Bellary and Adoni are two leading places in the Bellary district and one-third of the population of those places belongs to a certain community, I mean the Muslim community. That community contains two or three classes. Really there are a good many loyalists in that community. They want to be in the Indian Union and want to be quite loyal. But, Sir, still there are some people of that community who belong to the ideology of the Muslim League. I ask them, Sir, that if they really feel that they belong to a different nation, let them go to Pakistan and enjoy the paradise and the bliss of Pakistan. But once they go there, let them not ask for permits to come back to the Indian Union. Sir, as I said there are a good many loyalists in Bellary who have denounced the atrocities of the Razakars. There are also certain elements who are going to Hyderabad and coming back and who are purchasing petrol in the black-market and sending them across the Tungabhadra to the Nizam's Dominion. Therefore, it is certainly necessary that the Government should be armed with these powers to prevent such things taking place. These powers are really necessary if these persons should be caught and dealt with according to law. In order to deal with such quislings, Government must have full powers, because people who play false with the Indian Dominion are like an abscess in the belly of the Indian Union and that abscess must be removed. My hon. Friend, Sir Mirza, Ismail was unable to bring about a settlement because the Nizam is surrounded by the Razakars and is under their evil influence. I only pray God that a settlement becomes an accomplished fact. Otherwise, Government must have these powers. Sir, these powers will only last for one year normally and afterwards, if there is really no trouble, and if this Act is to be continued, I will join the opposite side in saying that the legislation is objectionable and that it should be removed, as I did last year. But, now, I would appeal to the Leader of the Opposition to agree to this measure till the settlement becomes an accomplished fact. Since we are very near the danger, I only wish that Mahatmaji enters into the body of Nizam and gives him the necessary wisdom to come to a settlement with the Dominion of India. Otherwise, Sir, Government must have these powers. With these words, I heartily support this legislation."

* ABDUL LATIF FAROOKHI SAHIB BARADUR :—" Mr. President, Sir, last time, Sir, it was, as my hon. Friend, Mr. Madhava Menon said, on the 11th March 1947, that this Act came into existence. At that time, we opposed that Act tooth and nail and we felt that the liberty of the citizen was in jeopardy. I feel, Sir, that opposition to a measure of this kind is much more justified now than it was on the 11th March 1947 because in March 1947 we were not independent, but we are independent to-day and therefore, an independent Government, a democratic Government and a popular Government should not come with a measure of this kind. I was surprised to hear the speech of my hon. Friend,

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Mr. Bhima Rao. Mr. Bhima Rao had certainly last time sided with us but he did not vote with us. But, now, Sir, Mr. Bhima Rao is very much afraid of the situation in Hyderabad. Let me on the floor of this House point out to you, Sir, that we Muslims in this Province will be as loyal to this Indian Union as anybody else in this Province or in this country. Whether there be a conflict in Kashmir and other parts or whether there be a conflict between Hyderabad and the Indian Union, let me assure you, Sir, from the floor of this House that the Muslims of India will give their loyal support to the Indian Union. Therefore, so far as we Muslims are concerned, we are firm, we do not want to oppose those who want to go to Pakistan but so far as we are concerned, we will sit here and as long as there is life in our body, we will live here and die here. Therefore, Sir, I am not afraid of saying that measures of this kind are unnecessary, particularly when the Government that is in office is a popular Government. What did this Government do? Did this Government bring this legislation before the Legislature was prorogued. No. The Legislature was prorogued and an ordinance was issued by the Government. Days of ordinances by Government have gone."

THE HON. SRI K. MADHAVA MENON :—" Not at all."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Sir, I say that this ordinance was not necessary, especially when there is a popular Government. Why do you resort to ordinances? You have got the Legislature and there is the popular Government, a popular Ministry and a popular Legislature. When popular Ministries are there, Governors must simply be figureheads; as our great Leader, the Hon. Sri C. Rajagopalachariar said, they must be like idols in temples and they must not interfere with the liberty of the people. But, Sir, the popular Ministry drags the Governor to interfere with the liberty of the people and to curtail their liberty. Therefore, Sir, the Government is trying to deprive the citizen of his independence and of his liberty by invoking these special powers of the Governor. Now, Sir, this is a charge which this Ministry could not meet. It is a charge which has been levelled against the Ministry not only by the members of the Opposition but by the whole country. My hon. Friend, Mr. Bhima Rao, did not for a moment think that such a Bill has been brought after we attained independence. People did not think a popular Government would bring in a measure of this kind.

" Now, Sir, what is this Act going to do? There is a conflict between the courts and this Government. This Government do not want that the powers of the courts should remain but, Sir, the High Court refuses to abdicate its functions. The High Court says its power to interfere remains. Three eminent Judges of the High Court in differing judgments concurred on this point. This Government want to make the High Court powerless. Therefore, they are trying to see that even the possibility of High Court

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interfering is removed. If you do not want the courts to interfere, all civil courts may be abandoned. I ask, why do you maintain these white elephants at the cost of so much of public money collected from the poor people who are starving and who have no food, no cloth and no shelter. Why do you want to maintain these courts which you do not want to utilize? Therefore, Sir, this measure should be opposed.

" Then, Sir, you want to curtail the liberty of the press also. In the former Act, I do not think the independence of the Press was curtailed. Now you want that the press also should sing your songs. The press did not raise such a hue and cry last time. Now you want the press also to sing your songs and dance to your tunes. If you want to maintain the independence of the country, then the independence of the press should also be maintained. If you curtail the independence of the press, it means you are curtailing the independence of the country. Therefore, you are going against the very independence of the country. You say to the people that they are independent, but really you do not want to give the independence which the people really deserve.

" Now, my hon. Friend, Mr. Bhima Rao, said that it is an emergency. If it is true, then I would certainly support the Bill, and I am sure that the Opposition will support it, if it were an emergency measure in which you want power for three years. Two years are already over, and you want power for three more years. I only feel that this Government are complacent in believing that they shall remain in power for three more years. You do not want general elections. I know what your fate will be if there are to be general elections. You want this measure to remain for three years more. Well, if you do not remain here after the general elections, then somebody else will use those very powers which you now want for the Government. Those very powers will be used against you. Therefore, you say, that 'for three years, we shall be safe. Let us use all these powers for three years more against all other political opponents.'

" My Hon. Friend, the Law Minister, waxed eloquent over the atrocities committed by the Communists. Well, Sir, I am not in sympathy with the Communists, though I am a Communist myself. I have a different idea of Communism. As a Muslim, I am a Communist because I know that there is equality between man and man; and from that point of view, I am a Communist. But I am not a Communist to do harm to others, to destroy the properties of others. Therefore, Sir, I do not sympathize with Communism of the kind that is practised here. I feel, if this Bill is directed only against Communists, why don't you ban that party, and say there should be no more Communists? You say all this is done against them. Why do you bring in a legislation which is all-comprehending, which pervades the whole Province, and excuse me, Sir, includes your hon. self also within the purview of this Act? My hon. Friend, Mr. Madhava Menon, may also come within the scope of the Act, if he simply resigns his Ministership, and goes on making some speeches which he may be convinced are

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in the interests of the public. Some people who were not satisfied with his regime as Minister, who might come into power, may say, 'Well, Mr. Madhava Menon is a dangerous man and therefore he should be put in jail.' They may well do so, by invoking the powers under this Act. Therefore, I feel that nobody, no respectable person, no citizen of this land will be safe, if this Bill is going to be passed into law.

"I know, it is going to be passed, on account of the large majority of the Government. People like Mr. Bhima Rao have supported the Bill. Even if he had opposed this Act, even then, he would only have a feeling, in his conscience, but he could not vote with us, against the Government on account of party discipline. Such being the case, the majority is there, and with it, you can do anything. You can pass any Act. With this majority, you can easily rule. But that is not rule by law, rule by a legislature, rule by a popular Government, rule by democracy. It is rule by autocracy. It is a rule where there is no law. You can abrogate all laws, put an end to all legislation. You can abolish all Courts and then say, 'We are going to carry on this Government by Acts of this nature.'

"I am not convinced that there is any emergency at all. You can deal with people in the ordinary manner with the ordinary existing law, and yet you can save the situation. What have you done? After all, you are going to pass this Act only to-day. You brought an Ordinance, in spite of the fact that there is in existence already an Act passed in 1947, which is sufficient to deal with the situation. I ask what have you done by means of that Act? How have you prevented people from doing harm? You say, harm has increased, danger has increased. If danger has increased, it is going to increase still further, if you are going to penalize people more and more. Let the people understand that you are soft-hearted, that you are going to do justice and not injustice. If you want to put people into prison, you can do it, not by resorting to Acts of this nature, but by ordinary means. Bring them before a Court of Law, and ask the Courts to decide. Why exercise your judgment? Let the Courts say whether a man is guilty or not. Do you not believe in your own Courts, in your own judges? Have you no confidence in your own Judges, to whom you are paying fabulous amounts, to the tune of Rs. 4,000 and Rs. 5,000? You make them sit in the altar of judgment, and yet you say you have no confidence in them, and that you shall exercise your own independent judgment. There may not be any satisfaction on your side. Satisfaction must be on the other side. If you are going to be the prosecutor and simultaneously the judge, where is justice? Where is a man going to have justice, unless the prosecutor and the judge are different? Let others go before the judges and say 'We are not guilty.' If they are proved to be guilty let them be put in prisons by all means. But now you want to put them in jails indefinitely, without the detenus knowing what their charges are and how long they are going to remain in jails. You are not going to give them permission to go on parole. Yet you say this is a popular Government. I flatly refuse to admit that

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this is a Government which can be called a popular one. Measures of this nature are not necessary at all, if there is a popular Government.

"I am aware, Sir, of your anxiety about time, and I shall certainly not put you in a very difficult position by making a long speech. I have already pointed out that measures of this kind are inconsistent with democracy, with popular Government, and with independence. I hope, Sir, that if this Government, having a great majority as it does, are going to pass this Bill, they will be committing a great crime, if they are going to use this majority for purposes which are against the spirit of democracy and independence. Please have a majority, in fact we are glad that you have a majority. But do not misuse that majority. I would only appeal to this Government, that if they are going to pass this legislation, it should be used very cautiously. If you are going to have that power, I say, under protest, please, for God's sake, use that power as cautiously as possible. My hon. Friend, Mr. Bhima Rao, invoked the name of that great leader Mahatma Gandhi. If that Mahatma Gandhi had lived to-day, and had heard that in the days of independence, the Madras Legislature, or any other Legislature for the matter of that, passed an Act of this nature, I think, nothing would have wounded his heart, and given him greater grief than the passing of such an Act, by a Legislature under an independent Government.

"Now, Sir, I would like to draw the attention of the members on the Treasury Benches to the very wise advice which the Hon. the Prime Minister of India gave when he was here. He was as we all remember, Sir, the President of the Civil Liberties Union of India. He toured round India and wanted that civil liberties should be preserved. Now, there is a distinction sought to be drawn between liberty and licence. If anything is done against you, you say that your civil liberty has been curtailed. If you do the same thing against anybody, you say that you are not curtailing the civil liberty of the person, but only preventing him from having a licence. What is licence in his case, becomes civil liberty in your case. I would only appeal that such needless distinctions are not made. Do not say, that it is licence if it is practised by other people. These people also have got their own liberties. You are not the only people who have come down from the Heavens, you are not the only angels who wanted independence, and have suffered for its sake. There are other people who would like to suffer, who would also some time afterwards, pride themselves on their having gone to jails; when these people come into power, they may do the same thing as you now do. Therefore I would say, please see that all your powers are exercised with moderation, your powers are blended with sympathy, with justice, and with fairplay. Let people realize and understand that they are under your protection, not under your tyranny. Please do not rule the people with Acts of this nature. Do them justice, show them mercy.

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"The aspect of mercy has also to be considered. You say, that if a husband or a wife harbours a person, wanted by you, then you do not want to prosecute the husband or the wife. What about fathers, what about children? Has not the father, or the mother got the same affection perhaps, a greater affection than the wife or the husband has for the other? You do not provide for all these things, and there is no human aspect at all in your actions. Therefore, I appeal to this Government to be moderate, just and fair, and to see that people to whatever class, creed or race they belong, are not penalized on prejudices based upon religion or party. If there are no political parties then there is no democracy. In a democratic country, the parties must be there. Do not think that the other parties are your enemies. The Opposition Benches are not here to harass you, but to help you to carry on justice. But if you want to do injustice, we are here to point out that you are unjust. Therefore, please believe that we are your friends, not your enemies. Please deal with people justly and fairly, and honestly and sympathetically. Only then this independence is worth its name. If you are going to carry on this Government in the way in which it was being carried on some time ago by some other Government, if you are going to rule the country with greater tyranny, then, I think, Sir, this hard-won independence will not last long; I am sure, there is a greater power, than the power of this Government, call it God or what you will, there is a Supreme power which will do justice to the innocent people suffering under a tyrannous Government—a power which is supreme, and great, and which will not tolerate your presence here on the Treasury Benches, any longer, if you are going to do injustice through Acts of this nature on the anvil of the Legislature. I am sure, Acts of this kind will be a very bad commentary upon the independence of this country and therefore they should not be allowed to blot the fair name of this Province, and the fair name of our independence."

12-45 * SRI R. SURYANARAYANA RAO :—"Sir, these are becom-
p.m. ing days of surprises."

MR. PRESIDENT :—"Is the hon. Member going to spring once more?"

* SRI R. SURYANARAYANA RAO :—"Sir, the hon. Member, Mr. Bhima Rao, has really sprung a surprise on us. I congratulate him on his conversion. But what is more surprising is some Members who were Ministers of Law in the previous Government, and whom I had the privilege of attacking for bringing forward the Maintenance of Public Order Legislation of 1947 have now suddenly become protagonists of civil liberties. When I make this remark, Sir, I hope that it will not lead to the conversion of Mr. Madhava Menon when he ceases to be a Minister. But we, sitting on this side of the House, do believe in civil liberties and will continue to agitate for the maintenance of civil liberties and point out to the Government when any legislation is brought forward how it may interfere with civil liberties without adequate cause."

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"Sir, the first thing that strikes anyone who reads the Bill is that while the ordinance promulgated on 25th May 1948 contained only four clauses, the Bill contains 12 clauses. The Government have felt that various changes have occurred which were not anticipated on 25th May 1948 and this has necessitated the introduction of eight more clauses. Another feature is, one of the most obnoxious clauses in the ordinance does not find a place in the Bill. To that extent I must congratulate the Government. But may I ask the Government why they want to follow in the foot-steps of the previous Government and come forward with Bills of this sort almost on the last day when the Ordinance is about to expire? Between the 25th of May and the 14th or the 10th August, nearly more than two months were available to the Government. Could they not have summoned this Legislature so that this legislation could have been given more careful consideration instead of having it considered at night sittings till 10-30 p.m.?"

THE HON. SRI B. GOPALA REDDI :—"We were waiting for the judgment of the High Court. We also wanted to oblige the Muslims during the Ramzan."

THE HON. SRI K. MADHAVA MENON :—"Originally we wanted to meet on the 3rd August, but the Muslim members wanted to have it on the 10th."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"Last time we met even while it was Ramzan."

SRI R. SURYANARAYANA RAO :—"Sir, if the interests of the State demanded it, I do not think anybody would have grudged attending a meeting of the House even if it was during Ramzan."

MR. PRESIDENT :—"What about the High Court? If the Government had wanted to take advantage of the Legislature while the matter was being considered by the High Court, the High Court would have objected strongly. I saw some such criticism about it in the papers."

SRI R. SURYANARAYANA RAO :—"It was in the Bengal Legislature, Sir. The High Court took strong objection to the Legislature anticipating the decision of the High Court. I see, Sir, that the only extenuating circumstance is perhaps the waiting for the decision of the High Court on a matter of which it was seized."

"Sir, my hon. Friend, Mr. Madhava Menon, to whom we are grateful for the very clear and detailed exposition of the various clauses of the Bill has not convinced us why this exception under section 2-A should not be extended to parents as well."

MR. PRESIDENT :—"The hon. Member may deal with it when he speaks on the amendment on the subject."

SRI R. SURYANARAYANA RAO :—"I wish he had told us that. We entirely agree with the Government that when a person on whom an order of detention is passed is harboured by a person with the object of preventing the apprehension of the person

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by the authorities, that person in a way assists the person to evade apprehension. But, Sir, if a person is hiding in his own house and if the police, for some reason, are not able to apprehend him, then if there is no husband or wife of the person wanted, all the members of the family will be held guilty of the offence of harbouring. There are human relations, Sir. A brother would not like to . . .

MR. PRESIDENT :—“ I think the hon. Member may reserve these observations to the amendment to the clause and make general observations at this stage.”

SRI R. SURYANARAYANA RAO :—“ Sir, I now come to clause 6. I agree that papers should be required to publish facts and distortion of facts is not to be encouraged. But to compel the papers to publish a particular thing in a particular manner is really interfering with the freedom of the press. If a paper continues to spread calumny, it can be brought under the ordinary law by the persons affected, or the calumnies can be exposed by the publication of facts and by the education of public opinion. But if this section is passed, and if anything appears in a paper on account of the use of this section, although the matter published contains actual facts, one cannot help discounting the facts mentioned there. Unnecessarily, Sir, the Government are inviting on themselves the suspicion that what they publish will not be facts. If you allow the press to publish things as they like and if certain wrong facts are published, they may be corrected, as it is being done day after day. You may leave it to the public to judge what are facts and what are not facts. It is a better method of educating public opinion than ordering the paper to publish certain things. I wish, Sir, that this power had not been taken.

“ Sir, the Hon. Mr. Madhava Menon quoted the Bombay Act. I do not know whether he knows that there is a case in the Bombay Presidency where an editor of a paper published that the motor car of a particular Minister was standing on the pavement, that the Police constable went to ask the car to be removed and that when the driver said that it belonged to the Minister, the Police constable did not take action. That was published in the paper of which Mr. Karaka is the editor. Then out went an order from the Ministry . . .”

MR. PRESIDENT :—“ I may tell the hon. Member that the Police in Madras are more strict.”

* SRI R. SURYANARAYANA RAO :—“ Out went an order, Sir, from the Ministry taking objection to that publication and asking the editor to publish another version of it and threatening him with further action. I shall pass on the paper to the Hon. Minister so that he may see how this section can be abused by an over-zealous Minister or a Government sensitive to criticism. Sir, that case is going on and it is *sub-judice*. It is possible, Sir, that even mentioning of certain Member of the Government or an officer of the Government having done something which is objectionable may be taken to mean that the paper is bringing the

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Government into contempt. The Government may issue an order asking the paper to publish something in the place of what it published much against its wishes. I feel that this is the most objectionable portion of the Bill after the removal of section 16-A which was in the Ordinance. It should be possible to correct any wrong impression by sending the correct version for publication. Then, Sir, the Government have the power of censorship if a state of emergency of the kind which the Hon. Mr. Madhava Menon envisages does really arise. Why not the Government exercise that power, Sir, if a state of emergency arises? But this clause can be resorted to by an over-zealous Government even in ordinary times when there is no state of emergency.

“ Sir, I do not want to take part in the third reading. The procedure that is now laid down regarding the revision of the detention orders by the Government,—the addition of the words ‘ if satisfied ’ is no doubt an improvement on the position that was prevailing in 1942. Sir, it is not in a spirit of boastfulness that I say that it was my privilege in 1942–43 to plead on behalf of some hon. Members of this House and the other House, some of whom happen to be Ministers now and some ex-Ministers. I remember the case of an ex-Minister whose old father—91 years old—was dying in his house. He wanted to see his old dying father. An application was made for parole. It was rejected. Meanwhile the father died. The son wanted permission to go and perform the ceremonies which a Hindu has to perform as the last rites. Even that was refused. Then after a great deal of pleading permission was secured. Sir, I ask this Government to be careful in dealing with such applications. I know applications of that kind will come. My hon. Friend from Vizagapatam—he is not here to-day—quoted one glaring instance. A man was almost in the throes of death. An appeal for release on medical grounds was made. He got an order after his death that he could not be released on medical grounds.”

MR. PRESIDENT :—“ I can quote another instance. A detenu was refused parole to-day but tomorrow he got an order for his release.”

SRI R. SURYANARAYANA RAO :—“ It may be that the officer who issued the first order reconsidered the matter.”

MR. PRESIDENT :—“ They were two different officers.”

SRI R. SURYANARAYANA RAO :—“ I would appeal to this Government: By all means, if you think that in the interests of public safety a person should be detained, let him be detained; but exercise the greatest possible care in seeing that there are sufficient grounds for detention.”

MR. PRESIDENT :—“ If the hon. Member will pardon me, I wish to make one observation. There is no limit to anything which a bad man can do. The contention of the Government is that the present circumstances are exceptional, that there is an emergency and they want some special powers. The hon. Member

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may tell the House whether he feels that the Government's fears are well-founded or not, whether a state of emergency exists or not and whether the emergency powers are required or not. The hon. Member had better deal with that aspect of the matter at this stage."

SRI R. SURYANARAYANA RAO :—" Sir, when answers were given this morning, we did not want to put supplementary questions because we thought that as the Bill was coming up for discussion to-day we could say something in the course of its discussion. As I said, Sir, I do not propose to take part in the third reading, with due deference to your suggestion that we should close as early as possible."

1 p.m. MR. PRESIDENT :—" Apart from that, the hon. Member should not misunderstand me. I think the proper thing to do at this stage is to tell the Government that their fears are unfounded; and they need not be afraid that the conditions in the country are such as to demand extraordinary powers. If the hon. Member thinks like that, he may tell the Government so. As regards the details of the Bill, he may deal with them when each clause is taken up."

SRI R. SURYANARAYANA RAO :—" I pointed out that there are two sections under which the Government want to take powers, which I think is unnecessary. I am merely mentioning this fact, because as I have already mentioned, I know the fate of the amendments and the fate of the Bill. The Bill is sure to be passed and the amendments are sure to be thrown out but I thought I could take advantage of this opportunity, whatever may be the rigours of this Act, and tell the Government to administer it with sympathy and understanding. It was like that in 1942. Be just and fair even to your worst opponents, because it is said power corrupts even saints. Let not the fact that you are empowered under the Act which is passed by the Legislature, make you feel that you can act as you like, but you should also exercise restraint. In this connection, I would like also to mention one other fact and that is, Government should make it a point to see that the grounds on which detention orders are passed are communicated as quickly as possible to the detenus concerned so that they may make representations to the Advisory Council. I know in many cases it has taken four months for the Government to do so. Let them examine each case and let them not delay it because they are busy with other things. If you are busy you have no right to deprive the liberty of a person but should carry out the obligations that rest on you. No doubt a person may be detained and I do not deny or question your premises but let him be given the earliest opportunity to know why he is detained, so that he may seek redress. This was happening in 1942 and because the procedure is the same as it was in 1942, I say, let not the mistakes of 1942 be repeated. I feel, Sir, even now the Hon. Mr. Madhava Menon may reconsider whether clause 6 (ii) (c) is necessary at all and whether he could not leave it to the discretion of the press to publish correct

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versions, except in cases where the Government think that the version is not correct when of course they can put their propaganda machinery and their publicity department in action. Sir, this morning I saw in one of the papers the *Indian Express* a press note giving all the things which the Hon. Mr. Madhava Menon has been reading. We never knew of the atrocities that were committed by the Communists until we saw it in the papers this morning. I ask, why was not this published along with this Bill, so that people may know why is it that Government want to arm themselves with these powers. I would suggest that Government should also rely on publicity rather than make use of clause 6 (ii) (c).

" With these few words I hope Government will see whatever may be the fate of the motion as we know it—that they administer the Act with sympathy and understanding."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Sir, as usual we are faced with an accomplished fact. The Bill has been passed and whatever we may say will be only a cry in the wilderness, because the doors of the Assembly are shut."

MR. PRESIDENT :—" The door will be opened again on the 20th."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" May be, but the Act must come into force on the 22nd and even if we make reasonable suggestions they cannot be accepted as the Bill would have to go back to the Assembly in which case the Act cannot come into force on that date. So, Sir, any reasonable suggestions that we may make from this side of the House will not and cannot be accepted in the present circumstances. It was the same case in March last year when the main Act was passed in this House. But, still we made our suggestions and criticisms hoping that they would be borne in mind by the Government when they bring in such amending measures in future. Though it was admitted by some members opposite that there was much force in some of the suggestions and criticisms made by members on this side of the House last time and though it was expected that they would be given due weight at least later, we find that no notice has been taken of them even now when an Amending Bill is brought forward and no modifications are made in order that the rigours of the Act may be softened. Therefore, I say, our voice will be merely a cry in the wilderness because the doors of the other House are shut and they will not be opened in time to enable the Assembly to consider our amendments before the Act actually comes into force. I think there is no need for the Government to take such drastic powers, while the ordinary law of the land is sufficient to cope with the situation if only it is used in proper time and proper manner. I also feel that the powers taken under the Act would lead to much abuse and many innocent persons would suffer. Though it was said last time that this Act was mainly intended against the Communists who threaten to be a menace to public safety, yet we felt that it was likely to be used against other persons also. Now, Sir, our fears have been amply justified by what had

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taken place during the last one year and, therefore, we do not find any need to change our view regarding the provisions of this measure. We found that one fine morning a number of persons belonging to an organization, I mean the Muslim National Guards, who had been admittedly doing social work, were simply taken away and detained in jails. As regards this organization, is there anything to show that its members have indulged in any sort of violence at any time or shown any tendency to do violence? On the other hand, they have supplemented the efforts of the Police and the Government in maintaining law and order. I also remember the then Governor of the Province himself said that the Muslim League volunteers have done 'wonderful work' in respect of the evacuees from Malaya and Burma and we have also received communications from the Commissioner of Police eulogising the work done by them on the occasion of Moharrum and other festivals. Sir, I can say without any fear of contradiction that these Muslim National Guards and the Muslim League volunteers have never shown any tendency to violence and I am yet to know why they have been detained. Not only that, even persons who have nothing to do with the National Guards have also been detained and still they have not been released. That is why we fear that this measure may be used in very many ways against innocent persons.

"Then, Sir, let us see how they have been treating these detenus after they have been detained. The grounds for their detention were not given to them even after many weeks. Not only that, in many cases, they were given only after petitions had been filed in the High Court. Why should there be such inordinate delay in supplying the detenus with the grounds for their detention? Probably Government prepare the grounds only after the persons are taken into custody and that is the reason for so much delay in supplying the detenus with the grounds for detention. Even then all the grounds are not supplied to them and then the explanations submitted by them on the basis of those grounds are not considered sufficient. I know of cases in which detenus have submitted more than one explanation and I do not know why they are still detained and why their explanations have been found inadequate, i.e., so far as the Muslim National Guards are concerned."

MR. PRESIDENT:—"I wish the hon. Member restricted himself to the scope of the amendment before the House."

K. T. M. AHAMED IBRAHIM SHAIB BAHADUR:—"I am referring to these only in connection with the amendment."

MR. PRESIDENT:—"The hon. Member must wait till I finish. The hon. Member should restrict himself to the scope of the amendment which the Government seek to impose in the Act. There is no use giving a dissertation on the Act as it is. The question now is, the Act has to be amended in a particular manner and if the hon. member has got any remarks to offer on it he may restrict himself to that."

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K. T. M. AHAMED IBRAHIM SAHIB BAHADUR:—"The amendment makes the Act more drastic and I am trying to explain how even the existing provisions are more drastic than what is warranted by circumstances and why they are unnecessary. It is said that these powers are taken by the Government on account of the Hyderabad situation. Then, Sir, why should people in far off Malabar be arrested indiscriminately and what has Malabar to do with Hyderabad? My hon. Friend, Mr. Bhima Rao, said that he was satisfied there was no room for suspicion or detention when a communist told him that he would fight against Russia if it invades India; he was satisfied with that explanation. But, so far as the Muslims are concerned, in spite of the declarations made by the President of the Indian Union Muslim League from a thousand platforms and in spite of statement after statement issued by him to the effect that with regard to Kashmir and Hyderabad the Indian Muslims are with the Indian Union, the Government are not satisfied, and are suspecting the Muslims and even though the detenus themselves have given such assurances to the Government they are not released. Still the Government are acting on suspicion."

SRI B. BHIMA RAO:—"Have they condemned the acts of the Razakars and their atrocities?"

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR:—"Of course, the hon. member had not perhaps followed the newspapers. Even the very next day the President of the Indian Union Muslim League condemned in a most vehement manner the atrocities committed by the Razakars. I am sorry some people do not read newspapers."

"Now, Sir, this clause 3 is too comprehensive. Even on flimsy grounds and on mere suspicion any person may be deemed to do any act in a way prejudicial to the peace of the country." Even as it is, the Provincial Government, if satisfied with respect to any particular person that he is acting or is about to act in any manner prejudicial to the public safety and with a view to preventing him may make an order detaining him. The Government may take action under this but now they want to add the words 'or likely to act.' Without any evidence, if any officer wants to have a person detained, he need not show even any grounds but he can merely say that a particular person is likely to do an act prejudicial to the State and detain him. He need not show any reasonable grounds. I ask, Sir, why do they want to have this drastic power? Already people are being arrested and detained on mere suspicion and a provision of this nature will make the position much worse. Mr. Bhima Rao questioned me whether we can show our attitude by any overt act and I tell him, Sir, that when the time comes, it will be shown. When you wanted Home Guards and the President of the Indian Union Muslim League said that he was prepared to give you any number, has there been any response from the Government? If the hon. Member has studied history, he should have seen how the Muslims have conducted themselves

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at other times in other climes or similar occasions. When the late Moulana Muhammad Ali was asked what the Indian Muslims would do if India was invaded by Turkey, he said that the Indian Muslims would stand like a man against the Turks and fight for the freedom of the country."

MR. PRESIDENT :—" I may tell the hon. Member that that is not the question now. Nothing is sought to be taken away from the Muslims by these amendments."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Mr. Bhima Rao was asking me to go away to Pakistan."

THE HON. SRI K. MADHAVA MENON :—" He did not say so."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" I can tell him that I was born here and I am bred here and I am living here and I will die here and nobody has got a right to ask to me to get away. The Hon. Mr. Madhava Menon, the Law Minister, said that it is the independence of the majority; I would like to point out that it is independence not only of the majority but it is the independence of every man, woman and child living in the country and the independence of the majority does not mean that the freedom and independence of any single person can be denied. I have got every right to enjoy the freedom even if I am in a minority of one and I have got the right to live and die here and nobody has got a right to ask me to get away to Pakistan or to any other land and I cannot understand why it should be so said. 'Go to Pakistan' has now become a slogan with some people."

MR. PRESIDENT :—" We wish that you live for ever here and not die."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" But I want to live as a free person and not as a slave; the independence of the country means equally freedom for every section of the people, nay for every citizen of the country and not only for the majority."

" With regard to the Press, I am afraid that the provision . . . "

MR. PRESIDENT :—" May not the hon. Member address his remarks about the press on the amendment that he has put down? "

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" I wished to offer a general observation upon it but since you have suggested that I might deal with it on the amendment that I have given notice of I shall do so, Sir."

" I do not think that there is any need for such drastic provisions and even with regard to that Dr. Subbarayan . . . "

MR. PRESIDENT :—" I do not think the hon. Member is right in referring to him here; he is not a member of this House."

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DR. V. K. JOHN :—" My hon. friend refers to the speech he made on the Bill in the other House."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" He said that you must have . . . "

MR. PRESIDENT :—" You please go on but might omit reference to him. I suppose you have finished."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" I am not able to understand this distrust on the part of the Government in the High Court. I am not able to understand it. The High Court is the only safeguard for the common man. In his written speech, the Hon. Minister said that the executive is not satisfied with the interpretation given by the High Court and therefore, they want more powers."

MR. PRESIDENT :—" I would like to know from the hon. Member whether there is any executive which is completely satisfied with the Judiciary? "

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" It is the only safeguard for the citizen."

MR. PRESIDENT :—" But from the point of view of the Government, they have a right to say that they are not satisfied with some of the decisions of the High Court."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" But on that ground the executive cannot oust the jurisdiction of the High Court in every manner and deprive the very little liberty that is given to the individual."

MR. PRESIDENT :—" I suppose the hon. Member has read the judgment of the High Court and he would have seen that the powers of the High Court are still there intact."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" That does not take away the fact that the Government wishes to oust the jurisdiction of the High Court in all possible manner and if they have not done so in this case, they have acted despite their wishes, and it is a thing for which they cannot take any credit."

MR. PRESIDENT :—" Whomsoever is to be thanked does not matter but the powers of the High Court are still there."

" I think the hon. Member may give the remaining ten minutes to Dr. John."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" We are not satisfied with the argument advanced by the Government for taking such powers; it will curtail the liberty of the citizen still further. It is still more surprising that on the eve of the first anniversary of the achievement of the independence of this country such a measure to curtail the civil liberty of the citizen is brought

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in and that strangely enough by the very persons who have been fighting for the civil liberties of the people and it is an irony of fate that this measure is before the House to-day."

SRI B. NARAYANASWAMI NAYUDU :—" Mr. President, this Bill has given me a very great headache and put me in a very embarrassing position as to what I should do with regard to this Bill. This country is in the throes of a militant communism and it cannot be denied; it is not communism of the constitutional type but communism of the most militant type trying to overthrow authority, intimidate the people, choke the ordinary channels of trade and commerce, literature art and everything that goes with an ordered state. Therefore we have got to meet it with all possible measures. I have got an apprentice in my office who comes from Munagala area of the Kistna district; he was suddenly wired to stating that his father had been laid low and he left off and came to Munagala and the father had died and he had to go to the Communist leader to beg for his life and that is the situation in the territory and you do not realize at all what is going on there in the border territory and that apprentice is there in Munagala. (At this stage the hon. Member was so overwhelmed with emotion that he could not proceed.) "

MR. PRESIDENT :—" I suggest to the hon. Member to take some rest."

SRI B. NARAYANASWAMI NAYUDU (after some time) :—" He went to the Police and the Sub-Inspector told him that he could not help him. His property, his lands and all that he possessed had been looted by the Communists. My hon. Friend, Mr. Madhava Menon read the story with regard to the meeting at Bombay and every word of it is happening to-day at Munagala; they run parallel courts, chop off limbs, impose fines, loot property, take away property, remove food grains and paddy and they live in strongholds miles away from Hyderabad and the leaders and important people live in caves which can accommodate seven to eight hundred persons. They take away sheep, paddy, property money and they make merry and virtually they have established what is called a Communist republic; that is the position so far as Munagala territory is concerned. Yesterday mention was made that normal communications exist between Munagala and the Indian Union. But the groundnut crop grown in that area was rotting and lying idle and they would not allow it to pass; an appeal was made to the Collector as to how to remove the crop. It has been suggested that the people should organize a fleet of a hundred carts in order to go into the area and remove the crop; but who is to go and who is to bell the cat and which is the first cart to go there is the question. In Munagala even ordinary salt has to be taken under escort and I can say unhesitatingly that we are on the eve of war, not that but in the midst of a standing undeclared war and when at such a time as that this Bill is put forward, there is no doubt that the Government have got to be armed with full

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powers to cope with the position. That is one side of the picture and there is the other side too which in all solemnity I wish to bring to the notice of hon. Members of the House. In the border areas of Kistna district we have the other side of the picture, where there is gross misuse of the provisions of the Act by persons who want to bring to book their enemies. It is not a question of meeting the communist menace; they are not there; they are in the hills and forests outside the reach of the authorities and you cannot get at them but they have their wives and children and property here and people have recourse to section 151 of the Indian Penal Code get hold of the relatives, wives and children and friends of communists, keep them in jail for fifteen days and all for what reason? For the simple reason that they may give information leading to the arrest of the communists, the wanted men and this I say is prostitution of the provisions of the Act. What has the legislature to do; the power is there to keep a person under detention and the only question is whether the further powers asked for in this Bill is to be given or at least an appeal should be made to the Government that the exercise of those powers in the Bill should be sparingly resorted to or should be absolutely nil. One is the provision about which I have given notice of an amendment;—we are not first of all questioning the powers given to you to detain people but I am asking you: How long are you going to keep on this 'harbouring' business? The Hon. Minister has in his speech in the other House given his reasons why he wants it but I am saying: Simply because you cannot get a detenu you want that the husband, the wife or the children or the friends of the wanted man should be detained and placed under duress. This is just like setting fire to a forest to catch a rat. I am not impeaching the powers that the Government possess for detaining a person but regarding harbouring are we to give the power? It is not going to be exercised by the Government and it will be exercised by a subordinate officer of the Government and will the exercise of that power be with sufficient restraint and moderation? There is a proverb in Telugu which says that if authority is given to the louse it will bite the persons through and through the whole night: 'మేము ఇత్తమిస్తే తెల్లవారు నట్టించె' and I ask: Is that not what will happen if the provision regarding 'harbouring' is there? I ask: Will he be able to get the figures of persons dealt with under section 151 in Kistna district from the Collector of that district. I understand that people have been arrested and detained for fifteen days, women put in the verandahs and all sorts of things are said about it and all this merely to get scent of the wanted person. He is at liberty to get information from those people who could give it but what is objected to is the extension of the Act. The wanted man could not be got at by these means. It is not the question of the Act but what effect it will have in the minds of the people. It will engender in the minds of the people fear, fear which has made many of them leave their lands waste and escape from the Police. On the one hand, there is the fear from communists and on the other the Police. It is a duel

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between the two powers. The balance has to be kept between the two. When a writ of detention is issued it is not the Hon. Sri K. Madhava Menon who issues it; it is some police officer who issues it. Every consideration, party and otherwise, would be brought upon him to do it, and so, the further power of punishment for harbouring the detenu should not be given to the executive officer.

1-30 p.m. "The next question is with regard to the restriction on the Press. Sir, it is one of the most difficult things for one to swallow what he has said, or re-write a thing according to the view of the Government. The power to dictate to the Press what it should write and what it should not is a dangerous power. You have already got the power of censorship. Now why do you want this power? I do not mind whether this Bill is passed or not. But what I fear is that these powers should not be used to meet private ends. After all it is the power behind this Bill that is going to restore law and order. The mere passing of this Bill will not bring peace in Cuddapah or Krishna district. If Mr. Bhina Rao thinks it is so he is entirely mistaken. It is the power behind this measure that seeks to restore peace in a place. It is against the use of that power I protest. Sir, I oppose the Bill."

MR. PRESIDENT:—"The House will now adjourn for lunch and meet again at 2-30 p.m."

(After lunch 2-30 p.m.)

* DR. V. K. JOHN:—"Mr. President, Sir, before I enter into a discussion of the merits of the measure I want to say this: that whatever be our criticism against the Government and whatever be our criticism against this Bill, or about the necessity for its introduction or its contents, we do not in the least sympathize with the subversive activities of Communalists and Communists. We are as much against them as the Government, and we realize it is the responsibility of the Government of the province to secure peace and order in the province; and they must do everything in their power to prevent the subversive activities of the Communalists and Communists who want to break the structure of society by force and not by constitutional means, who want to use bullets and not the polling booth. I repeat, Sir, we are against them as much as the Government; perhaps we might say, we condemn them more. With these preliminary remarks, Sir, I want to assure the public and the Government that we are up against those against whom Government have intended this Bill. But at the same time we are most anxious that not one innocent citizen should suffer by this Bill and by the Communalists and Communists. If we are against the Communalists and Communists it is because we are against their subversive activities. At the same time we are watchful and anxious to see that the large arbitrary powers vested in the Government are not used against innocent persons and their property. If

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is from that point of view, from the point of view of protecting innocent persons, not fellows who want to break the order of society by force, that we offer our criticism on this Bill.

"Before I go further, I must say, it would have been proper and more convenient if the Government had repealed the previous Act and brought in a consolidating Act. This amending Bill runs to eight pages whereas the principal Act covers only five or six pages. Such a long amending Bill is not a convenient mode of mending the Act. It would have been much better to consolidate the entire thing and bring it in the form of a new Act. If that procedure had been followed it would have been easy for anybody to understand the Bill. As it is, it is very difficult to understand such a long amending measure covering over eight pages of a principal Act which is not so long.

"Another point I should like to make—and that is a very very important point of which I think this side of the House as well as the public are very much concerned—is, Government should not prorogue the Legislature for the purpose of getting an Ordinance promulgated. It is a fraud on the Legislature, and I hope my friends on the other side will not thereby give rise to a feeling in the minds of the public and members of the Opposition that the House is not respected, when the Legislature is prorogued only for the purpose of promulgating an Ordinance. I think it is a wrong thing to do and it will not be done hereafter.

"Having said this, I am inclined to think this amending Bill, after all, is not necessary. It takes in, as the principal Bill itself has done, very very arbitrary powers and vests them in the executive. The amending Bill gives them even larger powers. We must look at the amending Bill from one point of view, and that is a very very important point. Are you going to break down the foundations of real democracy by appropriating for the executive very large and arbitrary powers. If Bills like this are passed by the Legislature you introduce totalitarianism, and despotism will be the end. Now, Sir, the Government of this province during the last two years have been attempting from time to time, and this is only one other such attempt, to appropriate more power for themselves. They are like a group of individuals—I think it would not be offensive if I make this analogy—who have got drunk. In this case, they are drunk not with alcohol? But drunk with power. What happens when people drink alcohol though they begin to drink in small quantities in the beginning, gradually they begin to drink more and more until the bottles are exhausted, and then they are down on the floor. Similarly power intoxicates man, and he grabs at more and more power. Now Government are in the same position and they want to exclude the jurisdiction of courts by this legislation. Whenever repressive measures are introduced asking for more and more arbitrary powers for Government, then, it is evident that the popularity of that Government is waning. Any popular Government can rule without repressive measures. Unpopular Governments, who have not the confidence of the people, if

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can never govern without large arbitrary powers. It is so with Stalin to-day; it was so with Hitler and Mussolini. All despots always ask for more and more powers; because they know they do not command the confidence of the people. A country cannot be governed without the co-operation of the people. Look at Malabar? What happened there? How were the Communists captured? It was not the Police who put down the Communists. It was the people who did it. If the Government do the proper thing people co-operate with the Government. Friends on this side of the House have told you how this oppressive piece of legislation is being utilized by the officers. Now bear in mind, to whom have Government delegated all these powers under the measure? Sir, most of us have confidence in the Ministers. We know they will be just and equitable if matters are brought to their notice. But it is impossible for the Ministers to look into every case. If my friend, Hon. Mr. Madhava Menon, can assure me he will look into every case of detention, then Sir, I shall sit down without criticising this Bill. I know very well it is an impossible task for any Minister. Sir, it should not be forgotten they are utilising the services of officers whom the British Government were utilising to rule over us. They know only to rule and not to serve. I am not criticising every member of that service. I know there are several good officers there. But I know there are a very large number of members of service, particularly in the Police department, who are not men who serve, but men who rule. They were appointed by the Britisher to rule this country on their behalf. We have not dispensed with their services; they are still in service. It is that material that is being utilised to build up a democratic form of Government. The Government are compelled to utilise their services to enforce this Bill; and that is why there is general criticism that the measure is being used most repressively, and there is general unpopularity for the Government. Sir, this measure has been prostituted and exploited and made to serve the private malice. In spite of officers who are still there to govern and not to serve it is impossible for the Hon. Minister to look into every case and that is why we are anxious this Bill should not be passed into law. I repeat, Government will have to depend on their officers to enforce this Bill, and this Bill will not be enforced with equity and justice; very many innocent persons will suffer; their liberty and property will be destroyed. I have read carefully this amending Bill and the ordinance which preceded it. The main object of the ordinance was to exclude the jurisdiction of the High Court by the addition of section 16-A to the Act. But in this Bill the Government have wisely dropped it and I congratulate them on it. They need not have brought this amending Bill. There is nothing very much at all in this amending Bill except that it seeks to give more powers to the Government. The original Act provides for everything—detention, imposition of collective fines, control of essential services, power to impose censorship on the press, power to impose restrictions on certain persons, power to search and punish those who

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contravene the provisions of the Act and so on. Every conceivable power is there. They could very well manage without this amending Bill. They could have asked for six months in the first instance and then come before the Legislature and we would have given them power to extend the Act by another six months. Why did they originally ask for five years and then amended it to three years? That means they are drunk with power. They want to exclude the jurisdiction of this House. I ask the members on the other side whether they are going to abdicate their functions and allow the executive to have this measure for three years. It is for that purpose the Government have brought forward this amending Bill. I oppose this Bill because in the principal Act, the Government have sufficient power to prevent the subversive activities of the Communists and the communalists. They need not have any more power. It is wrong for them to take these powers now.

“ Another fact which I want to mention is with reference to the point raised by the hon. Member representing the Muslim League, Mr. K. T. M. Ahamed Ibrahim Sahib. My hon. Friend said that from thousand platforms and many times in the press the Muslim Leaguers had declared their loyalty to the Indian Union. It may be that being a very busy man, I have not been able to attend meetings or read newspapers. He complained that due publicity was not given to their feelings. I am very happy to hear him say that the Muslims in the Indian Union are as loyal to the Union as any other community or political group. Many Muslim gentlemen here are my friends and I do not doubt their sincerity at all. There are many Muslims who are as loyal to the Indian Union as anybody else. When several of the Muslim Leaguers say so, it is our duty and that of the Government to instil confidence in them. I do not want to touch this point, which is rather delicate, except to give expression to my feeling that the Government of this province have not gone far enough to infuse confidence into the minds of the Muslims inhabiting this province. Let the Muslims trust the Government and let the Government also trust the Muslims, for trust begets trust and distrust begets distrust.

“ Sir, I oppose, this amending Bill.”

THE HON. SRI K. MADHAVA MENON :—“ Mr. President, Sir, as Mr. R. Suryanarayana Rao said, to-day is a day of surprises. The hon. Leader of the Opposition has become wiser now. Soon after the ordinance was issued, he came to our rescue with a statement in the press that that was the wisest thing that the Government had done.”

DR. V. K. JOHN :—“ I did not say so.”

THE HON. SRI K. MADHAVA MENON :—“ He begins by saying that the United Democrats—the Opposition in the Legislative Council—have strongly criticized measures in the Legislature and the proceedings of the Government and proceeds :—

‘ But at the same time, we have held the view that the liberty of the subject must not be inconsistent with the security of

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the State, which is the primary concern of the Government. Lawlessness in the Province has been, of late, on the increase and the lives and property of innocent citizens are in danger in many places in the Province. The Opposition is solidly behind the Government in the measures which the Government are compelled to take for the preservation of order and security in the Province and it is the duty of every law-abiding citizen to support the Government in the discharge of their duty for the obvious reason that without the active and voluntary co-operation of law-abiding citizens, Government themselves can do very little.

Then he gave an advice to the Government that section 4 of the ordinance which ousts the jurisdiction of the High Court should not have been there. We have accepted and implemented his advice in this Bill. Soon after the publication of the statement, some of his followers began to disown him. Perhaps to make amends, my Friend has given us a surprise by entirely opposing the Bill from every point of view. I am very sorry for it. But he has given me support in the concluding portion of his speech wherein he says: 'There is nothing in this amending Bill which gives more power than what you already have. You have brought forward this Bill only for prestige's sake.' So he or his followers cannot complain that I am doing anything more to restrain the liberty of a subject than what I have already done. In fact he has supported me though in so many words he said that he was opposed, and I am grateful to him for his support. As far as possible I have tried my best in the opening remarks not to utter anything unpleasant or controversial which might in any way be thought of as having some motive behind it. Unfortunately certain things are brought into the discussion which we cannot let go without being contradicted. Mr. Farookhi Sahib said many things. He said: "You are afraid of Hyderabad, but I am not afraid." They are not afraid but some of us have to be afraid."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" A personal explanation is needed for this."

MR. PRESIDENT :—" No personal explanation is needed ; the Hon. Minister understands you correctly."

THE HON. SRI K. MADHAVA MENON :—" He said : ' Why should you have an ordinance? A Popular Government should never have issued an ordinance.' Dr. John also said the same thing. I entirely disagree from that view. There is provision for ordinance in the Government of India Act, 1935. There is a similar provision in the draft constitution, which is before the Constituent Assembly. I say that that is a most democratic provision. When occasion demands it, we ought to utilize that provision without wasting time in convening a meeting of the Legislature. He said that while the Government were absolutely sure of the support of the Legislature, they should have summoned the Legislature and obtained its concurrence. Certainly for such a good thing, the Legislature will give us its support. But as the matter could not

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brook delay, we advised His Excellency the Governor to issue the ordinance and then brought in this Bill. Mr. Farookhi Sahib quoted His Excellency Sri C. Rajagopalachariar's words and asked us to take a lesson from what he said."

MR. PRESIDENT :—" I think he referred to Pandit Nehru."

THE HON. SRI K. MADHAVA MENON :—" He said that Rajaji said that the Governor was only an idol and that he should be treated as such and so on."

MR. PRESIDENT :—" That was before Independence."

THE HON. SRI K. MADHAVA MENON :—" Rajaji was criticized for having requested the Governor to pass the Temple Entry Ordinance and then coming before the Legislature for its support. In reply to Mr. Farookhi Sahib, I cannot do better than quote the very words of Sri C. Rajagopalachari."

DR. V. K. JOHN :—" You can stand on your own legs."

THE HON. SRI K. MADHAVA MENON :—" I cannot answer Mr. Farookhi Sahib or Dr. John in a better language than that used by Sri C. Rajagopalachari himself, in justification of our having advised His Excellency the Governor to issue the Ordinance and subsequently bringing it before the Legislature in the form of a Bill :—

' I do not mind the Leader of the Opposition's doubts in the matter. I am greatly strengthened by the view of Mr. Sastri. As I have already said, it is plain to anyone who knows the art and technique of Government and administration that the Legislature is supreme and that the Legislature has the Executive to carry out its policy while in office. The Legislature is not sitting. To wait till the Assembly was summoned would be like the foolish servant who said : " The tiger is on the rails. I am not able to go to the booking office. Please telegraph instructions to me." The Executive has to carry out the policy of the Legislature and the will of the Legislature without a moment's interruption or break. It is because of this that in all constitutions in one form or another this power is provided for the Executive. There is nothing to object by those who are students of politics or administration. The country is full of prejudices—prejudices born of religion, prejudices born of custom, prejudices born of antipathy and prejudices born of political movement. Therefore this opposition to the ordinance is a sheer superstition, a prejudice born of the previous political movement, which has no reasonable basis whatsoever. That must be obvious to those who know what Government is and what Government has to be.' "

MR. PRESIDENT :—" Have you anything to say about prorogation? "

THE HON. SRI K. MADHAVA MENON :—" The situation was urgent and we had to take certain remedies. It would have taken at least fifteen days to summon the Assembly and the Council."

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MR. PRESIDENT:—"I may tell you for your information that my reaction to the notice of prorogation was similar to that of the opposition. It is better to tell the House what made the Government prorogue the Assembly and issue the ordinance."

THE HON. SRI K. MADHAVA MENON:—"When the House is in session, we cannot pass an ordinance."

MR. PRESIDENT:—"Can you prorogue for the purpose of issuing an ordinance?"

THE HON. SRI K. MADHAVA MENON:—"Sir, there is nothing wrong in it. The Houses were not sitting. To summon both the Houses will take ten or fifteen days and we must have at least seven or eight days for consideration. We cannot afford to lose time. So we had to prorogue the House and pass the ordinance. That is our justification."

3 p.m. K. T. M. AHAMED IBRAHIM SAHIB BAHADUR:—"May I know what action was taken within those few days?"

MR. PRESIDENT:—"You can tell the House what the urgency of the matter was so that the House may be satisfied."

THE HON. SRI K. MADHAVA MENON:—"Sir, with regard to the question of including the term 'harbouring' as an offence under the Bill, I might tell hon. Members that we were receiving a lot of unauthorized leaflets and letters without address from various people who were harbouring these Communists and it was impossible for us to take individual action against these people and it was a regular menace to the Government. Sir, I said in my opening remarks that we have made an amendment to this Bill in the Lower House for the inclusion of the words 'likely to act' in clause 3 of this Bill. The object of this is, that some of the people who had been released on technical grounds had made all preparations for creating disorders and we had to prevent those people who are really dangerous, from committing the mischief. That is the reason why we had to prorogue the Assembly. They had made elaborate arrangements to start a rebellion, as it were, among the villagers and we cannot wait to call for a meeting of both Houses, which meant delay of about a week or so to pass this Bill and then take action against them. That is why we had to prorogue the Assembly and issue an Ordinance and there was no motive behind that, and a great fuss need not have been made about it. Perhaps, Sir, you might have been consulted, but you were not in town and therefore we have not been able to consult you."

MR. PRESIDENT:—"I received a communication to that effect also. The question is not really one of consulting me. It is something different. But my own feeling is that there must have been some strong reasons for proroguing the Assembly. The Government in this case have adopted a somewhat extraordinary procedure and I feel that they must have some good grounds for

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doing so. If the Hon. Minister had explained those reasons to the Members of this House, perhaps, they would not have raised this point."

DR. V. K. JOHN:—"Sir, I too should have been consulted in the matter."

THE HON. SRI K. MADHAVA MENON:—"The point in consulting the President is not the same as in consulting the Leader of the Opposition."

"Then, Sir, my hon. Friend Mr. Farookhi Sahib was waxing very eloquent about the independence we had attained and said that we are going against the spirit of that independence, that we want to curtail the liberty of the people, that we want to sit tightly in the saddle for three more years and that is why we are extending this Act till 1951. It is certainly nothing of the sort, Sir. We have never felt that we will be here all through. If tomorrow my hon. Friend Mr. Farookhi comes and occupies the Treasury Bench, it is our feeling, that he should not feel the difficulty that there is no power with the Government to put down disorders like these when they arise. We do not want that our friends who might succeed us should be in the same position as we were till now and feel that they have no powers in their hands to deal with situations like these. That is our only idea. It is not therefore charitable on the part of my hon. Friend Mr. Farookhi to attribute a motive like that—that we want always to be here occupying the Treasury Benches."

"Then Sir, it was said that we want to gag the press, by including certain provisions in this Bill. I certainly repudiate that suggestion, Sir. We acknowledge with thanks the very good service that the press has been doing all through, and the services it had rendered throughout our national struggle and through the difficult days we had passed, in jails, and even when we had been putting up with those sufferings and hardships. Even now we are always having a sympathetic reception from the press. In fact, we have passed out many of the articles which have appeared in the papers criticizing the action of the Government. We have placed no obstructions in their legitimate activities and I challenge any hon. Member opposite to show how many presses have been gagged, in spite of the existence of section 9 of this Act. Till now we have stopped only two papers, namely the *Desabimani* and the *Praja Sakthi* from being published and those two papers were run by the Communists who were publishing all sorts of false and objectionable matters. We had many times warned the *Desabimani* against publishing such matters, but it persisted in doing so. Then we had to stop it. Afterwards it did not keep quiet. It began to issue leaflets containing all sorts of false and objectionable matters and the students were used for the distribution of these leaflets. Then we issued an order against the printer directing him not to publish such leaflets and if he disobeyed, action would be taken against him. At once he went

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underground; when the printer went underground, naturally there was only the keeper of the press to whom these orders had to be sent. We were advised by our legal advisers that we have no powers under section 9 of the Original Act to take action against the keeper of the press. That is why we are adding this provision to include the keeper of the press also. Therefore, Sir, we have absolutely no intention to gag any press, if it wants to continue its legitimate activities. Let not therefore hon. Members opposite try to get the sympathy of the press by raising this point and saying that the Government are out to gag the press. It is wrong to create a feeling like that because it is a travesty of truth.

"Then Sir, the hon. Leader of the Opposition said that this so-called popular Government has lost its popularity and that we will not be returned back if we once go out. I do not quarrel with him, Sir; let him lay a flattering unction to his soul about it. When the new election comes, perhaps he will see whether this is a popular Government or not.

"Then Sir, one hon. Member Opposite asked us to act up to the advice of the Prime Minister of India, Pandit Jawaharlal Nehru. The Hon. Pandit Jawaharlal Nehru has also advised us many things which I would only request my hon. Friends opposite to follow. My hon. Friend Ahmed Ibrahim Sahib said that though Muslims have declared their loyalty to the Indian Union again and again, yet they were suspected. Sir, in the whole of my speech I have never spoken a word about the question of loyalty of the Muslims. I have never questioned the statement of my hon. Friend Mr. Ibrahim Sahib, but when he has said so much about it, may I ask of him one thing? Why has not the Muslim League in Madras openly supported the Union Government in their attitude towards Kashmir and condemned the action of the Pakistan Government? Why has it not said openly that the action of the Union Government in connexion with the affairs of Kashmir was perfectly right and that of Pakistan absolutely wrong, if the Muslims are so loyal to the Indian Union. Not one word has any of the leaders of the Muslim League said about it. The same is the case with Hyderabad. Have any of them said that Hyderabad must accede to the Indian Union? That is why there is suspicion against them. If there was any suspicion about their attitude, they themselves were responsible for it. As I said just now, Sir, I never intended to raise the question of their loyalty; it was hurled at me, as it were, and I am therefore forced to say what I have felt in the matter. Mr. Ibrahim Sahib asked, 'Am I not loyal, then why do you suspect me?' Sir, it is not directed against him personally. This Bill is not directed against any particular party. If there is anybody who is out to do mischief, who is out to break law and order and who is out to create any trouble in the country, it is the duty of any Government worth its name to take all the necessary steps to put him down. The Muslim National Guard is one of

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the organizations which has been banned along with so many others and if anybody is a member of that organization, certainly he is liable to be arrested under this Act."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR:—"It has been dissolved, and yet members arrested have not been released."

THE HON. SRI K. MADHAVA MENON:—"It has been dissolved, no doubt, because it has been declared as an unlawful organization. But the question of releasing those who were arrested would be duly considered and suitable action taken.

"Then Sir, my hon. Friend Mr. R. Suryanarayana Rao rather expressed surprise at certain things that had been happening in the borders to which reference was made by Mr. Bhima Rao. Sir, only the wearer knows where the shoe pinches and Mr. Bhima Rao who lives in one of the border districts knows what is going on there and what sort of atrocities are being perpetrated by the Communists along with the Razakars. Mr. Suryanarayana Rao also asked why we should not have summoned the Assembly earlier. I have already explained the position. Originally we thought of summoning this Assembly on the 23rd, but then there was not enough business and certain members expressed their inconvenience and hence we had to fix a later date.

"Sir, he complained that the power taken under clause 6 of this Bill directing a newspaper to publish news according to a particular version is bad. It is not at all our idea to interfere with the manner of publishing news in the papers and if we go on doing so in respect of every item of news appearing in every newspaper, we will have no time to attend to other work and our lives will not be worth living. But if a certain mischievous paper in some corner of the Province publishes any garbled or distorted version of any incident with a view to create trouble, then surely the Government must act and must ask the paper to publish the news correctly and for that purpose we must have this power. Sir, let me refer to a particular instance. There is a paper called the *Chandrika* in Malabar and it was going on publishing news and incidents sometimes in garbled and distorted versions, sometimes half truths and sometimes news in an exaggerated form. We allowed the paper a certain amount of latitude, but still there is a limit to one's patience and we did not want the public to be misled by such falsehoods. We had therefore necessarily to tell the paper, 'Your version is wrong; this is the correct version which the A.P.I. has given; the *Hindu* has published it in the correct version and many other papers have also done so; and why don't you publish it according to that version'. I am sure, Sir, there is nothing wrong in it. That is all the power that we have asked for in this provision. Surely, we are not madcaps sitting on the Treasury Benches here and hon. Members must expect us to act as reasonable men.

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"Then Sir, my hon. Friend Mr. Suryanarayana Rao referred to an incident that happened in Bombay on the road. I do not know the details about it, Sir, and therefore I cannot say anything in the matter. In Bombay they have also got their Public Safety Act, as also in the United Provinces and Bengal. He said that such provisions are liable to be abused. Sir, many things in this world are liable to be abused. Our aim and object is to see that they are not abused. I assure hon. Members that greatest care will be taken to see that this Act is not abused. There are a number of such sections in the Criminal Procedure Code and in the Indian Penal Code, as for instance section 157, and they have been there from the very inception of the Code and this section in the present Bill is merely copied from section 157 of the Indian Penal Code. It is quite possible that instances of the sort referred to by Mr. Narayanaswami Nayudu might have happened, and sometimes these powers are liable to be misused. Nobody has suggested on that score that the Indian Penal Code is wrong and that it should be scrapped. On the other hand, it should be our endeavour to see that such abuses are avoided, and it is for that purpose that I appeal for the co-operation of the Members of this House, with the Government.

"Then Sir, my hon. Friend Mr. Ibrahim said—and that is what he has been saying everyday—'We are faced with a *fait accompli* when you come forward with a Bill. What is the use of our simply going on speaking about it, when we know for certain that our amendments will not be accepted. The Government have already made up their minds. Their ears are closed and nothing will enter into their heads'. Sir, it is not fair or correct to make an observation like that. If reasonable and practical suggestions are made, and if constructive criticisms are offered, surely it is open to the Government to bring in an amending Bill, if not immediately, at least in any of the future sittings. If there is anything wrong and if a good suggestion is made, then the Government will certainly welcome it and see to it that the suggestion is accepted. There is no question of any inferiority complex in this matter as certain hon. Members opposite have been going on saying, and I want that it should stop."

MR. PRESIDENT:—"Their complaint is that the Government accepted certain amendments moved by members in the other House, but that the Government are not doing so here in this House."

THE HON. SRI K. MADHAVA MENON:—"Sir, every amendment given notice of by my hon. Friends Mr. Farookhi Sahib and Mr. Ibrahim Sahib has been moved in the other House and it has been either rejected or withdrawn. All these amendments may not be in exactly the same language, but in substance they are the same, Sir.

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"Then Sir, it was said, that the ordinary law of the land will suffice. Why do you bring this Bill? I have repeatedly said that it is not so. I have given many instances to show that the ordinary law is not sufficient to deal with certain kinds of offences. Even in my speech introducing this Bill, I quoted certain extracts from the speeches made by the Communist leaders wherein they had said, 'If the procuring officers come for procurement, see that they do not come again. If the policeman comes, see that his turban is used like a football and that he has no head to wear a turban any longer, etc.' General accusations and speeches like this keep these men off from being proceeded with and punished, under the ordinary law of the land and therefore we have to devise means by which these incitements to violence could be brought within the provisions of this Bill.

"Then Sir, some reference was made by Mr. Ibrahim Sahib to the Muslim National Guards and it was pointed out that their work in connexion with the Burmese evacuees was even praised by the Governor. Nobody denies that, but we have to judge its work after the partition. We do not know how they are likely to act under the present set up. There are hundreds of sections in the Indian Penal Code which brings a man who is likely to commit an offence within the punishable provisions of the law and if the previous conduct of a man is such that we can draw a legitimate inference of what he is likely to do under certain circumstances, then we must provide for such a contingency. Therefore there is nothing new in this clause and it has not come to us as a brain wave.

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"He said Sir, 'The Hyderabad situation is there. How can Malabar be affected by the Hyderabad situation.' I do not know whether it requires an explanation. Money was being collected from Malabar by very prominent men belonging to the Party to which my hon. Friend Mr. Ibrahim belongs. (Ahamed Ibrahim Sahib Bahadur: Question.) He may question it, Sir, but I know it is a fact. Money has been collected and sent to Pakistan for being subsequently sent to Hyderabad and we were not able to prevent it. There is a considerable section of fanatical and very very excitable—though very good—set of Moplahs who can easily be incited by saying: Here is a Muslim prince or a Muslim Highness who is being troubled because he is a Muslim and therefore we must all go and do something. Malabar is as much a gunpowder magazine as any of the borders of Hyderabad. I do not think that my hon. Friend can ask: 'What is the connexion between Malabar and Hyderabad?' I may tell the House, Sir, that many Muslim National Guards have not been arrested in Malabar. After all the number of detenus from Malabar who are Muslim National Guards may be two or three, and not more. So, Sir, though the connexion is very strong we have been very careful and restrained in the matter of doing things. He said that Mr. Bhima Rao said that he might go to Pakistan. I may say, Sir, that Mr. Bhima Rao never said anything like that. He said: If people feel that they are not

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nationals of this land, they might go to Pakistan. And if my hon. Friend feels that the cap fits him he can wear it. I cannot help him. It is not a question of Mr. Bhima Rao saying anything, Sir. It is a question of one's own feelings in the matter.

"Particularly with regard to the amendment that I have brought before you, Sir, nobody can charge us that we have distrusted the High Court. I certainly repudiate that charge that the executive did not have confidence in the judiciary. You were pleased to say Sir, that ordinarily the executive and judiciary cannot agree on many points. There is no such case here. This particular amendment only shows that we have absolute trust in the High Court. We brought in this amendment not because we wanted to circumvent the High Court. The decisions of the High Court raised certain doubts about section 16. We felt that those decisions were not correct. Afterwards our position has been justified by a decision of the Full Bench of the High Court namely that the Court cannot go behind the order of this Government. It was the Government that should be satisfied. The Court can only call for information. It is only when there are technical defects with regard to the bona fides that the Court can interfere. Therefore there is no necessity for charging us with distrusting the High Court. It is not a fair charge, Sir. There is nothing in the amendment which I have brought to deserve a charge like that.

"We feel, Sir, that any restraint on human liberties is wrong. But at the same time we also feel that the difficulty of the situation is such that something should be done. That is the position in which we are placed. Mr. Narayanaswami Nayudu or Mr. Suryanarayana Rao can have a different feeling. But we are people who have to act. Though we feel like them that it is wrong to restrain the liberties of persons, we also feel that liberties have to be restrained for the common good of the people. It is quite easy to talk about having this head-ache and all that. But here actual work has to be done, Sir, and that is my justification for this amendment.

"I have not got much to say about the Leader of the Opposition Sir. As usual the Leader of the Opposition has been very clever. He is an astute constitutional lawyer. He was telling us 'This is an amending Bill and this Bill is longer than the original Bill. You ought to have brought in a consolidated Bill.' That is a matter of opinion, Sir, about our propriety to bring in a Bill of this kind. We shall also consult, Sir, our Legal Pundits in the future and if they agree with the constitutional lawyer, the Leader of the Opposition, we shall benefit by his advice in the matter.

"Then reference was made to the prorogation of the Legislature and it was stated that it was an insult and a fraud on the Legislature. Big words no doubt. Here I must say, Sir, that there is no fraud. We have come before you, Sir. We cannot avoid you. We have to get your consent to see that this Bill

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is passed. To use his own words, Sir, the Leader of the Opposition said that this Act has been prostituted to serve malicious motives of the officers of the Government. That is what Dr. John said. I certainly repudiate the suggestion. It is very wrong and unfair to suggest this of the officers who are working under very great difficulties. They are being attacked on all sides. They are attacked by somebody that they are not doing the right thing. They are being attacked by us that they are not doing things sufficiently strongly in certain border areas. To say that this Act has been prostituted or misused by the officials for malicious purposes is the most unfair charge and that ought not to have been made by a person of the standing of the Leader of the Opposition."

DR. V. K. JOHN :—"I did not make it generally in every case, Sir."

THE HON. SRI K. MADHAVA MENON :—"These were his exact words, Sir. The report is there. These are the exact words that I have noted down."

"I am prepared to acknowledge, Sir, that there might have been blacksheeps here and there and there might have been wrong things done. But generally, Sir, they are working under very great difficulties. In these days there is always the danger Sir, that every time you think you are attacking the right man you may be attacking the wrong man. They are working under a very severe tension and under considerable difficulties and they rather require our gratitude. But there may be some persons, Sir, who may be doing wrong. If such things are pointed out we shall certainly take action and rectify the mistakes. But let us not discredit those people who are doing very great work in these difficult days. So I plead with the Leader of the Opposition to be a little more charitable to them. I have nothing more to say. I move, Sir, that the Bill be taken into consideration at once."

MR. PRESIDENT :—"As regards the prorogation, I wonder, if the Government thought they had no sufficient work, the summoning of this House just for this purpose might not be commensurate with the expenses involved."

THE HON. SRI K. MADHAVA MENON :—"That is also a matter for consideration, Sir."

The motion that the Madras Maintenance of Public Order (Amendment) Bill, 1948 (L.A. Bill No. 20 of 1948) as passed by the Assembly be taken into consideration at once was put and carried and the Bill was taken into consideration.

MR. PRESIDENT :—"I shall take the Bill clause by clause."

Clause 2.

MR. PRESIDENT :—"I fix a time limit of 5 minutes for each amendment."

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ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I move, Sir, that the clause be omitted."

MR. PRESIDENT :—" The hon. Member has already expatiated upon it."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" They have put in three years, Sir, because they want to be in power for three years. I do not want to say anything more about that, Sir, but the fact remains. Even Mr. Madhava Menon just now admitted that at least for three years there may not be any difficulty."

The amendment was duly seconded.

The amendment was put and lost.

Clause 2 was put and carried.

Clause 3.

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" I move, Sir, that sub-clause (i) of clause 3 be omitted."

" I have already explained, Sir, why it is necessary to omit clause (3). Even under the existing provisions the Government have got power to detain any person, if they are satisfied with respect to that particular person that he is acting or is about to act in any manner prejudicial to the public safety or the maintenance of public order. I do not know why these additional powers are needed. Even now under the existing provisions people are arrested and detained on suspicion. They are sufficiently comprehensive. If we give these additional powers to them there is every chance of the powers being misused. Therefore it is, Sir, that I am opposed to giving them these additional powers in regard to this matter. While I say this, Sir, I would also like to make it clear that we are not in any way less anxious than those on the treasury benches about the maintenance of law and order. We Members of the Muslim League have always co-operated with the Government for the maintenance of law and order. Successive Ministers of this Government have accepted and acknowledged the co-operation and assistance rendered to them by us in the matter of the maintenance of law and order. We are as much anxious as they are for suppressing subversive activities. My only anxiety is that innocent citizens should not suffer on account of any power that the Government take."

The amendment was duly seconded.

MR. PRESIDENT :—" I am sure that the Government will acknowledge such co-operation."

THE HON. SRI K. MADHAVA MENON :—" One word, in reply, Sir. I may say, what he fears is not likely to happen."

The amendment of Mr. Ibrahim Sahib was put and lost.

Clause 3 was put and carried.

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Clause 4.

SRI B. NARAYANASWAMI NAYUDU :—" I move, Sir, that in clause 4 the proposed section 2-A be omitted."

This is the section, Sir, which deals with harbouring, etc., about which I have already spoken. I said: 'This Bill gives me the head-ache.' What the Hon. Minister says is: 'It may give head-ache to the Opposition, but we want this power. We are in power and therefore we are responsible to the people. Therefore there is no head-ache for us at all, and we will go ahead.' Mohamed Gazni when he invaded temples and plundered and looted them called the archakas and asked them: 'Show me the idol, show the jewels, otherwise I will kill you.' Well, Sir, this is just like that and nothing more, namely holding people to ransom. Unless the person who is underground is produced, every husband, every wife, every friend or anybody whom the Police or the Magistrate suspects as having got a man with him, will be held up. While people may be hiding in the caves of Hyderabad somebody may say, I saw that man go into this house and that man going out and the relations and persons will be held to ransom for that man to be produced. This is just rule of force and it is just Mohamed Gazni's business. This ought to be totally avoided. If the power is now not misused it will give rise for misuse of power. Section 15 gives power not only to the Hon. Ministers but for subordinate officers to carry out the provisions. Now they want to give this power about harbouring also. The Government have a grudge against Communists and it is the Communists they are after. Government are not able to get them. They would not get at them. The Communists will go underground. They will carry on their activities notwithstanding anything the Government do. You want to terrorise people by saying 'unless you surrender the offenders we will put you in jail; please produce them'. The Hon. Minister has pointed out Section 157 in the Indian Penal Code. It may be that section 157 has been rarely used with regard to prosecutions in 1947 and 1948. When you are on the hunt after Communists, you want to use this section against almost all the relations of the Communists. Therefore I say that this clause really holds people to ransom. It is not a question of granting exemption to A or B. It is really a question of asking the people to co-operate with the Government not in a sympathetic way but under the threat of law 'otherwise we will put you in prison for three months'. Therefore, it is, Sir, I move my amendment."

DR. V. K. JOHN :—" I second the amendment, Sir."

THE HON. SRI K. MADHAVA MENON :—" I invite the attention of the hon. Member to section 216-A of the Indian Penal Code, which reads as follows :—

'Whoever, knowing or having reason to believe that any persons are about to commit or have recently committed robbery

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or dacoity, harbours them or any of them, with the intention of facilitating the commission of such robbery or dacoity, or of screening them or any of them from punishment, shall be punished with rigorous imprisonment which may extend to seven years, and shall also be liable to fine.

Explanation.—For the purposes of this section it is immaterial whether the robbery or dacoity is intended to be committed, or has been committed, within or without British India.

Suppose a Communist has committed the murder of a person, and he is harboured by another, this section would not come in. What I have said is that this section would apply in the case of those people who, knowing or having reason to believe, harbour persons against whom an order for detention has been passed by the Government. We have stated this in the Ordinance also. The warrant of arrest is there. We publish the list of people against whom orders of detention have been passed. The man who harbours these persons must know that there are orders of detention against these men, and knowing that if he still harbours these men with the idea of evading their apprehension, he commits the offence of harbouring them. This section is no more drastic than section 216-A of the Indian Penal Code. It is more a matter of sentiment. I agree that it may be possible to abuse this section, but because it is so, to say that this section should not be there is not correct. Because a gun is possible of being misused, to say that nobody should use a gun is making life more difficult. That is my answer to Mr. Narayanaswami Nayudu. (Interruption by Mr. B. Narayanaswami Nayudu.) That is the very reason we want to get at them and punish them."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, if there is any statute where the discretion of the Court is restricted by saying ' . . . which shall not be less than three months or more than two years and shall also be liable to a fine which may extend to one thousand rupees.' According to this section, if the Court finds that a person is guilty of harbouring a person against whom there is the order of detention, the Court should impose a sentence of at least three months' imprisonment. Mr. Narayanaswami Nayudu's amendment only says ' may extend to two years or with '."

MR. PRESIDENT :—" There are many sections providing for three years, five years and more."

SRI R. SURYANARAYANA RAO :—" I am not a lawyer, Sir. The section reads ' . . . shall not be less than three months . . . '."

SRI B. NARAYANASWAMI NAYUDU :—" Except in the case of transportation for life under section 302, I challenge my friend to say whether anywhere it is stated ' it shall not be less than three months '."

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THE HON. SRI K. MADHAVA MENON :—" I may point out, Sir, that Mr. Narayanaswami Naidu's amendment is to omit the proposed section 2-A. I may remind Mr. Narayanaswami Nayudu of another provision in the Indian Penal Code, where only fine is provided for murder by a life convict. For murders, punishments are provided in various penal provisions."

SRI B. NARAYANASWAMI NAYUDU :—" I move the alternative amendment, namely,

' In proposed section 2-A (1) for the words " shall not be less than three months or more than two years and shall also be liable to " the words " may extend to two years or with " shall be substituted.' "

The amendments of Mr. Narayanaswami Nayudu to clause 4 were put and lost.

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Sir, I move the amendment standing in my name, namely,

' In proposed section 2-A (3) in clause 4 for the words " or wife " the words " wife, parents, children, brothers or any other such kinsmen " shall be substituted.'

I am afraid the Government have consciously or unconsciously adopted the English idea of family life. In England when a man or woman gets married his or her ties with the parents are severed and the couple go and live alone. In this country, the idea of family life is different. The man continues to be the member of the family, and our idea of family life extends to the whole family, especially it is so among the Hindus where there is the joint family system. I do not know why in this particular matter the Government should adopt the English idea of family life. Do you expect the father to deny food or drink to his starving or thirsting son or daughter."

MR. PRESIDENT :—" Your amendment is ' wife, parents, children, brothers or any other such kinsmen '. Would you like to add friends also? " (Laughter).

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" If the Government are willing, I am quite agreeable to it. How can the father or the grandfather or the grandmother refuse food and drink to their children or grandchildren? Are they not living together? I cannot understand why the exception should be made only in the case of the wife or the husband. Food and water should not be denied even to the belligerents (enemies) according to the accepted canons and ethics of warfare. Here in this section a father is asked to refuse food and water to the son. Is it consistent with the affection that father and son are expected to have towards each other? I cannot conceive that Government will go to that extent. Therefore, I hope, Government will accept my amendment."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I also move my amendment, Sir, namely,

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'In proposed section 2-A (3) in clause 4 after the words "husband or wife" the words "parents or children" shall be inserted.'

I would submit here that an able lawyer as he is, the Hon. Minister has quoted one section from the Indian Penal Code. That definitely shows that he has been arguing like a lawyer who argues a losing case. The section says 'whoever knows that the man has committed or is likely to commit . . .'. But in this case a detenu may be an innocent person. The man wanted by the Government may be a person who has not committed any crime."

MR. PRESIDENT:—"The crime is he has been declared a detenu."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"He may be an innocent person."

MR. PRESIDENT:—"So far as the present section goes, if he is declared a detenu, he should not be harboured."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"I submit there is difference between the section the Hon. Minister quoted and the section now under discussion."

MR. PRESIDENT:—"It is a difference in the degree of crime. That is all."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"In one case there is crime and in another there is not. The father may be certain that his son is innocent. But the Government out of suspicion may say that is a man to be apprehended. I submit therefore that it is inhuman to expect a father not to harbour his son. The Hon. Minister seems to be so very inhuman as to feel that the father should not treat his son sympathetically and that the mother should not have sympathy towards her children. I do not understand how can this be expected. Therefore, I would appeal to the Hon. Minister to accept this amendment at least. (An hon. Member: 'Do not feel inferiority complex.') As a Member of this House he should accept this amendment. I want to see whether anyone of the so many amendments proposed is accepted by Government. (Interruptions.) Let us see whether anyone amendment is accepted in this House."

MR. PRESIDENT:—"I do not know whether the Hon. Mr. Madhava Menon did it; Mr. Karanth was not a Member of this House, but he accepted an amendment proposed in this House."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"I know he did it. Let me see whether my Hon. Friend Mr. Madhava Menon will accept the amendment."

THE HON. SRI K. MADHAVA MENON:—"You will never agree, Sir, that I should accept an amendment proposed by this House, simply because I am a Member of this House. The amendment cannot be accepted simply for the sake of upholding the

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prestige of this House. There must be some grounds to accept the amendment. Otherwise, by merely accepting an amendment, I would not be pleasing this House. Let us just see the amendment that is proposed. He says that parents giving food and drink to their children should not be penalised. Mr. Ibrahim's amendment is to substitute the words 'wife, parents, children, brothers or any other such kinsmen' for the words 'or wife'. As observed by you, Mr. President, he could have included 'friends' also. Let me say why in the case of the wife and the husband an exception was made. It is made on considerations of humanity. A wife cannot be supposed to harbour her husband and the husband cannot be supposed to harbour his wife. I may tell the house that we have instances where a set of people are engaged in smuggling arms to Hyderabad and the whole family is living upon that smuggling. It is not impossible that parents knowing that their children are engaged in the smuggling of arms to other places continue to help them. I only want some limit somewhere. Therefore, the wife and the husband are exempted. Mrs. Hensman is exclaiming 'why not children also'. Children may be minors or majors. Mr. Vaidyanatha Ayyar also wanted that children at least should be exempted. But 'children' is a difficult word to define. My son may be 50 years old, but still he is a child to me."

MR. PRESIDENT:—"Not only to you; but to the whole world."

THE HON. SRI K. MADHAVA MENON:—"I may be a detenu, and my children may save me by harbouring me. I am afraid there is a misapprehension of the whole section. The father or the mother is not punished if he or she gives food and drink to his or her son. The father or mother is liable only when he or she is harbouring a person, supplying him with food and clothing, with a view to evade apprehension. He is liable when he knows that he is helping his son to evade apprehension. There are instances, Sir, in Malabar where families are using their school children to supply food to persons hiding themselves in the forest. Little children are being used for the purpose of feeding the persons hiding in the forest. The question is whether it is done with a view to evading apprehension. If it is done with a view to evade apprehension, then it is an offence, and the parent who does it comes under the provisions of this section."

MR. PRESIDENT:—"Now I put the amendments of hon. Members, Mr. K. T. M. Ahamed Ibrahim Sahib and Mr. Abdul Latif Farookhi Sahib to the vote of the House. They are:

'In proposed section 2-A (3) in clause 4 for the words "or wife" the words "wife, parents, children, brothers or any other such kinsmen" shall be substituted'

and

'In proposed section 2-A (3) in clause 4 after the words "husband or wife" the words "parents or children" shall be inserted'

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respectively. Both the amendments are in substance the same and therefore it is enough if I put the amendment of Mr. K. T. M. Ahamed Ibrahim Sahib to the vote of the House."

The amendment was put and lost.

MR. PRESIDENT:—"By inference, the amendment of Mr. Abdul Latif Farookhi Sahib also goes."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR:—"I move, Sir, that in the proposed section 2-B (i), after the word 'whoever', the words 'knowingly or willingly' shall be inserted. As it is, anybody who prints or otherwise reproduces, sells, distributes, publishes, or publicly exhibits or keeps for sale, distribution or publication any document, etc., is liable to be punished with imprisonment for a term which shall not be less than three months or more than two years and shall also be liable to a fine which may extend to one thousand rupees. Sir, many of these printers do not know what is taking place in the world. They do not know who is detained and against whom orders of detention have been issued. If any person publishes any statement, he comes under the purview of this section. We cannot expect these printers to have lists of persons detained or against whom orders of detention have been issued. So, any innocent person may be harrassed under this section, if it is allowed to be passed as it is. Therefore, Sir, I want that the word 'knowingly or wilfully' to be inserted after the word 'whoever' so that innocent printers may be exempted from the operation of this section because there are many thousands of printers and publishers who do not know what is taking place in the world at all."

SRI S. B. ADITYAN:—"I may be permitted, Sir, to speak a few words on this clause 2 (b)."

MR. PRESIDENT:—"Does the hon. Member want to speak on the amendment?"

SRI S. B. ADITYAN:—"I want to speak on the amendment also. Sir, I refrained from taking part in the general discussion in the hope that I would get a few minutes to speak on this amendment."

* MR. PRESIDENT:—"What I am anxious to know is whether the hon. Member wants to speak on the Government amendment or on the amendment of Mr. K. T. M. Ahamed Ibrahim Sahib."

SRI S. B. ADITYAN:—"I am speaking on the amendment of Mr. K. T. M. Ahamed Ibrahim Sahib. That is the only point on which I propose to speak. My object in speaking on this is to point out to the Government one or two practical difficulties which are bound to occur in the working of this sub-section 2 (b) dealing with newspapers."

MR. PRESIDENT:—"By the by, I want to know whether the amendment has been seconded."

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ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"I second the amendment, Sir."

SRI S. B. ADITYAN:—"As I said, my object in speaking on this amendment is merely to point out to the Government certain difficulties. I wish the Government had consulted the Newspaper Society that we have in Madras before introducing the provisions under this clause. Sir, we have in Madras a very strong Newspaper Society. The resolutions passed by this Newspaper Society are observed by all newspapers as scrupulously as we observe an Act of the Legislature. Therefore, if Government had consulted the Newspaper Society, we would have certainly suggested one or two ways of wording this sub-section to overcome difficulties. Let me point out a few instances how practical difficulties would occur. The sub-section says 'Whoever prints or otherwise reproduces, sells, distributes, publishes, or publicly exhibits or keeps for sale, distribution or publication, any document etc., shall be punished with imprisonment for a term which shall not be less than three months or more than two years and shall also be liable to a fine which may extend to one thousand rupees'. The actual effect of this is that many innocent printers of a newspaper may be punished. A few months ago, an order was made against a member of the Legislative Assembly. We knew that order was made and all newspapers were practically aware of the existence of the order of detention against that person. But, now, Sir, it is an every-day happening and that newspapers do not receive lists of persons against whom orders of detention were made. So far as the member of the Assembly who was detained was concerned, we continued to receive statements from him. We did not know how it came. Some days, it came by post and on some other days we found them actually on our tables. As one who is intimately connected with some newspapers, I have no hesitation in saying that no newspaper with any sense of responsibility will give publicity to a statement made by a person against whom an order of detention has been made. There was another newspaper which was a paper run by the Justice Party people now following the Dravida Kazhagam. In that paper, I was surprised to see in print a statement by this person against whom an order of detention has been made, a statement which had not appeared in any other newspaper. As I said, it was against all ethics of journalism. I was waiting to see how the Government would react to it. A month or two after the statement was published, an order was passed asking that particular newspaper to pay a security of Rs. 2,000. Let me say what happened afterwards to that particular newspaper."

MR. PRESIDENT:—"What is the difficulty? Please come to the point."

SRI S. B. ADITYAN:—"If I point out another instance, then the Hon. President will know."

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MR. PRESIDENT :—“ Please state the difficulty first. You may expatiate on it later.”

SRI S. B. ADITYAN :—“ These orders of detention are not published in the newspapers.”

THE HON. SRI K. MADHAVA MENON :—“ We have published them.”

SRI S. B. ADITYAN :—“ But it is not made available to the newspapers. That is why I wish to mention another instance.”

MR. PRESIDENT :—“ I suppose the hon. Member's difficulty is that the orders of detention are not made available to the newspapers and printers who are ignorant of such orders will be made liable to punishment.”

SRI S. B. ADITYAN :—“ Yes, Sir. No newspaper worth the name wishes to involve itself in a crime which may mean detention for three months. I only ask whether the Government will make such a provision as to communicate all orders of detention to the individual newspapers or to the Newspaper Society or make it a condition precedent under this clause before making it an offence on the part of a newspaper to print any such statement. They should make it a point to communicate the orders of detention to the individual newspapers. I understand, Sir, that orders of detention have already been passed against nearly 400 persons but actually we got communications so far only with regard to a dozen persons. I am sure no newspaper received nor even the Newspaper Society received all these orders. Sir, there was actually a case in which a Kisan leader, a prominent congressman of the Madura district, was concerned. An order of detention had been made against him and without knowing it, his statement was published in many papers. You will realize that if the newspaper had known that the publication of such a statement was a culpable offence, they would not have published it. That member of the Congress was arrested and a month afterwards, under the order of detention made against him and it was then the existence of the order became known. So, Sir, after the passing of this ordinance, unless the orders are communicated to the newspapers, offences would continue to be committed under it. May I therefore submit to the Government that they should either make all orders of detention available to the newspapers or to the Newspapers Society or otherwise bring in an amendment later on, if it is not too late, to the effect that only when the newspaperman knows such orders, he will be liable to punishment.”

THE HON. SRI K. MADHAVA MENON :—“ Sir, I cannot accept the amendment of my hon. Friend, Mr. K. T. M. Ahamed Ibrahim Sahib who says that the words ‘ knowingly or wilfully ’ should be added after the word ‘ whoever ’, because that will create very many complications. But, there is some point in the

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statement made by Mr. Adityan. We have since published the names of persons against whom warrants of detention have been issued but who have not been apprehended.”

SRI R. SURYANARAYANA RAO :—“ For purposes of reward.”

MR. PRESIDENT :—“ Published means how? ”

THE HON. SRI K. MADHAVA MENON :—“ Published in the Gazette, Sir. When the ordinance was published, it was pointed out to us that there is some difficulty because some printers may not know at once the names of persons against whom warrants have been issued. Therefore, that list also was published along with the Ordinance. So, the Press knows who are the persons against whom warrants are pending, that is, those against whom warrants have been issued but who have not been apprehended. That list has also been published in all papers. Mr. Adityan mentioned that only the names of a dozen persons have been made known. He is not correct. It is more than a dozen. I know definitely it was published because I have myself asked that it should be published since cases may occur when people may send statements from jails in the name of persons who have been under detention and the newspapers may not know whether there is an order of detention against him or not. In order to avoid that contingency, I looked into the matter personally to see that directions are given by means of executive orders to all District Magistrates so that frivolous prosecutions are not made. Therefore, Sir, we have published the names of persons against whom warrants are pending and also provided that the previous sanction of the Chief Presidency Magistrate or District Collector is necessary. I shall keep the other difficulties in mind.”

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ There is another practical difficulty.”

MR. PRESIDENT :—“ No more difficulties. I am putting the amendment of Mr. K. T. M. Ahamed Ibrahim Sahib to the vote of the House.”

The amendment was put and lost.

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Sir, I move that in the proposed section 2-B in clause 4 for the word ‘ statement ’ wherever it occurs, the words ‘ political statement ’ shall be substituted. Sir, there may be some innocent statement based upon religion and morality and such things, and the person printing or publishing it should not be punished. I do not want to make any long speech with regard to this. I only appeal to the good sense and reason of the Hon. Minister in charge of the Bill to see that such a sweeping punishment is not made. My amendment is very simple. It says, instead of ‘ statement ’ wherever it occurs, ‘ political statement ’ should be used.”

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MR. PRESIDENT :—“ The detenu may write a dissertation on the ‘ Bhagavad Gita ’ or ‘ Koran ’. Why should it not be published? ”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ That is exactly what one leading newspaper pointed out? ”

The amendment was duly seconded.

THE HON. SRI K. MADHAVA MENON :—“ The very object of the amendment will be lost Sir. Supposing there is some labour leader working, and against him an order of detention has been passed, if he publishes any statement regarding a labour dispute, which will be very highly inflammatory, we cannot say whether it is political or not. The definition of the word ‘ political ’ has to be given somewhere else, if this amendment has to have any value. As such, it will take away the effect of the wording in the section.”

MR. PRESIDENT :—“ I think the Hon. Minister said that no order of prosecution can be passed without the previous sanction of the District Magistrate. If it is a dissertation on the Gita or Koran I suppose the District Magistrate will not order prosecution.”

THE HON. SRI K. MADHAVA MENON :—“ As I said before, people have to go mad, if they are to do this.”

AN HON. MEMBER :—“ Who knows they will not? ”

MR. PRESIDENT :—“ I would like to know whether the hon. Member is pressing his amendment.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ No, Sir.”

The amendment was by leave withdrawn.

Clause 4 was put and carried.

Clause 5 was put and carried.

Clause 6.

SRI B. NARAYANASWAMINAYUDU :—“ Sir, I move the following amendment :—

‘ Omit “ sub-clause (ii) of clause 6 ”. ’ ”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Sir, I second it.”

THE HON. SRI K. MADHAVA MENON :—“ I cannot accept it, Sir.” (Laughter.)

The amendment was put and lost. Clause 6 was put and carried.

Clause 7 was put and carried.

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Clause 8.

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ Sir, I move that—

‘ In the proposed sub-section 1-A in clause 8 (iii) the words “ deemed by the Provincial Government to be ” shall be omitted.’

“ Sir, the Government according to the Bill, are to issue notice to a person ‘ who is deemed to be in possession ’. I submit that this is likely to cause great hardships. Unless notice is issued to the person who is in actual possession of the property, it will be very difficult for a person who is deemed to be in possession of it, to vacate the house, even with all the best intentions in the world. Therefore, I would request that orders might be served on the person who is in actual possession of the property.”

THE HON. SRI K. MADHAVA MENON :—“ I am afraid my hon. friend has not understood the object of the word at all. If my hon. friend’s amendment is to be accepted, the clause will read like this :

“ . . . The requisition or acquisition shall be effected by an order in writing addressed to the person in possession of the property. . . . ”

“ Sir, I submit that the person who is in actual possession of the property is very difficult to be found, in an executive capacity. The person may be in Madras, the property may be in Bellary. Further the question is there as to whether he is the actual person in possession of it. When we require property immediately we have got to serve notice to the person deemed to be in possession of it, and have to take possession of the property immediately then and there. When there is an immediate necessity for taking possession, we cannot be merely going into the question as to who is the rightful or wrongful owner of the property. That is why this ‘ deemed to be in possession of the property ’ is there.”

The amendment was put and lost.

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ Sir, I move the next amendment of mine which reads as follows :—

‘ In the explanation to proposed sub-section 3-A (d) in clause 8 (iv) substitute the words “ entitled to ” for the word “ claiming ”. ’

“ Sir, I submit difficulties will arise, if compensation is to be given to person claiming an interest in the property. A person who has actually got an interest in the property may not be aware of its existence at all, and thereby he may lose the compensation that would otherwise go to him. And a person who is not entitled to the property may come forward and submit a claim for compensation. The real owner of the property may not get the compensation, and a person who may not have any claim to the property

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at all, may claim an interest in it, and get compensation even though as a matter of fact he has no claim. And therefore, Sir, unless my amendment is accepted, grave injustice will be done."

THE HON. SRI K. MADHAVA MENON:—"Sir, in the other House, one of my hon. friends moved an amendment that instead of 'claiming,' the word 'having' might be substituted. But I submit, that it is the District Judge that has got to find out whether a person has a claim at all or not, and it is thus the business of the Courts to find out the person to whom compensation has to be given. And therefore, there is no meaning in any amendment to this."

The amendment was put and lost.

Clause 8 was put and carried.

Clause 9.

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR:—"Sir, I move the following amendment:—

'In the proposed section 10-B (1) after the word "may" the words "after giving notice to the owner of the property and to the person from whom possession of the property was taken when it was requisitioned and" shall be inserted.'

"Sir, I think I gave notice of a similar amendment on the former occasion when the main Bill was before the House. My only anxiety is that an inquiry should take place in the presence of the person who has been actually dispossessed of the property and of the owner of the property in order to see that the latter may put forward his claims before the officers concerned."

The amendment was duly seconded.

THE HON. SRI K. MADHAVA MENON:—"Sir, it is absolutely impossible to give notice to a person who has been dispossessed. Supposing the dispossessed person has died in the meanwhile, are we to give notice to him, Sir? After the person dispossessed has died, hundreds of his heirs may come as claimants. And it is not possible to give notice to all of them. The amendment of my hon. friend would mean that we have to give notice to a person, even though he might have died in the meanwhile. An inquiry shall be made *prima facie*, as to whom the property is to be given back. If there is more than one claimant, then the persons other than those to whom the property is given can easily file a suit. That is what is provided under that section."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR:—"Why not make a provision at least at the time of release of the property when the emergency would be over that notice shall be issued to the person dispossessed of the property?"

THE HON. SRI K. MADHAVA MENON:—"It would mean that we have to give notice to deceased persons also."

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DR. V. K. JOHN:—"May I submit, Sir, that it will not be difficult for Government to give notice to a deceased person?" (Laughter.)

MR. PRESIDENT:—"I do not see any difficulty at all here."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR:—"My only submission is that the person actually dispossessed of the property should be appraised. The provisions of the Civil Procedure Code may be adopted for this purpose."

MR. PRESIDENT:—"I suppose the hon. Member must credit Government with some commonsense."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR:—"We, know how things are being done, Sir."

The amendment was put and lost.

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR:—"Sir, I next move the following amendment:—

'In the proposed section 10-B (3) after the word "gazette" the word "and in one English daily newspaper and one vernacular daily newspaper and notice by registered post shall be sent to the person at his last known place of residence" shall be inserted.'

The amendment was duly seconded.

THE HON. SRI K. MADHAVA MENON:—"I am afraid, Sir, I cannot accept this amendment also. Generally, the publication is made in the gazette, and this has to be taken as sufficient notice. As far as possible, we are sending it on to all papers that are possible, in such cases. May I suggest to my hon. friend not to use the word 'vernacular' because it smacks of slavery, and therefore let us not have that word, as the words 'in any Indian language' are very much better?"

The amendment was put and lost.

Clauses 9, 10, 11 and 12 and 1 were 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. If anything has been said or done which has left any scar on the minds of anybody, I would request the hon. Members to forget it. I want to thank every one in this House for having considered this Bill so dispassionately and given their consent to this Bill, and I must thank you, Sir, particularly for having made the discussion to the point, and also lively and helpful."

* DR. V. K. JOHN:—"Sir, I congratulate the Hon. Minister, Mr. Madhava Menon for having piloted this Bill without any incident."

MR. PRESIDENT:—"It requires two to create an incident."

* DR. V. K. JOHN:—"I repeat what I have said already, namely that the opposition will give every support to the Government in putting down lawlessness and subversive activities in the

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Province. But I want Government to pay close and careful attention to the operation of this Bill, when it is passed into law, so that no innocent person may suffer. The freedom of the individual, and the security of his property, as also the freedom of the Press should not be unnecessarily interfered with by over-zealous or corrupt officers. Sir, I do not say that every officer of the Government is a person who cannot be trusted. There are many many officers who will discharge their duties well, but there are also many officers trained in the atmosphere of the previous regime who may not discharge their duties in accordance with the spirit which this Government want them to have. Therefore, I ask the Government to be very proper and careful while dealing with the liberty of the individual and see that no innocent person suffers in the execution of an Act which confers very large and extensive powers, may I say, arbitrary powers on the executive."

4-15 p.m. SRI B. BHIMA RAO :—" Sir, I also want to speak for a minute. There is some force in the suggestion made by the Leader of the Opposition and also by the hon. Member Mr. Narayanaswami Nayudu. I therefore make this friendly suggestion to the Government. I know the position in Bellary district in 1943 and 1944. Of all the 600 detenus in the Central Jail, Vellore, about 60 to 70 were from Bellary. The then District Magistrate was one Mr. Fraser who is now no more. He was transferred to Ooty and there he died of heart failure. I received many complaints and once I went to him in that connection. Many boys had been sent to Vellore because they were suspected of tampering with the telegraph wires. I told him: 'You are quite noble-minded and you must examine each case.' He said, 'Mr. Bhima Rao, I shall examine all the cases. It will take me three weeks. After the expiry of three weeks, come and kindly see me. I shall mention to you the result of the examination.' I went to him three weeks later and he told me: 'I have examined all the cases. I have ordered releases in the cases of about 60 persons. I have detained only about ten important persons.' They were persons like Mr. Sitarama Reddi and Mr. Anantachar, Members of the lower House. But sixty others were released. Therefore my friendly suggestion to the Ministry is to appoint local or regional advisory councils. The council that has been constituted in Madras consists of the best legal talent and judicial talent. But it is very difficult for them to meet frequently. All the members, Mr. Raja Ayyar in particular, will be away from Madras every Saturday. So also Mr. Venkatarama Sastri. It will be very good if they meet frequently and consider the cases of these detenus. Sir, why not constitute a local or regional council, for example one for the Rayalseema districts and one for Malabar and so on. We have got so many retired District Judges and Sub-Judges. You can have confidence in them to deal with these cases and dispose of them expeditiously. That is my suggestion, in order to dispel

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all reasonable apprehensions expressed by the Leader of the Opposition and my hon. Friend Mr. Narayanaswami Nayudu. I make a friendly suggestion to the Government to consider it and if it is reasonable to accept it."

DR. V. K. JOHN :—" It is an excellent suggestion, if I may be permitted to say so, Sir."

THE HON. SRI K. MADHAVA MENON :—" Sir, I shall examine the suggestion of Mr. Bhima Rao. In the present circumstances, the majority are communist detenus and from the replies that we have received from everyone of them, I do not think there will be any reason to suspect abuse of power except perhaps in the case of a microscopic minority. But I shall certainly consider the suggestion of Mr. Bhima Rao, Sir."

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

MR. PRESIDENT :—" The House will now adjourn and meet again at 3 p.m. on Saturday, 21st instant."

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

The Malabar Irrigation Works Construction and Levy of Cess (Amendment) Bill, 1948 as passed by the Assembly and received therefrom in the Council.

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APPENDIX I.

[Vide answer to the Madras Legislative Council starred question No. 40, asked by Sri K. Manathunainatha Desikar, at the meeting held on the 14th August 1948, page 246, supra.]

(a) Yes. Non-cultivation of the area was due to the following reasons also :—

(1) The major portion of development in faslis 1354 and 1355 was in proprietary villages which constitute the bulk of the area in the Pattukkottai taluk and in the villages along the seacoast. The cultivation of poramboke lands in the proprietary villages which was made under leases granted by the Government under rule 75 (A) of the Defence of India Rules was abandoned in faslis 1356 and 1357, when the Defence of India Rules ceased to operate ;

(2) The proprietors refused to allow cultivation of poramboke lands by ryots in other cases also ;

(3) The soil in the coastal villages is sandy and saline which require manuring at heavy cost and copious supply of water, if the crops are to survive. The supply to these tail-end villages was only what would be just sufficient for the irrigation of lands cultivated regularly ;

(4) The economic condition of the ryots also cannot be said to be satisfactory ; and

(5) The north-east monsoon failed.

(b) Substantial results are expected to be achieved in fasli 1358. The results are awaited.

(c) & (d) The grant of subsidy for the lands reclaimed in the Cauvery-Mettur Project area was not made on any condition that the grantee should cultivate the lands with wet crops in the subsequent faslis also. It was granted to encourage them and compensate them for the expenses incurred in the reclamation of waste lands. There is no legal provision under which the subsidy granted to them can be recovered from them for their failure to cultivate the lands in faslis 1356 and 1357. Moreover, owing to the failure of the north-east monsoon it was not possible for the ryots to cultivate the entire area and they could not, therefore, be taken to task, as the factors which contributed to the non-cultivation were beyond their control—vide also answer to clause (e).

(e) Though there is no legal provision for the recovery of the subsidy granted, on the ground of non-cultivation of the lands in the subsequent faslis, the Collector has asked the Revenue Divisional Officers to issue a notice to the ryots concerned warning them that, unless they bring the area under wet cultivation in

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fasli 1358, action would be taken to recover the amount of subsidy paid to them and also to exclude the lands from the Cauvery-Mettur Project ayacut. The warning may achieve the desired object at least to some extent. The Collector has also directed the subordinate officers to do vigorous propaganda in the Cauvery-Mettur Project affected villages and to see that substantial results are achieved in fasli 1358.

APPENDIX II.

[Vide answer to the Madras Legislative Council starred question No. 43 asked by Sri R. Suryanarayana Rao at the meeting held on the 14th August 1948, page 250 supra.]

(b) The plan of the Central Advisory Board of Education and that of the Hindustani Talimi Sangh agree up to Standard V and this has been adopted by the Madras Government. As regards the reorganization of Standards VI to VIII, the Board differs in its plans from the Hindustani Talimi Sangh. The Government of Madras have not taken up so far the question of introducing Basic Education in these higher standards. The question will be taken up as soon as the introduction of Basic Education in the first five standards is completed. Thus, for the present, the scheme of Basic Education adopted by the Madras Government is in general conformity with the scheme prepared by the Central Advisory Board of Education.

(d) The present elementary school syllabus mainly deals with three R's* and certain amount of information is carried through books and oral teaching, whereas the Basic Education Scheme has adopted a few useful activities such as cleanliness, health service, gardening, spinning, weaving, celebration of festivals, excursions, etc. Through the experience gained from these activities pupils acquire a knowledge of language, mathematics, history, geography, art, music, science, etc.—subjects which are at present covered by the elementary school syllabus. The social training given by means of a democratic method of school organization will be an improvement upon the system now prevailing in elementary schools.

* Reading, writing and arithmetic.

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APPENDIX III

[Vide answer to the Madras Legislature Council starred question No. 45 asked by Sri R. Suryanarayana Rao at the meeting held on the 14th August 1948, page 254 supra.]

GOVERNMENT OF MADRAS.

EDUCATION AND PUBLIC HEALTH DEPARTMENT.

Ms. No. 138-P.H.

From

C. O. COOREY, Esq., M.B.E., I.C.S.,
Joint Secretary to the Government of Madras.

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF HEALTH, NEW DELHI.

Dated Fort St. George, the 17th January 1948.

SIR,

[The Health Survey and Development Committee—
Recommendations.]

I am directed to address the Government of India regarding the action taken by the Government of Madras on the recommendations of the Health Survey and Development Committee.

2. This Government wish to observe at the outset that the Committee has made a comprehensive survey of the health conditions in the country and has dealt with the problems facing the country in an exhaustive manner. The Committee has suggested health plans with the object of ensuring the conditions essential for healthful living in town and countryside; and the schemes proposed by it, accordingly, related to the provision of suitable housing, sanitary surroundings, a safe drinking water-supply, effective means for the early detection and prevention of epidemic and communicable diseases, improved nutritional standards for the people, proper care of expectant mothers through adequate ante-natal, natal and post-natal attention, health education and medical attention to the individual.

3. For the achievement of the same objectives, this Government after consultation with the heads of the departments and after elaborate consideration by and hoc committees, evolved health plans for implementation during the post-war years. A list of these schemes will be found in Appendix II. Subsequently, on receipt of the Bhole Committee's report, the Government found that a number of the Committee's recommendations had been covered by their own plans and ordered a fresh examination of their schemes in the light of those recommendations and invited fresh proposals from the heads of the departments. The orders which this Government have issued so far on post-war health schemes are based on these revised proposals.

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4. In this connexion, I am to invite attention to the resolution on the District Health Organization passed by the Central Provincial Health Conference, which was held in New Delhi in October 1946. The resolution was in the following terms:—

“ The Conference considers that the district health organization proposed is administratively sound and acceptable in principle. The programme for the first five years is not within the present financial resources but it is agreed:—

Firstly, that the scheme should be implemented on as wide a scale as possible consistent with financial limitations, taking full advantage of existing institutions and staff;

Secondly, that modifications in the scheme may be made, where necessary, to adapt it to local conditions;

Thirdly, that in areas where the full organization cannot be set up immediately, schemes for development should be framed with regard to the objective of building up a preventive and curative health service on the general lines recommended by the Bhole Committee;

Fourthly, that each Province should review its plans with those considerations in view ”.

The Government have accordingly reviewed their plans and found that the objectives which the Committee desire achieved could be achieved through the Government's plans. On a few of the points, however, they have found themselves in disagreement with the Committee, and these are referred to hereunder:—

In the first place, they are of opinion, having regard to the history of the health programme in this Province, that it is not in the best interests of health administration to effect a complete combination of the preventive and curative functions in the same doctor or an amalgamation of the medical and public health departments, as the Committee would recommend. Attention is invited to this Government's letter No. 689, P.H., dated the 4th March 1947, wherein they have set out in detail their reasons for this decision.

Secondly, the Government cannot, at this stage, adopt the suggestion for the rendering of medical service, free to all without distinction, irrespective of the capacity on the part of the citizens to pay for that service. In the Government's opinion, this suggestion is not feasible in the absence of an over-all National Insurance Scheme, covering the necessary benefits under which recoveries can be made in accordance with varying earning capacity. The reason which moved the Committee to make the suggestion is apparently that the poor man should have health services within his reach, in view of his incapacity to pay for them. This is provided for in Government's rules for medical services under which medical service is available free of cost, in state medical institutions to persons with a monthly income of less than Rs. 50.

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Thirdly, if it is the Committee's intention that private practice by Government doctors should be completely prohibited even now, the Government would point out that such a step is not feasible. So far as this Province is concerned, the privilege of general private practice formerly allowed to Government medical men was withdrawn by Government with effect from 1st January 1940, and what is called "Consulting practice" has been allowed to them from that date. So far as medical relief for the poor persons is concerned, sufficient provision is made in the Government's rules; and in cases where Government doctors are specialists or men of outstanding abilities, their services should be available to the public at large. In any event this Government consider that until the scheme of planned medical relief covers the whole Province, complete prohibition of private practice by Government doctors will not be within the range of practical politics and that moreover, such a step will be unnecessary particularly as it is proposed to continue the present arrangements regarding separate curative and preventive services (with private practice completely prohibited for the latter).

5. I am to forward for information a note (Appendix I) indicating the action taken or proposed to be taken by this Government on the Bhore Committee's recommendations and a statement (Appendix II) showing their post-war schemes and the action taken by them on those schemes.

APPENDIX I.

DISTRICT HEALTH ORGANIZATION (CHAPTERS III AND IV).

Bearing in mind the impediments to rapid progress of health programmes owing to the country's limited finances, lack of trained personnel, and the influence of customs, habits and usages, the Health Survey and Development Committee have drawn two pictures, the one depicting a comprehensive health plan which is in the nature of a long-term programme and the other a short-term plan presenting a programme for minimum advance over two five-year periods. In the present conditions, the long-term programme can only be deemed to be a counsel of perfection and a vague and distant ideal, and therefore, no useful purpose will be served at present by making any detailed examination of that programme. The post-war plans of the Government of Madras have been framed on a twenty-year basis, and these plans constitute their long-term programme. Comparing these post-war plans with the Committee's short-term programme, it is found that the district health scheme contemplated under the post-war plans in this Province follows generally the Committee's model and the principles on which that programme is based, subject to variations rendered necessary by local conditions. There will be, in the post-war years, three types of organization, in this Province, namely, (1) a combined public health and medical centre to serve a group of villages or normally 10,000 to 12,000 persons, the Government's formula being, that there should be no village farther than 5 miles from a village public health centre. The staff, the number of beds and other facilities which this Government's schemes will provide for these centres will be as under:—

I. Combined primary public health and medical centres.

Staff.

Medical—
One Civil Assistant Surgeon.
One compounder.
One midwife.
One nursing orderly.
One toti.

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Number of beds.

Maternity	...	...	...	...	...	...	...	...	4
Isolation	...	...	...	...	...	...	...	...	2
Emergency	...	...	...	...	...	...	...	...	2
Total									8

Public Health—

One Health Inspector.

One health visitor.

Two midwives.

Three peons (one for each midwife).

Residences will be provided to the staff stationed at the centre. The staff will be required to undertake medical inspection of school children and teach principles of hygiene and sanitation in village schools.

Group or Taluk Centres.

These centres will be attached to the taluk headquarter hospitals. In addition to the staff of these hospitals, the following health staff will be provided at the taluk centres:—

One Second-class Health Officer.

One Woman Medical Officer.

One peon for the Woman Medical Officer.

The above staff will exercise supervision over the activities of the village centres; the development of these taluk health centres in association with the present taluk headquarters hospitals will be distinct from the scheme which is separately under consideration for the improvement and reconstruction of the present taluk headquarters hospitals. Under this latter scheme each hospital will, after reorganization, contain 50 beds and those in densely populated areas, have 100 beds, and the hospital as reconstructed will provide for the following:—

(a) Special departments for Tuberculosis, Leprosy, Venereal and Eye diseases;

(b) laboratories capable of dealing with all ordinary clinical requirements;

(c) X-ray equipment for 100-bed hospitals;

(d) a special separate section within the hospital compound for the treatment of infectious diseases in an emergency; and

(e) motor ambulance.

The staff for the improved hospital will consist of—

(1) A Superintendent.

(2) A woman doctor (for supervision of Taluk Welfare Centres and ante-natal clinics and an extra woman doctor for hospitals with 100 beds).

(3) An Anesthetist.

(4) A Surgical Assistant.

(5) An Assistant Physician.

(6) Nursing staff.

The original intention of the Government was to take up the development of 40 taluk headquarters hospitals on these lines in the first quinquennium and to complete the scheme in 20 years but owing to financial stringency, it is now proposed to take up the reorganization of 15 of these hospitals during the quinquennium at the rate of 3 for each year.

District Centres.

In the Bhore Committee's opinion, it is not essential that its ten-year programme should include provision for a district health unit, and that this organization should be a feature of the programme for the third quinquennium. This, in this Government's view, is not a sound proposition. A district unit is not merely a controlling organization; it is a service unit itself. So the post-war scheme of this Government provides for the reorganization of the district headquarters hospitals from the very beginning. The reorganization of these hospitals will be on the following lines:—

(1) There will be provision for a first-class laboratory, X-ray department, special departments for Tuberculosis, Leprosy, Venereal diseases and Eye diseases, training of nurses, midwives and compounders, separate infectious diseases hospitals.

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(2) The staff will consist of five Civil Assistant Surgeons, four honoraries and the required complement of nurses, clerks, midwives, compounders, nursing orderlies, peons, totis, etc.

(3) It is proposed to have Specialists in Surgery and Medicine, a Gynaecologist, a Radiologist, Specialist in Electro-Therapeutics, an Ophthalmic Surgeon, an Ear, Nose and Throat Specialist, a Venereal and Skin Specialist and Dental Surgeon.

This scheme was originally expected to take 20 years to complete. In view of the present financial stringency, it is proposed to carry out the reorganization in two district centres only during the first quinquennium; and entire scheme may, therefore, take longer than was originally anticipated.

The essential features of the Government's scheme of the District Health Organization are—

(a) The village health centres under the Government's scheme are intended to serve a much smaller area than the one for which the Bhore Committee propose a primary centre; hence the smaller staff for the centre in this Province.

(b) It is not proposed to confine development each year to a particular district, nor to have the same quantum in each district merely for the sake of symmetry; priority for location of institutions will go by the greatest comparative need, as this would remedy past inequities and help to even up conditions, while at the same time, not confining development to any particular localities.

(c) Curative and preventive services will be rendered together at the same centre. Attention is invited to this Government's letter No. 689, P.H., dated the 4th March 1947.

(d) The scheme of beds proposed in this Province is different. At each dispensary, there will be a larger number of beds. The secondary unit hospitals will be smaller in size but their number will be larger and they will be linked up with reorganized District hospitals. The staff at the group centre will supervise the work of only six village centres.

(e) Under the Bhore Committee's short-term programme, one 30-bed hospital has been proposed to serve four primary units. The scheme in Madras does not provide for an intermediate institution between the primary and secondary unit institutions. Nor is such an institution necessary, as it will serve no purpose to have small hospital units in village centres which are designed on dispensary lines; hospitalization should be provided for at the bigger centres (group or taluk and district centres) and be facilitated by a scheme of ambulances and telephones. It is quite essential that secondary and district centres should be developed *paripassu* with primary units.

(f) Following the principle of the greatest comparative need, areas are selected for being served by the schemes. In view of the loss of revenue due to the introduction of prohibition, it has not been possible to introduce the schemes on as wide a range as was originally contemplated. In the first quinquennium, therefore, the scheme of combined village centres will be introduced in 150 villages, at the rate of 30 centres for each year, and will be served and supervised by 25 group or taluk health centres in a five-year period (at the rate of 5 such centres for each year). The organization of the district centres has already been referred to.

THE NUTRITION OF THE PEOPLE (CHAPTER V).

The Government have set up a nutrition organization on the lines of the one recommended by the Bhore Committee. The original proposal under a post-war plan of this Government was that the organization should consist of an Assistant Director of Public Health, four First-class Health Officers and other subordinate technical and ministerial staff. The intention was to have a Central Bureau at Madras and four regional units. On further consideration, it has been decided that it would suffice if, in the first instance, a Central Bureau under an Assistant Director and two mufassal units (each under a First-class Health Officer) are sanctioned. The organization has been functioning for some time now, under a Special Nutrition Officer of the rank of First-class Health Officer, who is in charge of the Bureau at Madras pending the appointment of an Assistant Director of Public Health; two units are also working, one at Trichinopoly, and the other at Anantapur, each in charge of a First-class Health Officer.

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The functions of the organization are to make a detailed survey of the dietaries of the different communities and food materials chiefly available in different areas with a view to planning a better dietary, investigation of the morbidity arising from nutritional deficiency and the composition of the foodstuffs of local importance and intensive propaganda on nutrition. The question of expanding this organization will be considered after a detailed report of its working is available.

The following matters pertaining to this subject have also been dealt with and final orders have been or will soon be passed on them:—

(i) In order that public health workers have a sound knowledge of nutrition, the Government have approved the proposal of the Surgeon-General and the Director of Public Health that the syllabuses for the courses of the medical and hygiene studies (M.B.B.S., B.S.Sc. and L.P.H.) in the Medical College should be amplified so as to provide for more practical work in respect of 'food and nutrition'. It has also been ordered that the Health Officers and Health Inspectors should take periodical refresher courses on all aspects of food and nutrition.

(ii) The question of short courses on nutrition to lay personnel belonging to all Government departments, and to persons who are in charge of public hostels has been taken up and the proposals of the Director of Public Health, Madras, are under consideration by this Government.

(iii) It has been suggested that a Provincial Nutrition Committee should be established consisting of experts in Nutrition, Agriculture, Animal Husbandry, Fisheries, Marketing, Food Administration and also administrative officers from the departments concerned, for co-ordinating the activities of the departments and advising the Government on Nutrition. Proposals have been called for from the Director of Public Health in this matter.

(iv) The need for the development of school-feeding schemes is accepted. A post-war plan framed by this Government contemplated the introduction of a scheme of midday meals for poor children attending elementary schools, at a cost of Rs. 1,279 lakhs for the quinquennium. As the present financial position of the Government does not permit the scheme to be put through now, it has been deferred.

(v) In pursuance of the Bhore Committee's suggestions, the following matters will be investigated by an expert committee appointed by this Government for the purpose:—

(a) An examination of the existing standards of hospital diets in the light of the more modern ideas on nutritional science, with a view to laying down revised dietary standards for adoption after the prevailing food scarcity ceases.

(b) The establishment of a School of Dietetics with a syllabus with special emphasis on hospital dietetics for training dietiticians.

(c) Appointment of dietiticians for hospitals in general, and the Government General Hospital in particular, in the first instance. The Committee which has been charged with the task of considering all aspects of these and cognate matters, will consist of the Director, King Institute of Preventive Medicine, Guindy, Professors of Medicine, in the Madras Medical College and the Stanley Medical College, Professors of Hygiene in the Madras Medical College and the Stanley Medical College, the Director, Nutrition Research Laboratories, I.R.F.A. Coonoor, the Nutrition Officer, Food Department, and the Nutrition Officer, Public Health Department.

(vi) Proposals for the creation of chairs in Nutrition in the Medical Colleges have been obtained from the Surgeon-General and are under consideration. It is expected that when these proposals materialize, not only will instruction on the subject be up to the requisite standard, but there will be an impetus to academic research in nutritional science.

(vii) The Government have made note of the Committee's suggestion regarding prevention of adulteration. In Madras, the provisions of the Madras Prevention of Adulteration Act, 1918, are already in force. A Government Analyst paid from Provincial funds is functioning in the King Institute, Guindy, and is in charge of a food laboratory. The question of improving the institute at Guindy and of developing Regional laboratories is under consideration. Fresh comprehensive legislation, in the place of the existing one, is proposed to be enacted with a view to preventing adulteration of commodities including fertilizers. It will contain adequate penal provision for dealing with offences against the law.

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(viii) The suggestion has been made that the principles of the Agricultural Produce Grading and Marking Act, 1937, should be applied to food products other than agricultural with the object of improving their quality. The suggestion is acceptable and is the subject of a separate letter to the Government of India, Ms. No. 2570, Public Health, dated the 25th July 1947.

(ix) It may be generally stated that a number of other suggestions bearing on nutrition have been made by the Committee, such as, instruction on nutrition in schools, propaganda on nutrition, improvement of the quality of the food served to the public in eating houses and hotels, etc. All these have been considered and suitable orders have been passed on them by this Government.

HEALTH EDUCATION (CHAPTER VI).

(i) As regards health education, the Government observe that adequate provision has already been made in the syllabuses of studies for elementary and secondary schools for instruction in hygiene. The Bhore Committee's observations on this subject have, however, been brought to the notice of the Education department; wherever feasible and necessary, the services of Health Officers have been ordered to be utilized for special lectures on hygiene in the Secondary Grade Training Schools.

(ii) For purposes of the education of the general population, the Committee has recommended the setting up of a Health Publicity Bureau as part of the Public Health department. Health Publicity and propaganda is already being carried on by the Public Health department. After careful consideration, the Government have decided that no separate Bureau under an Assistant Director of Public Health is necessary and that it will suffice if health propaganda is continued by the propaganda section of the Public Health department with the co-operation and assistance of the Health Officers in the districts, and if for this purpose, the columns of the Government's monthly journal "Madras Information," and of the unofficial monthly journal "Peoples Health" are utilized. One of the matters at present engaging the attention of the Public Health department is the establishment of a Health museum.

PHYSICAL EDUCATION (CHAPTER VII).

The more important recommendations under this heading are for—

- (a) the starting of some more physical education colleges;
- (b) the inclusion of physical education in the syllabus for normal schools and training colleges;
- (c) the appointment of physical educationists on the staff of all secondary schools and colleges;
- (d) the training of all teachers of primary and secondary schools in physical education;
- (e) the sending of selected highly qualified physical training instructors for training in foreign countries;
- (f) the setting up of a provincial organization.

The Government have examined all these and other recommendations made by the Committee on the subject. On such examination, it is found that the existing College of Physical Education, which is run by the Y.M.C.A., is sufficient to meet the present needs; the question of the Government taking over the management of this college is engaging the Government's attention. The Government have approved a post-war plan for the training of physical training instructors and instructresses, under which it is proposed to train instructor for every 250 pupils. This scheme also contemplates the establishment of an organization consisting of a whole-time Adviser to Government on Physical Education, a Physical Director for each district and a Physical Training Instructress for groups of districts. There is already a Chief Inspector of Physical Education but the question of appointing a number of District Inspectors and Inspectresses after due consideration has been deferred for the present. The Director of Public Instruction has been consulted on recommendations (b), (d) and (e) and his report is now receiving this Government's attention.

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HEALTH SERVICES FOR MOTHERS AND CHILDREN (CHAPTER VIII).

The Committee's suggestion is that the maternity and child welfare organization should be an integral part of the general health service and should provide domiciliary and institutional health protection for expectant and nursing mothers and for infants and children. The maternity and child-welfare centres which are at present run by district boards and municipal councils under the direction of the Assistant Directress of Public Health (Maternity and Child Welfare) in this Province have been doing satisfactory work in spite of adverse conditions. The combined public health and medical centres, which it is now proposed to establish in 150 villages at the rate of 30 villages each year in the quinquennium, as also the 25 groups or taluk centres (at the rate of 5 such centres each year), during the same period, will be provided for maternity and child-welfare service almost on the same lines as those suggested by the Committee. Under this scheme, there will be for this work a health visitor and two midwives (with peons) at the village centre, and the Woman Medical Officer will be at the taluk or group centre exercising supervision over the centres within her group. At the dispensary at the village centre, there will be four maternity beds and there will be also beds for maternity cases in the taluk headquarters and district headquarters hospitals. In the hospital with 100 beds at the taluk centre, there will be (after reorganization) an additional woman doctor and at the district centre, there will be a gynaecologist. The Bhore Committee recommends that, in the place of health visitors who are at present employed for maternity services, public health nurses who have had an advanced course of training should be appointed. These health visitors are now trained in a Government managed school at Madras and the training course is of one year's duration. In the present conditions, it is found difficult to attract a sufficient number of candidates even for the present health visitors' training course and it is not, therefore, proposed for the present to start advanced training courses for public health nurses.

The Committee has suggested the functions which should be performed at maternity centres in the matter of skilled assistance of a midwife at the time of delivery, domiciliary visits by the public health nurse after the delivery, inculcation of hygienic habits in the mother and child, propaganda, etc. The list of functions suggested includes the giving of advice to mothers regarding birth-control and to fathers as to the need for spacing the births of children. Public opinion in this Province is against the State utilizing the maternity and child-welfare organization for the giving of advice and information on birth-control, as it is considered that the giving of such advice at these centres will impair their usefulness as maternity and child-welfare organizations. The Government are inclined to agree with this view. Subject to this reservation, the Committee's suggestions will be kept in view in the working of the organization in this Province.

The establishment of nurseries, as part of the maternity and child-welfare organization, is not considered feasible at present in view of the unsatisfactory condition of the provincial finances.

The Government agree with the Committee that the strictest possible control should be exercised over the establishment and maintenance of private maternity homes. The question of undertaking legislation in the matter is engaging attention.

Under the arrangements approved by this Government, the main maternity and child-welfare activities in respect of ante-natal, natal and post-natal care of mothers will be carried out under the auspices of Government and district boards and these activities will be supplemented by private associations like the Red Cross Society by such services as free supply of milk, meals, etc.

HEALTH SERVICES FOR SCHOOL CHILDREN (CHAPTER IX).

The Bhore Committee's suggestion is that the provision of medical care for school children should not be isolated from the general health service, as, in its opinion, the development of a school health service outside the general health organization would necessitate the duplication of trained personnel and of institutions in many directions while in the interests of the national health programme such duplication should be avoided. This Government's objective is the same, and the scheme of medical and public health service framed for the Province contemplates provision for school health service also. The development of the planned medical relief for

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the Province will, however, be a gradual affair, and, in the meantime, interim arrangements are unavoidable, and these should cover not only elementary and secondary schools, but colleges as well. So a post-war scheme of this Government contemplated the making of such arrangements at a cost of Rs. 60 lakhs for the quinquennium. After discussions with the Director of Public Instruction, the Surgeon-General, the Director of Public Health and other health and educational experts as to the interim arrangements which should be made for medical inspection of school and college students, the Government have proposed the following scheme of school medical service:—

In rural areas where there are health centres with doctors or where rural medical practitioners of modern medicine are available, medical inspection in schools may be arranged through them.

In urban areas, where a fairly large number of schools exist, a school medical service with a nucleus of full-paid doctors, and, if necessary, with doctors on voluntary part-time basis may be appointed for medical inspection and follow-up work.

While it may not be possible to establish separately from the Government General Hospitals, large clinics with all up-to-date machinery or child treatment, smaller clinics which may cover normal cases of children may be established in the district towns, to begin with, to be put in charge of full-time doctors of the school medical service. Meantime, apart from the school medical service, arrangements should be made in the headquarters hospitals to treat children's diseases of a special nature.

While voluntary service by doctors could be utilized for the scheme, it is considered essential that at least a part-paid system must be established. In rural areas, a minimum number of students for medical examination should be fixed for every doctor in a health centre or for every subsidized rural medical practitioner and over and above that number, a rate may be fixed to be paid to the doctor for the inspection. For the normal follow-up care, the children should go to these centres.

It is proposed to levy a fee of 8 annas per year for boys in the Higher elementary schools, one rupee per year on boys of Forms I to III, two rupees per year on boys of Forms IV to VI and three rupees per year on students of all colleges.

A suggestion has also been made that doctors may be appointed as school assistants and in that capacity may handle classes in Physiology, Botany and Social Hygiene and Elementary Science.

The Director of Public Instruction has been consulted on this scheme and, after his remarks are received, proposals would be worked out.

OCCUPATIONAL HEALTH INCLUDING INDUSTRIAL HEALTH (CHAPTER X).

The Committee's suggestion in Chapter X, Volume II, relate to the protection and maintenance of the health and working capacity of persons, who are gainfully employed outside their homes. The suggestions mainly concern industrial workers. The Committee's views on the subject of health services for these workers are—

(a) An industrial Health organization should be set up as part of the Provincial Health department whose aims should be to render preventive public health service to the workers by measures for preventing occupational diseases, educational propaganda, social welfare activities among workers, research and investigation, etc.

(b) Curative service for the workers should be through the State health service intended for the general population.

Item (b) will stand provided for under the proposed Workmen's State Insurance Scheme, as soon as the Central Legislation which is now under consideration is passed.

As regards item (a), it is seen that the Factories Act and the rules under it require the provision of all personal and environmental facilities to industrial workers at their work-spot. The factory inspectorate appointed under the Factories Act is expected to ensure that the provision of all essential amenities to the workers is not neglected. For the purpose of providing preventive health services, it is, therefore, considered unnecessary to set up a separate industrial health organization on the lines suggested by the Committee. It is however proposed to establish an Industrial Hygiene Bureau for the study of occupational hazards and their prevention. Under

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this proposal, the Bureau is to be under the charge of an Assistant Director of Public Health; and two regional units, one at Madura and other at Guntur, each of which will be under a First-class Health Officer, are also to be set up. Details of this scheme are being worked out in consultation with the Director of Public Health.

Action has also been taken covering the other suggestions of the Committee on the subject as indicated below:—

The Factory Inspectorate has recently been strengthened. Formerly there were one Deputy Chief Inspector of Factories, eleven Inspectors and one Inspectress. As a result of the decisions on this Government's post-war proposals, eleven more Inspectors and two more Inspectresses have been appointed by Government.

It is considered that the provisions of Chapter III of the Factories Act and the rules under it contain adequate safeguards as regards cleanliness, ventilation, cooling requirements, lighting, water-supply, sanitary conveniences, etc., in the premises where the workers are employed. It is understood that other necessary provision to secure better working conditions for labour will be made in the revised Factories Bill now under consideration.

Legislation has been undertaken by this Government for the regulation of the conditions of labour in unregulated factories.

Earnest attention has been given also to the suggestions for the starting of creches and for the provision of cheap motor transport to and from the work-spot for the benefit of the workers, but the Government have been unable in view of the present financial stringency to set apart funds for these purposes.

MEASURES FOR CONTROLLING COMMUNICABLE DISEASES (CHAPTER XI).

Malarial.

The Bhore Committee's proposals are that there should be a central anti-malaria organization at the provincial headquarters, regional organizations and a number of control units in malarious areas, the number of such units being determined by the size of the province and the extent of the malaria problem in it. Though the Committee recommends the setting up of a central organization, it assumes that there will be no need for regional organizations during the first five years, that only two such organizations will be required during the next five years, that during the first five years the average number of control units which may be necessary will be 10 and that during the next five years 15 more units should be established. The total number of units eventually required for the Province of Madras according to the Committee is 100. The Government of Madras had already set up a skeleton organization in the interests of anti-malarial operations in the Province. In pursuance of a post-war plan, the Government ordered the expansion of that organization, its component parts being a central bureau at Madras with an Assistant Director of Public Health, a First-class Health Officer, etc., four regional units with field units attached (at Vizagapatam, Bellary, Pattukottai and Coimbatore). The more important of the control units functioning in the Province number 27. These units have staff on the lines of the Bhore Committee's suggestions. Attention is invited to this Government's letter No. 1273, P.H., dated the 12th April 1947, which contains greater details on this subject.

The suggestion for the development of the production of quinine and cultivation of cinchona has been considered and the Government of India's decision regarding a guarantee to the producing provinces is awaited.

The question of producing the quantities of pyrethrum extract necessary for anti-malarial operations in this Province has also been taken up. It is considered that the flowers produced in this Province will meet this Government's needs, and such departmental action as is necessary for the cultivation of pyrethrum flowers and the manufacture of extracts will be taken.

The steps to be taken, if any, for the procurement of the synthetic drugs for the cure of malaria, have also received attention. It is understood that of these drugs, Paludrine is the most effective for malaria cure, and that this drug is available in sufficient quantities with the Imperial Chemical Industries.

In order to promote research in malaria, it is suggested that Chairs of Malariology should be instituted in selected medical colleges. After giving the suggestion their earnest attention, the Government have decided that, for

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the present, it would suffice if the Assistant Director of Public Health for Malaria is appointed part-time Professor of Malariology for the Madras Medical College and the Stanley Medical College for the purpose of giving instruction in Malaria to under-graduate and post-graduate students and students of the Sanitary Inspector's classes.

Tuberculosis.

Under a post-war scheme of this Government, proposals were made for improvements to tuberculosis sanatoria in this Province. The object of the scheme was to provide sanatoria and hospital accommodation at certain selected centres. The sanatoria should as far as possible, be self-supporting; and there were to be 8 paying beds for every 22 indigent beds. The places considered suitable for new sanatoria were Waltair, Anantapur and Sivaganga. The entire scheme was expected to take 20 years to complete; and the proposals for the first quinquennium provided for (i) 100 additional beds for the Tuberculosis Sanatorium at Tambaram, (ii) 100 additional beds for the Tuberculosis Sanatorium at Perundurai and (iii) a new Sanatorium in the Andhra districts, preferably at Waltair, with 100 beds.

On receipt of the Bhoré Committee's report, the Government have had the above post-war scheme re-examined in the light of the suggestions made by that Committee for anti-tuberculosis measures. After consultation with the Surgeon-General, the Government have decided that the foremost thing to be done for the promotion of the anti-tuberculosis campaign is the implementation of the post-war scheme already described. It is, therefore, proposed to concentrate on this and, with this object in view, proposals for improvements to the Tambaram Sanatorium have been sanctioned by the Government. Improvements to the institution at Perundurai are expected to be taken up in 1948-49; the Surgeon-General's proposals for a new Sanatorium at Waltair are awaited by the Government.

This Province has already fairly big institutions at Madras, Tambaram, Perundurai, Madanapalle and Rajahmundry. The Government's plan for the improvement of the taluk headquarters and district headquarters hospitals provide for separate departments for tuberculosis at these institutions. It is considered sufficient for the present, if the existing institutions are developed and new institutions opened, on the lines now proposed.

Smallpox.

The Committee has stressed the importance of the intensive vaccination of the population at regular intervals as a means of controlling smallpox and recommends the making of primary vaccination compulsory. Under the provisions of the Madras Local Boards Act, 1920, and the Madras District Municipalities Act, 1920, primary vaccination is already compulsory in this Province. The rules made under these enactments make revaccinations also compulsory.

At the combined medical and public health centres which it is proposed to establish in 30 villages each year in the next quinquennium, there will be, besides the medical staff, a public health staff consisting of a Health Inspector, a Health Visitor and two midwives, and at the group centres of which there will be 5 for each year and 25 at the end of the five-year period, there will be a second-class Health Officer and a Woman Medical Officer. The staff at the primary centres is expected to do also vaccination work. The development of the scheme of these centres will however be a gradual process. In areas where the scheme is not introduced, the usual vaccination staff employed by the district boards and municipal councils will attend to vaccination. Elaborate instructions have been issued to the health staff for doing this work. The Madras Public Health Act and the regulations framed under it provide for suitable conditions of service and security of tenure for vaccinators.

It may be added that smallpox is a notified disease under the Madras Public Health Act, 1939. The provisions of sections 62 *et seq* of the Act relating to the notification of areas, isolation of cases, vaccination, evacuation of infected houses, etc., will apply to this disease. There is at present an Infectious Diseases Hospital in the Madras City. When the post-war plans regarding village centres and taluk centres materialize, provision will be made at those centres for the treatment of infectious diseases in emergencies.

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Cholera and Plague.

In the case of these diseases too, the provisions of the Madras Public Health Act relating to notification of areas, isolation of cases, inoculation, etc., would apply. Moreover, the rules and orders issued by the Government already provide for the taking of the permanent measures recommended by the Committee. The Committee's suggestions will be borne in mind in implementing public health programmes in this Province.

Leprosy.

This Government's schemes of anti-leprosy campaign embody all the ideas which the Bhoré Committee has put forward on this subject. There is a Provincial Organization, namely, the Provincial Branch of the British Empire Leprosy Relief Association, which advises Government on measures designed for the control of this disease. Under a post-war plan framed by this Government the following measures are contemplated by the Government during the next quinquennium:—

- (1) Improvements to the Lady Willingdon Leprosy Sanatorium at Tirumani near Chingleput.
- (2) Organization of an anti-leprosy campaign.
- (3) Establishment of Research and Survey units.
- (4) Provision of an institution in the Madras City for the reception of leper patients.
- (5) Measures to control the high incidence of leprosy in Saidapet.

Of the above items, improvements to the Lady Willingdon Leprosy Sanatorium are expected to be taken up in the next official year. Independently of this question, it is proposed to take over, under Government management, the above institution (which has so far been under unofficial management) with effect from the 1st April 1948. A children's leprosy clinic at Saidapet which was being maintained by the British Empire Leprosy Association has been taken over by Government for management by themselves. A staff consisting of a Civil Assistant Surgeon, one nurse, etc., has been sanctioned for the Honorary Director of the Leprosy Campaign. The establishment of research and survey units and the taking of the measures necessary for the control of the high incidence of this disease in the Madras City are under examination by an *ad hoc* committee on leprosy.

The suggestion has been made for a comprehensive Act dealing with the problem of leprosy. An enactment (Madras Act IV of 1944) was passed during the session 1943-44 laying down provisions for prohibiting persons suffering from leprosy from using public conveyances, attending public institutions for segregation, etc. As the *ad hoc* committee already referred to is considering comprehensive legislation in the matter, it is proposed to allow the Act of 1944 to lapse on the expiry of the period of two years during which that Act will be in force.

Venereal diseases.

A venereal specialist functions in the Government General Hospital, Madras, and as his services could be utilized as adviser to Government on this subject, it is considered unnecessary to have a separate Provincial Venereal Diseases Officer. Even now, there are venereal clinics and facilities for personal prophylaxis in some hospitals in the Province. These facilities will be extended when the post-war plans of this Government relating to the improvement of the Taluk and District Headquarters Hospitals are fully implemented. Training courses in the treatment of venereal diseases are held for private practitioners in the General Hospital and the Stanley Hospital at Madras. It is not considered feasible at present to give effect to the recommendation for free diagnostic facilities to all medical practitioners, as the King Institute cannot cope with the demand for tests, without considerable further development, which is separately under consideration and which will take some time to take place.

This Government are aware of the need for measures for the control of prostitution. The provisions of the Madras Suppression of Immoral Traffic Act, 1930 (except the rescue sections thereof), are at present in force in the Madras City and 65 municipalities. The establishment of rescue homes, as part of a rehabilitation programme has not so far been possible. The Government has recently accepted the need for such a programme, which is expected to be put through as soon as possible.

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Hookworm.

It is admitted that the chief measure to be adopted in the fight against hookworm is the development of a system of nightsoil conservancy with a view to preventing soil pollution. This is kept in view in this Government programme of sanitation and steps have been taken for the use of the septic tank type of latrines in the rural areas.

Filaria.

The need for anti-mosquito measures as part of a campaign against filaria is also recognized. The provincial anti-malaria organization and local authorities will doubtless take the necessary steps; and the question of offering financial inducement to local authorities by way of grants towards their expenditure on control measures is under consideration.

Guinea worm.

The Public Health department has already been taking action on the lines recommended here. Conversion of step wells into draw wells is part of the Government's rural water-supply programme, which is entirely financed from Provincial funds.

Cancer.

In the present circumstances, a province wide extension of the facilities for radium and deep X-ray treatment and of diagnostic facilities will be feasible only if the post-war plans relating to the taluk and district head-quarter hospitals are fully implemented. As suggested by the Committee, an up-to-date Cancer Hospital on the lines of the one at Bombay will be a desideratum. The Cancer Association of Madras, the Surgeon-General and the Government are alive to this need and will take all steps necessary for the formulation of proposals for the establishment of a well-equipped institution (which will be both a treatment and training centre) at Madras. The Surgeon-General has been asked to proceed urgently with the formulation of these proposals, and also asked to submit proposals for interim arrangements for the effective treatment of Cancer cases, pending the establishment of a separate institution.

Mental Diseases and Mental Deficiency.

The creation of a Mental Health Organization will not be feasible until trained specialists qualified for the treatment of mental diseases become available. Meantime, the Superintendent of the Mental Hospital, Madras, who will be an officer with the requisite qualification, will function also as the Surgeon-General's adviser on mental diseases.

The most important question to be considered in connection with this subject relates to the steps for securing suitable trained men, not only for employment in mental hospitals, but for training personnel. The Surgeon-General will be asked to work out proposals for securing a nucleus of qualified men for this purpose. In the Government's opinion, this will be necessary before a University diploma course in mental diseases is instituted. The question of the utilization of the Government of India's scheme of overseas scholarships for the deputation of a person or persons for foreign training in this speciality will also receive attention.

Diseases of the Eye and Blindness.

The Government have examined the recommendations of the Joint Committee of the Central Advisory Boards of Health and Education, on problems pertaining to the diseases of the eye and blindness. Of the two types of measures recommended in their report, those for medical relief will be undertaken under this Government's post-war schemes under which every reorganized Taluk Headquarters hospital and District Headquarters hospital will have a special department for the treatment of eye diseases. As explained elsewhere in the course of this note, in view of the present financial stringency the implementation of these schemes will have to be spread over a longer period than was originally anticipated. As regards rehabilitation measures, they will have to be planned with the co-operation of the philanthropic section of the public and private bodies, and these measures will therefore be left to a Provincial Council on Blindness, which is separately proposed to form.

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ENVIRONMENTAL HYGIENE—TOWN AND VILLAGE PLANNING (CHAPTER XII).

This Government have not so far considered it essential to have a separate Minister for Housing and Town-Planning. The Minister for Public Health is also in charge of the subject of Town-Planning and Housing within the jurisdiction of local authorities though the Minister for Prohibition deals with the housing schemes of co-operative societies. The Madras Town-Planning Act has been in force in this Province from 1920. The provisions of the Act extend to 82 municipalities and the Madras City and have been extended to about 90 panchayat areas in the Province. The object of the Act is to regulate the development of towns with a view to securing to their present and future inhabitants, sanitary conditions, amenities and conveniences. The Post-war Reconstruction Public Health Committee considered the question of town-planning legislation in the Province and has advised amendment of the Town-Planning Act to achieve the following objects among others:—

- (a) Bringing all urban and rural areas within the Act.
- (b) Preparation of a variety of schemes including slum clearance schemes, land development schemes, zoning of areas for various purposes.
- (c) Initiation and carrying out of housing schemes of all kinds.
- (d) Undertaking of new road schemes and road improvement schemes.
- (e) Restriction of ribbon development along trunk roads, marketing roads, etc.
- (f) Provision for Government aid to local authorities towards schemes. For the first five-year period, the following items were put down:—
 - (i) Training of personnel and expansion of staff.
 - (ii) Amendment of the Act in the manner referred to above.
 - (iii) Execution of all sanctioned town-planning schemes.

A post-war scheme framed by the Government accordingly provides for these items and for the reorganization of the Town-Planning department. All these matters are now under examination. So far as Town-Planning legislation is concerned, a committee composed of officials and non-officials, has been set up, to go into it. A member of the Civil Service who is Inspector of Municipal Councils and Local Boards is ex-officio Director of Town-Planning. The expansion of the Town-Planning department on any considerable scale, under a full-time Director is not at present considered essential, but may become necessary after the activities of the department expand. Proposals regarding town-planning will take time to formulate and when these are formulated and carried into effect, the Bhore Committee's suggestion will be kept in view.

A City Improvement Trust has been in existence in Madras City since November 1946.

HOUSING—RURAL AND URBAN (CHAPTER XIII).

The Town-Planning legislation contemplated during the post-war period will cover initiation and carrying out of new housing schemes by Government, local authorities or co-operative societies, rehousing schemes and schemes of improvement or of rebuilding of existing houses.

Owing mainly to lack of finances and of technical personnel, local authorities have not so far evinced a keen interest in housing schemes. The necessary measures to train personnel are under consideration. The heavy cost of materials necessitating high expenditure on schemes is an equally serious stumbling block. Sometime ago, the Central Government promised a subvention at the rate of 12½ per cent of the cost subject to a maximum of Rs. 200 for each house, towards housing schemes undertaken by local authorities and other bodies, subject to the condition that the Provincial Government bore an equivalent amount. The terms of this promise were subsequently modified by the Government of India. There is no doubt that a Central subvention towards housing schemes would have an encouraging effect. Independently, however, of this question, the Government have been examining the ways in which they could help local authorities in launching slum clearance and other housing schemes. Under the existing orders, local authorities are granted loans from Provincial funds towards the cost of these schemes.

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In the present stage of the housing activities in this Province neither a separate Ministry of Housing and Town and Village Planning or a separate statutory body, as suggested by the Bhore Committee will be necessary.

The Public Health Sub-Committee which considered post-war reconstruction plans have proposed certain minimum standards almost on the lines of the Bhore Committee's suggestions, for a dwelling house, and type designs conforming to those standards were also prepared. The question of applying these standards to persons belonging to all income groups irrespective of their status and requirements, presents some difficulty; and the type designs prepared are costly if they are to be adopted for the lower income groups. An expert committee has been asked to go into this matter and submit a report.

There is at present an acute housing shortage in Madras City and elsewhere in the Province, and the problem cannot obviously await the preparation of a considered long-range programme. The Hon'ble Minister for Prohibition (who is also in charge of Housing) has therefore launched a housing programme for Madras City and elsewhere, which is to be undertaken immediately by co-operative building societies specially to be formed for the purpose, for the construction of colonies for the middle classes and lower middle classes. The Government have also appointed a committee consisting of officials and non-officials with a full-time secretary to examine the question of providing increased housing accommodation conforming to approved standards, for such classes of people as need accommodation, with special reference to the requirements of urban and semi-urban areas and to suggest other necessary measures.

PUBLIC HEALTH ENGINEERING (CHAPTER XIV).

Water-supply.

Rural areas.—In 1938, the Government prepared a comprehensive programme to be executed in ten years, for the provision of protected water-supply in the villages in this Province. Well works in the villages have been executed on a planned basis under that scheme but owing to difficulties in the execution of works, a portion of that plan remains unexecuted. The Government's post-war scheme relating to rural water-supply proposes the carrying out within the post-war quinquennium, of that portion of the first-half of the programme as is left unexecuted, the remaining portion being completed after that period. The supply sources to be provided in the villages are bore wells, masonry dug wells according to approved type designs, wells with infiltration galleries, etc.; the types of supply to be provided in the villages will be left to the District Collector. The object of the post-war scheme is the provision of protected water-supply for the people of every village in the Province; and the entire scheme (which applies to areas ranging from small rural units to villages with a population of 10,000) is to be carried out in ten years. The Bhore Committee is for piped stand-post water-supply for villages with a population of over 1,000. This, in the Government's opinion, is not practicable on a province-wide basis, though in the case of bigger units or a combination of such units and in areas where facilities for piped supply already exist, there will be no objection to the introduction of such a system. From the experience so far gained in the execution of rural water-supply schemes, it is found that the real bottle necks which impede the speedy execution of schemes, are paucity of technical personnel, difficult soil conditions, etc. The Board of Revenue has been asked to propose measures for removing these difficulties.

Urban.—A twenty-year plan has been prepared by the Government for water-supply (and drainage) for all places having a population of 10,000 and over and also drainage for places with a population of between 5,000 and 10,000. A compendium has also been prepared, of provincial requirements in the matter of water-supply and drainage, under which works will be taken up for investigation and execution in accordance with an order of priority which has been fixed on the same principles as those suggested by the Bhore Committee.

As regards the financing of schemes, the cost of the Rural Water-supply Schemes is met entirely from provincial funds, while the schemes for the larger areas are financed on the basis of a half-grant and half-loan from Government.

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The problems connected with water-supply (and drainage) in the Province and the need for a revision of the order of priority already fixed for works have been investigated by a Special Committee which has been appointed by Government. Its report is now under the Government's consideration.

The Government agree that the setting up of a Provincial Water and Drainage Board will be advantageous to them in passing orders in water-supply and drainage schemes: and the Chief Engineer, Madras, has accordingly been asked to submit proposals for the formation of such a Board. His proposals are awaited.

A separate Public Health Engineering department which would take over construction and maintenance is this Government's objective; for the present, however, the existing Sanitary Engineering department will continue to exercise its usual functions regarding investigation and execution of these schemes as hitherto, under the Chief Engineer (General). It is expected that, before long, the department will be reorganized so as to cope with the increasing volume of work which it has to do in the post-war years.

Conservancy and drainage.

The Government's plans for drainage are intended to cover, if possible, the whole Province within 20 years; and under these plans it is expected that drainage schemes would be introduced in all towns with a population of 5,000 and over.

Septic tank latrines have already been in vogue in this Province. The suggestion for a wide extension of this system in smaller areas and the other suggestions made by the Committee on this subject, will be commended to local authorities for adoption. The Government extend encouragement to local authorities by way of loans towards schemes for the construction of septic tank latrines. The Madras Public Health Act, 1939, contains provisions making it incumbent upon the local authority to provide public sanitary conveniences and requiring the construction of latrines in all private premises intended for human habitation. Instructions have been issued to the local authorities and health authorities, and, they will again be asked to see that these provisions are carried out in letter and spirit.

It has been proposed that an expert Committee, of which the Director, King Institute, Guindy, will be the Chairman should investigate the recommendations relating to the collection and disposal of sewage and industrial waste, river and beach pollution by sewage effluents, etc.

VITAL STATISTICS (CHAPTER XVI).

The distinction made by the Committee between proposals for the improvement of Vital Statistics in areas under the Health Scheme and proposals for areas outside the Health scheme will not apply to this Province, as this Government's line of approach, in the matter of district health organization is different as already explained. In the first place, the Government do not consider it feasible or necessary to set up a separate organization for Vital Statistics in this Province, on the lines suggested by the Committee. An organization at the provincial headquarters and in the districts as proposed, will cost Government heavily and it is unnecessary to consider the question seriously until the need for it is really felt.

Secondly, in this Province the existing arrangements for the registration of Vital Statistics are, as pointed out by the Committee, satisfactory. The village headman is the Registrar, and can be expected to do better work in the line than inferior police officials. When zamindaris are abolished, in due course, and the hereditary system of village officers gives place to an "efficiency system" and when a higher pay is also offered to them, the Province will have really competent men as village headmen, and then, the registration of Vital Statistics will be even more satisfactory than at present. The Revenue and Public Health department staff are at present checking the work of rural registration and the checking is fairly efficient.

In municipal areas, too, the present system under which a special Registrar, who is part of the public health staff of the municipality, does registration under the supervision and control of the Health Officer and the Executive Authority has so far proved to be equally satisfactory.

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The suggestion for the classification of areas for purposes of the notification of diseases, somewhat on the lines of the Committee's recommendations is acceptable to the Public Health department and will be given effect to.

As regards University instruction in statistics, it is found that the University of Madras has made provision for a course in statistics in the following Degree and Diploma courses:—

B.A. (Pass), B.A. (Hons.), B.Sc. (Pass), B.Sc. (Hons.) and Diploma in Statistics.

The Government do not consider that the opening of any new University course in Statistics is necessary. Nor do they think it essential to send out candidates for foreign training in the subject.

ORGANIZATION AND ADMINISTRATION (CHAPTER XVII).

As is apparently known to the Government of India, there is a separate Minister of Health in this Province, who is advised by the Surgeon-General, in respect of medical matters, and Director of Public Health in regard to matters pertaining to preventive public health; and these advisers are heads of separate departments, though the Surgeon-General is recognized as the general co-ordinating authority for the activities of both the departments.

2. Under this heading, the Committee has suggested the setting up of the following bodies:—

- (a) A Central Statutory Board of Health.
- (b) A Central Health Council of Experts.
- (c) A Provincial Board of Health.
- (d) A Provincial Health Council of Experts.
- (e) A District Health Board, which will assume the health functions of the local authorities in the district.
- (f) A District Health Council of Experts.
- (g) A Village Health Committee.

With regard to item (a), this Government have no objection to the Central Government constituting a Board of Health composed of representatives of the Central and Provincial Governments to promote mutual consultation and co-ordination between the centre and provinces, but in this Government's opinion it should only be an advisory body for making recommendations to the Government on question of policy and on general principles and standards and for co-ordinating plans and should have no power to recommend allocation of grants, which power should be exercised only by the Central Government. In other words, the Board should have no executive powers or powers of interference in matters of policy. It is unnecessary that the body should be a statutory one.

The suggestion for a Central Health Council of Experts on the lines recommended with purely advisory functions is acceptable.

As regards a Provincial Board of Health, the Madras Public Health Act, 1939, already requires the setting up of a Board of Public Health in the provincial sphere composed of the Minister for Public Health, Minister for Local Administration, three members of the Madras Legislature nominated by the Government, the Surgeon-General with the Government of Madras, the Director of Public Health, the Sanitary Engineer and one other officer of Government. The body has been functioning since 1939 and advises Government on matters referred to it by Government. A proposal is under consideration to enlarge this body so as to include in it heads of departments relating to Education, Jails, etc., for the formulation of co-ordinated plans in respect of health matters concerning all the departments.

With regard to expert advice to Government on technical matters, the Hon'ble the Minister recently convened a Conference of leading Medical and Public Health authorities in the Province to discuss a number of medical and public health questions arising from the Bhore Committee's recommendations. After a discussion which lasted for three days, two sub-committees have been appointed, one for Medical Education and another for Medical Relief and Public Health which consist among others

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of the Surgeon-General, the Superintendents of the Teaching Hospitals, Principals of the Medical Colleges, the Director, King Institute, Guindy, and the Director of Public Health. Whenever Government feel the need for expert advice on medical or public health matters, they refer them to these sub-committees for advice. In view of these sub-committees, the Government do not consider it necessary to set up a separate Provincial Council of Experts.

This Government after a careful examination of the concerned suggestions, have decided that it is unnecessary to have a District Health Council of Experts, a District Health Board, or a village health committee. The setting up of the last named bodies (viz., District Health Board and village health committee) on the lines suggested would involve drastic interference with the existing Local Self-Government frame-work and be undesirable and unnecessary.

In view of the Government's decision not to amalgamate the Medical and Public Health departments, these two departments will work separately as hitherto. Further, for the sake of convenience, public health engineering duties will be performed by the Sanitary Engineer with separate technical and other staff under him functioning under the supervision of the Chief Engineer. For the present, therefore, the existing administrative organization will be continued, but expansion of staff will be made to cope with the increased activities of the departments as and when necessary.

The general principles suggested by the Committee for recruitment, promotion, etc., for services are already followed here in all essentials; and though there is no case for a departure from any of these principles, the suggestions made by the Committee will be generally borne in mind.

PROFESSIONAL EDUCATION (CHAPTER XVIII).

In the field of Medical education the general principles recommended by the Committee in regard to recruitment to the teaching cadres, qualifications for entry into Medical Colleges, the size of the colleges, the need for the highest type of training, education of women, etc., are also the principles which the Government in this Province have been following.

Three Government Medical Colleges have been in existence (two in Madras and one in Vizagapatam) for a number of years and recently two have been added, namely, for Guntur and Madura. All the five colleges when put in complete working order, after carrying out the improvements suggested by the authorities of the Universities and the Indian Medical Council are expected to produce 512 doctors a year, and this number would be sufficient for the Medical department during the post-war period. The Government therefore agree with the Committee that it is not necessary or desirable to have any class of less elaborately trained doctors like the old hospital assistants or old Medical Licentiates with L.M.P. or D.M.S. qualifications.

The Committee has suggested monetary advances to Medical students to induce them to take to Medical studies. As the very large number of applications for admissions will indicate, no special inducements are necessary, as suggested. Government service has always been an attraction; and in view of the need to fill vacancies with war returned men, no guarantee can be given of employment, on the basis of a scheme like the one recommended by the Committee. For poor students of marked ability, a scheme of scholarships would suffice.

The Committee's specific proposals in respect of Medical education, training in Dentistry, training in Pharmacology, training of public health personnel (Public Health Engineers, health inspectors, health visitors or public health nurses), training of nurses and midwives, training of hospital social workers and training of technicians are receiving the earnest attention of this Government. The conference referred to above under "organization and administrations," after an exhaustive discussion of the subjects for three days, has come to certain broad conclusions and have referred them to the two expert sub-committees already mentioned for working out detailed proposals.

In all the branches of Medical and Public Health education except dentistry and Public Health Engineering, facilities already exist in the Province. The questions which will engage the sub-committee's attention will be concerned with the manner in which these facilities should be

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developed and new training facilities created, where necessary. A copy of the report of the Committee on Medical education is enclosed for information.

MEDICAL RESEARCH (CHAPTER XIX).

The Government accept the proposal of the Committee for the establishment, in the place of the existing Indian Research Fund Association, of a Central Medical Research Organization with full powers to formulate research policies and hold and disburse moneys allotted to it from public funds or by private benefactors.

So far as the provincial sphere is concerned, the Government have appointed a committee which includes the Surgeon-General, the Director, King Institute, Guindy, the Director, Pasteur Institute, Coonoor, the Director of Public Health and the Principals of the Medical Colleges, whose function it is to co-ordinate and advise Government on all matters pertaining to medical research in the Province. This Committee is considering proposals for new enquiries, and a proposal to give it a block grant from Provincial funds for research work is under the consideration of Government. The suggestions as to the functions of the Central organization in the matter of recruitment of Medical Research workers, employment of men trained in research, etc., are also acceptable.

As regards the future of Medical Research in the existing laboratories, the Government are already proceeding on the lines recommended, that is, on the basis of the proposition that large scale production of prophylactic preparations such as cholera, plague, T.A.B. vaccines, vaccine lymph, anti-rabic vaccines is a governmental responsibility.

The Government have already under active consideration plans and estimates for the improvement of the accommodation and facilities in the King Institute and for the establishment of regional laboratories at Vizagapatam and Madura, for the purposes mentioned by the Committee. The Committee's detailed suggestions regarding the work of the Research laboratories will be kept in view when the proposals are given effect to.

It may be added that Medical Research in all its branches will form one of the subjects for discussion by the Medical education sub-committee referred to under the heading of "Professional Education".

ALL-INDIA MEDICAL INSTITUTE (CHAPTER XX).

The Government have already intimated the Government of India that they support the proposals made for the establishment of an All-India Medical Institute with objects as suggested in Chapter XX of Volume VI of the Committee's report. Attention is invited to this Government's letter No. 1578, P.H., dated the 7th May 1947.

DRUGS AND MEDICAL REQUISITES (CHAPTER XXII).

On the subject of "Drugs and Medical Requisites" the Committee makes the recommendation for the appointment of a small committee to examine the question of the requirements of the country. In this connexion the suggestion is made that the country's needs should be met by a combination of private enterprise and state production, the latter relating to the manufacture of the biological products necessary for the prevention and treatment of epidemic diseases. The production and storage of prophylactic sera and vaccines has already been going on in the King Institute. What remains to be done now is an expansion of facilities in the institute with a view to the production of these on a much larger scale than at present; and this is contemplated by the Government's post-war plans; and the proposals are in an advanced stage.

The Government agree that an investigation of the country's requirements in the matter of drugs and medical requirements is called for; and if there should be any delay or difficulty in the setting up of an All-India Committee, they would like to appoint a provincial committee to go into the question of the needs of this Province in this regard with terms of reference as proposed. The suggestion has been engaging this Government's attention.

The provisions of the Drugs Rules have been brought into operation from 1st April 1947 and necessary staff has been sanctioned for working them.

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INDIGENOUS SYSTEMS OF MEDICINE (CHAPTER XXIII).

The subject indigenous systems of medicine has been receiving the attention of this Government for some time now. The Government have converted the School of Indian Medicine into a College and sanctioned the opening of a Research Institute of Medicine.

REGULATION OF THE PROFESSIONS RESPONSIBLE FOR HEALTH SERVICES TO THE COMMUNITY (CHAPTER XXIV).

It is understood that legislation for the provision of an All-India Register for Medical Practitioners (as distinct from the Provincial Register which is at present being maintained in pursuance of the Madras Medical Registration Act) is under the consideration of the Central Government. Attention is invited to the letter from the Government of India, Department of Health, No. F. 43-18-40 H., dated the 14th May 1946, and the letter from the Government of Madras No. 26472-A. 45-13 D-3, P.H., dated the 17th September 1946, on the subject. While this Government are in general agreement with the proposal for an All-India Medical Register, they would communicate their final views in the matter after the Central Government's reply is received to the points raised on this Government's letter referred to above.

The other suggestions concerning the profession of doctors, practising the modern and Indian systems of medicine are receiving attention.

It is observed that for the regulation of the dental profession a Bill has been introduced in the Central Legislative Assembly and circulated for opinion. This Government's views on the provisions of the Bill have already been made known to the Central Government.

So far as the nursing profession is concerned, action will be called for on the part of the Provincial Government only on the Committee's suggestions regarding Provincial councils and the Provincial Register. They are engaging the Government's attention.

The subject of Pharmaceutical legislation is the subject-matter of the Government's letter No. 1997, P.H., dated the 5th July 1946, to the Central Government in which they have expressed their agreement with the provisions of the Pharmacy Bill.

EMPLOYMENT OF DEMOBILIZED PERSONNEL OF MILITARY HEALTH SERVICES (CHAPTER XXV).

Provision has been made in the Government's rules of recruitment of war personnel for the selecting authority (the Madras Public Service Commission) to draw up a separate list for specialists. Under the Madras Civil Services (War Service Personnel) Recruitment Rules, 1945, the Medical Service (War Service Personnel) Recruitment Rules and the Madras Public Health Services (War Services Personnel) Recruitment Rules, 1945, a number of substantive and temporary vacancies to be filled by direct recruitment has been reserved for candidates with war service. The Government while fully appreciating the claims of war service candidates for the reserved vacancies in the Government service felt that those who were recruited to civil posts on a temporary basis were also entitled to some recognition. They have now decided, after careful examination of the case in all its aspects, that roughly 66-2/3 per cent of all reserved vacancies should be allotted to candidates with war service and that the remaining 33-1/3 per cent may go to civilians who have been filling the posts temporarily.

These rules should be sufficient in order to enable the utilization of the specialists and others belonging to the military health services.

ESTABLISHMENT OF A COMMITTEE OF STANDARDS FOR MEDICAL INSTITUTIONS AND EQUIPMENT (CHAPTER XXVI).

The proposal for the setting up of a Committee of Standards for the making of typical plans, standardization of equipment, etc., for medical institutions is acceptable. Attention is invited to this Government's Letter No. 3055, P.H., dated 9th September 1947.

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THE EMPLOYMENT OF PERSONS WHO HAVE REACHED THE AGE OF
SUPERANNUATION (CHAPTER XXVII).

This Government's orders are that no person who has retired from service should be re-employed unless there are exceptional circumstances justifying such re-employment. These orders do not preclude a consideration of the claims of individual officers, who have reached the age of retirement but who are considered suitable to fill any specialist vacancies, which it is not possible to fill otherwise.

THE POPULATION PROBLEM (CHAPTER XXVIII).

Under this head, the Committee's suggestion for state action for the promotion of birth control movement call for notice. In September 1945, the Government issued an order to all Health and Local Authorities in the Province on the following lines:—

"Advice and suitable means of birth control should be made available at health centres, for married women, when in the opinion of the medical officer, it is required. Information that such facilities are available should be given when necessary by public health visitors but no other publicity should be undertaken. Local authorities may incur the expenditure necessary to implement these orders and claim grants from provincial funds as for regular maternity and child-welfare work."

The Government find however that prominent medical men in this Province are against state action for the promotion of birth control. The conference of Medical and Public Health authorities already alluded to above, has passed a resolution which runs as follows,—

"This Conference is not in favour of the Government establishing birth control clinics, but feels that there is no objection to such advice being given by properly trained medical personnel to such patients as require advice in the interests of health."

The Government do not think that any special action is necessary on the Committee's suggestions on the subject.

ALCOHOL IN RELATION TO HEALTH (CHAPTER XXIX).

In view of the policy of total prohibition which the Government have decided upon (in pursuance of which prohibition has so far been introduced in sixteen districts in this Province and will be introduced in the rest of the Province in the next year), the Government expect that there will be a complete elimination of drink from the Province. So they think it unnecessary to take action on the Committee's suggestions, except on the one regarding the making of surveys concerning the health of addicts before and after the introduction of prohibition. The Public Health Department has been asked to conduct such surveys in selected areas.

THE INSTITUTION OF A MEDICAL LIBRARY SERVICE (CHAPTER XXX).

The Government have already intimated their support to the Committee's proposal for the institution of a medical library service. Attention is invited to this Government's Letter No. 1136, P.H., dated the 3rd April 1947.

LEGISLATION (CHAPTER XXXI).

On some of the suggestions, action in the direction of legislation will be necessary on the part of Government of India if they should feel that central legislation is called for on them.

The suggestions relating to the constitution of a Central Health Board, Central Organization for post-graduate education, and All-India Medical Institute, belong to this category.

The only point on which provincial legislative action might be considered necessary concerns the proposed Provincial Water and Drainage Board. Even here the Government are of opinion that it is not necessary for this body to be a statutory one and hence no legislation will be essential.

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After an examination of the enactments which are at present in force in this Province, namely, the Madras Local Boards Act, 1920, the Madras City Municipal Act, 1919, and the Madras Public Health Act, 1939, the Government observe that adequate provisions are contained in them regarding anti-mosquito measures, vaccination against small-pox, control of epidemic diseases generally, effective performance by the health authorities of the functions vested in them, etc. The Madras Public Health Act, 1939, is in the nature of a consolidated enactment on public health matters, which include water-supply, abatement of nuisances, demarcation of residential areas, registration of lodging houses, sanitary arrangements at fairs and festivals, etc. The need for amendments to the existing law will be considered as and when experience points to the necessity for them.

CONCLUSION.

Finance is the crux of the whole problem of post-war public health reform. It was originally anticipated that a sum of about Rs. 135 crores would be available for expenditure on post-war development plans during the five years following the cessation of hostilities. The new policies initiated by the Government such as total prohibition have curtailed the sum available by about a third. This fact has made it necessary for Government to give priority to schemes of economic development which will increase the income and the taxable capacity of the people. For instance, the cost on account of the scheme of district health organization contemplated by the Government's post-war plans which aim at extending the benefits of health services to the rural population, through village and taluk health centres, has had to be reduced from Rs. 6.82 crores to Rs. 3.9 crores. Other medical and public health post-war plans are also in the process of revision with a view to reduction in their cost. The Committee have thrown out a suggestion that the Government should increase the expenditure on public health at least to 15 per cent of the total expenditure. The Government consider that a comparison with the case of local bodies who have been statutorily required to earmark a portion of their income on public health will not be valid, in respect of Government's expenditure and that it will not be expedient to fix a percentage for expenditure on public health for the whole Province as suggested. The present expenditure on public health is a little over 3 crores of rupees; and as development schemes are implemented, this figure will undoubtedly increase, but what this increased figure would be or should be, it is now difficult to state with accuracy. The Government have no doubt, however, that the schemes which are urgently required in the interests of public health will not be postponed and that in carrying out schemes for the improvement of the health administration of the Province, the principles suggested by the Committee will be kept in view.

APPENDIX II.

Stages of Post-War Schemes.

Serial number.	Scheme number.	Name of Scheme.	Stage of Scheme.
1	37	Training of Public Health Personnel	Provision has been made in the budget. Orders issued setting up three centres for the training of Health Visitors at Madras, Guntur and Madure.
2	38	Expansion of Medical Education	Medical Colleges have been opened for Madure and Guntur.
3	39	Improvements to medical institutions.	Owing to financial stringency the scheme is being modified with a view to reducing the cost. Proposals for improvements to the institutions have been received and are under consideration.
4	90	Medical Inspection of school pupils	A working scheme of medical inspection of school pupils is under consideration.
5	91	Expansion of the Malaria Bureau	Already given effect to. A.D.P.H. (Malaria) and 4 regional units are functioning.
6	92	Expansion of Public Health Service	Will be given effect to annually in 30 villages from the current year and in 150 villages at the end of the quinquennium.
7	93	Industrial Hygiene	Detailed proposals of Director of Public Health have been received and are under examination.
8	94	Nutritional Research	Already given effect to. A Central Bureau at Madras and two regional units are working.
9	95	Conservancy and Sanitation	This was suggested for being dropped. The expenditure is to be incurred by local bodies. Loans, however, continue to be given by Government towards local bodies' conservancy schemes.
10	96	Public Health Propaganda and Publicity	Considered that it is unnecessary to give effect to it as it stands and that the existing propaganda section in the Director of Public Health's Office with an additional clerk could do the work.
11	97	Scheme for the supply of protected water in villages.	This is already on a planned footing. The Board of Revenue has been asked to make proposals for expediting the progress of works. A special Committee has made proposals which are under examination.
12	98	Expansion of protected water-supply and drainage to all municipalities and places with a population of 10,000 and over.	Committee appointed to examine schemes and asked to report to Government. It has submitted a report which is under the consideration of Government.
13	99	Expansion of Medical Relief	Will be given effect to annually in 30 villages from the current year and in 150 villages at the end of the quinquennium.
14	100	Improvement or Reconstruction of Taluk Headquarters Hospitals.	Detailed proposals are awaited.

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Serial number.	Scheme number.	Name of Scheme.	Stage of Scheme.
15	101	Improvement or Reconstruction of District Headquarters Hospitals.	De.
16	102	Improvements to Tuberculosis Sanatorium.	Proposals for increase in number of beds in the Tambaram Sanatorium sanctioned. Proposals regarding a new Sanatorium awaited. Proposals for improvements to Perundurai Sanatorium will be taken up in 1948-49.
17	103	Anti-Leprosy Campaign	Improvements to Lady Willingdon Leprosy Sanatorium will be taken up in 1948-49. It is also expected that the institution will be taken over under Government management from 1st April 1948.
			The Government have provincialized the management of the Silver Jubilee Children's Leprosy Clinic at Saidapet. They have sanctioned a special staff for the Honorary Director of the Leprosy Campaign for purposes of anti-leprosy Campaign. The question of adopting measures for the control of the high incidence of leprosy in the Madras City is engaging the attention of an <i>ad hoc</i> Committee.
18	104	Development of King Institute, Guindy	Proposals have been received and are under consideration.
19	105	Town-planning, housing and elimination of slums.	Proposals are under examination.

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APPENDIX IV.

[Vide Item III on page 259 *supra*.]

(L.A. BILL No. 20 OF 1948.)

A Bill to amend the Madras Maintenance of Public Order Act, 1947.

(As passed by the Assembly.)

WHEREAS it is expedient to amend the Madras Maintenance of Public Order Act, 1947, for the purposes hereinafter appearing: It is hereby enacted as follows:—

Short title.

1. (1) This Act may be called the Madras Maintenance of Public Order (Amendment) Act, 1948.

(2) It shall come into force on the 22nd August 1948.

Amendment of section 1, Madras Act I of 1947.

2. In section 1, sub-section (4) of the Madras Maintenance of Public Order Act, 1947 (hereinafter referred to as the said Act), for the words "for a further period or periods not exceeding one year in the aggregate", the words "for a further period or periods not exceeding three years in the aggregate" shall be substituted.

Amendment of section 2, Madras Act I of 1947.

3. In section 2 of the said Act—

(i) in sub-section (1), in the opening paragraph, after the words "about to act" the words "or likely to act" shall be inserted.

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2-A) No order of detention made in respect of any person under sub-section (1), whether before or after the commencement of the Madras Maintenance of Public Order (Amendment) Act, 1948, by an officer or authority empowered under section 15 shall be deemed to be invalid solely because the place of detention specified in the order is situate outside the limits of the territorial jurisdiction of the officer or authority making such order."

Insertion of new sections 2-A and 2-B in Madras Act I of 1947.

4. After section 2 of the said Act, the following sections shall be inserted, namely:—

Punishment for harbouring or concealing persons ordered to be detained.

"2-A. (1) Whoever, knowing or having reason to believe that an order for the detention of any person has been made under section 2 (1), clause (a), harbours or conceals such person, shall be punished with imprisonment for a term which shall not be less than three months or more than two years, and shall also be liable to a fine which may extend to one thousand rupees.

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(2) In sub-section (1), the word 'harbours' includes the supplying with a view to evade apprehension a person with food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as those enumerated in this sub-section or not, to evade apprehension.

(3) Sub-section (1) does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be apprehended.

2-B. (1) Whoever prints or otherwise reproduces, sells, distributes, publishes, or publicly exhibits or keeps for sale, distribution or publication, any document consisting of or containing—

Punishment for reproducing or publishing statements, etc made by persons ordered to be detained.

(a) any statement, oral or written, or any sketch or cartoon, made by, or purporting to be made by, or at the instance or on behalf of, any person, for whose detention an order has been made under section 2 (1), clause (a),

(b) any statement, oral or written, or any sketch or cartoon, made by, or purporting to be made by, or at the instance or on behalf of, any person, in contravention of any order made against him, under section 2 (1), clause (g),

(c) any rendering, part or summary of any statement referred to in clause (a) or clause (b), or the purport of any such statement, part or summary, or

(d) any translation of any such statement or part or summary thereof into any other language, or any rendering, summary or purport of any such statement or part in any other language,

shall be punished with imprisonment for a term which shall not be less than three months or more than two years and shall also be liable to a fine which may extend to one thousand rupees.

(2) The Provincial Government may, by notification in the *Fort St. George Gazette*, declare every copy of any document which, in their opinion, is of the description specified in sub-section (1), to be forfeited to His Majesty.

Explanation.—Nothing in this section applies to the evidence given by any witness or to counsel in the course of any proceedings conducted in respect of any such offence or to reproduction by any officer or authority in the course of official duty."

5. After section 7 of the said Act, the following sections shall be inserted, namely:—

Insertion of new sections 7-A and 7-B in Madras Act I of 1947.

"7-A. (1) If the Provincial Government are satisfied that—

(a) the wearing in public of any dress or article of dress resembling any uniform or part of a uniform required

Wearing or display of uniforms, etc.

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to be worn by a member of the armed forces of the Dominion of India or of any Police or other force constituted under any law for the time being in force, or

(b) the wearing or display in public of any distinctive dress or article of dress or any emblem or token, is likely to prejudice the public safety or the maintenance of public order, or communal harmony, they may, by order notified in the *Fort St. George Gazette*, prohibit or regulate the wearing or display in public of any such dress, article of dress emblem or token.

(2) For the purposes of this section a person wherever he may be shall be deemed to wear or display in public, a dress, article of dress, emblem or token, if it is so worn or displayed as to be visible from any place to which the public have access.

(3) Whoever contravenes any order made under this section shall be punished with imprisonment for a term which may extend to three years or with fine or with both.

7-B. (1) When any disturbance has broken out or is apprehended in any area in the Province of Madras, the Provincial Government may, by notification in the *Fort St. George Gazette*, declare such area to be a disturbed area.

(2) Notwithstanding anything in any other law for the time being in force, if in any area which has been notified by the Provincial Government to be a disturbed area, any arms for which he has no valid licence are found in the possession of any person or in any premises which are ordinarily in his occupation or control, then, such person shall be punished with imprisonment for a term which may extend to five years or with fine or with both:

Provided that no person shall be deemed to have committed any offence under this sub-section in respect of any arms found in any premises which are ordinarily in his occupation or control, if he proves that he had no knowledge of such arms being in such premises and that he had taken reasonable care to prevent such arms being kept therein.

(3) Whoever imports arms of any description into any area which has been notified by the Provincial Government to be a disturbed area without a licence in that behalf obtained from a magistrate of the first class having jurisdiction over such area shall be punished with imprisonment for a term which may extend to five years, or with fine, or with both, and the Court trying the offence shall order that the arms in respect of which the offence has been committed shall be forfeited to His Majesty.

(4) No prosecution shall be instituted against any person for an offence punishable under this section, except with the previous sanction of the Provincial Government.

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(5) For the purposes of this section, 'arms' includes firearms, bayonets, swords, daggers, spears, spearheads, bows and arrows and parts of such arms."

6. In section 9 of the said Act—

(i) in sub-section (1), in the opening paragraph, after the word "printer", the words "keeper of a printing press" and after the word "printers", the words "keepers of printing presses" shall be inserted;

(ii) in the same sub-section after clause (b), the following clause shall be added, namely:—

"(c) require that any matter relating to or arising out of any matter published in any previous issue of any newspaper be published in any particular issue or issues of such newspaper in such manner as may be specified in the order."

(iii) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1-A) The Provincial Government may for the purpose of securing the public safety or the maintenance of public order, by order notified in the *Fort St. George Gazette*, prohibit or regulate the entry into, or the circulation, sale or distribution in, the Province of Madras or any part thereof, of any document or class of documents:"

(iv) in sub-section (2)—

(a) for the words, brackets and figure "under sub-section (1)", the following shall be substituted, namely:—

"under sub-section (1) or sub-section (1-A)";

(b) for the words "published or made in contravention of such order", the words "in respect of which the order has been contravened" shall be substituted;

(v) after sub-section (3), the following sub-section shall be added, namely:—

"(4) For the purposes of this section, 'document' includes—

(a) a newspaper, that is to say, any periodical work containing public news or comments on public news;

(b) a news-sheet that is to say, any work (other than a periodical work) containing public news or comments on public news;

(c) a book, that is to say, any volume, pamphlet or leaflet in any language, or any part or division of any such volume, pamphlet or leaflet;

(d) any sheet of music, map, chart or plan, separately printed or lithographed;

(e) any painting, drawing or photograph or other visible representation."

Amendment
of section
Madras Act
I of 1947.

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7. After section 9 of the said Act, the following sections shall be inserted, namely :—

“ 9-A. (1) If, in the opinion of the Provincial Government, it is essential for the purpose of securing the public safety, or the maintenance of public order, to restrict the removal of any commodity, article or thing from the Province, the Provincial Government may, by order notified in the *Fort St. George Gazette*, direct that no person shall remove such commodity, article or thing from the Province, without the permission in writing of the Commissioner of Police in the presidency-town or of the District Magistrate elsewhere.

(2) Whoever contravenes any order made under sub-section (1) shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

9-B. (1) Whoever by words spoken or written, or by signs or visible representations or otherwise, directly or indirectly instigates or incites any person to use criminal force or violence or to commit mischief against the person or property of any individual or individuals or any section of the public either immediately or on the occurrence or the likelihood of the occurrence of a contingency, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

(2) No prosecution shall be instituted against any person for an offence punishable under this section, except with the previous sanction of the Chief Presidency Magistrate in the presidency-town and of the District Magistrate concerned elsewhere.

• 9-C. (1) If, in the opinion of the Provincial Government, it is necessary or expedient so to do, for the purpose of securing the public safety or the maintenance of public order they may, by order notified in the *Fort St. George Gazette*, prohibit or regulate the entry of persons into any area or the plying of boats or other crafts or vessels in inland waterways in any area.

(2) Whoever contravenes any order made under sub-section (1) shall be punished with imprisonment which may extend to three years, or with fine, or with both.”

8. In section 10 of the said Act—

(i) in sub-section (1), for the words “by order in writing requisition any movable property”, the words “requisition or acquire any movable property or requisition any immovable property”, and for the words “in connexion with the requisitioning” the words “in connexion with the requisitioning or acquisition” shall be substituted;

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(ii) to the same sub-section, the following proviso shall be added, namely :—

“ Provided that no property used for the purpose of religious worship shall be requisitioned or acquired under this sub-section.”;

(iii) after sub-section (1), the following sub-sections shall be inserted, namely :—

“ (1-A) The requisition or acquisition shall be effected by an order in writing addressed to the person deemed by the Provincial Government to be in possession of the property, and such order shall be served on the person concerned in the manner prescribed by rules under this Act.

(1-B) A copy of every order under sub-section (1-A) shall also be served in the manner prescribed by rules under this Act on the owner of the property which has been requisitioned or acquired, if he is not in possession thereof :

Provided that failure to comply with the provisions of this sub-section shall not affect the validity of the order.”;

(iv) in sub-section (3), for the words “requisition any property”, the words “requisition or acquire any movable property” shall be substituted;

(v) in the proviso to the same sub-section, for the word “requisition” in both the places where it occurs, the words “requisition or acquisition” shall be substituted;

(vi) after the same sub-section, the following sub-section shall be inserted, namely :—

“ (3-A) Whenever in pursuance of sub-section (1), the Provincial Government requisition any immovable property, there shall be paid to the person interested in the property such compensation as shall be determined in accordance with the principles hereinafter set out, that is to say :—

(a) Where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement.

(b) Where no such agreement can be reached or where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, or where the person interested is not traceable or where there is no person competent to alienate the property, the Provincial Government shall appoint as arbitrator, a District Judge or an officer of the Provincial Government qualified for appointment as a District Judge.

Explanation.—For the purposes of this clause, the expression ‘District Judge’ includes a Judge of the Madras City Civil Court.

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(c) In determining the amount of compensation, the arbitrator shall have regard to the provisions of section 23 of the Land Acquisition Act, 1894, so far as the same can be made applicable.

(d) An appeal shall lie to the High Court against any decision of the arbitrator in every case where the total amount of compensation in respect of the property exceeds an amount prescribed by rules under this Act.

Explanation.—For the purposes of this sub-section, the expression ‘person interested’ includes all persons claiming an interest in compensation to be made on account of the requisitioned property.”;

(vii) in sub-section (4)—

(a) in the main paragraph, after the word “requisitioning”, the words “or acquiring” shall be inserted;

(b) for clause (b), the following clause shall be substituted, namely:—

“(b) direct that, until the expiry of such period as may be specified in the order, the owner or other person in possession of the property shall not, without the permission of the Provincial Government, dispose of it or in the case of a building alter it structurally, or in the case of movable property remove it from the premises in which it is kept.”;

(viii) in sub-section (5), for the words “in relation to such property”, the words “in relation to such premises or property” shall be substituted.

9. After section 10 of the said Act, the following sections shall be inserted, namely:—

“10-A. Any person remaining in possession of any property in contravention of any order made under section 10 may be summarily dispossessed of the property by any officer empowered by the Provincial Government in this behalf, and in the case of a building, if free access to it is not afforded to such officer, he may, after giving reasonable warning and facility to withdraw to any woman not appearing in public according to the customs of the country, remove or open any lock or bolt or break open any door or do any other act necessary for effecting such dispossession.

10-B. (1) Where any property requisitioned under section 10 is to be released from requisition, the Provincial Government may, after making such inquiry, if any, as they consider necessary, specify by order in writing the person to whom possession of the property shall be given.

(2) The delivery of possession of the requisitioned property to the person specified in an order made under

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sub-section (1) shall be a full discharge of the Provincial Government from all liability in respect of such delivery, but shall not prejudice any rights in respect of property which any other person may be entitled by due process of law to enforce against the person to whom possession of the property is so delivered.

(3) Where the person to whom possession of any requisitioned property is to be delivered cannot be found or has no agent or other person empowered to accept delivery on his behalf, the Provincial Government shall cause to be published in the *Fort St. George Gazette* a notice declaring that such property is released from requisition and in the case of immovable property shall also cause a copy thereof to be affixed on some conspicuous part of the property.

(4) When a notice referred to in sub-section (3) is published in the *Fort St. George Gazette*, the property specified in such notice shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person entitled to possession thereof; and the Provincial Government shall not be liable for any compensation or other claim in respect of such property for any period after the said date.”

10. After section 12 of the said Act, the following section shall be inserted, namely:—

“12-A. If copies of any document are declared to be forfeited to His Majesty under section 2-B (2) or 9 (2), any police officer may seize the same wherever found in the Province; and any Magistrate may, by warrant, authorize any police officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such document may be or may be reasonably suspected to be.”

11. After section 18 of the said Act, the following section shall be inserted, namely:—

“18-A. (1) The Provincial Government may, by notification in the *Fort St. George Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the procedure to be followed in arbitrations under section 10,

(b) the time within which an appeal to the High Court under section 10, sub-section (3-A), shall be preferred,

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(c) the principles to be followed in apportioning the costs of proceedings before the arbitrator appointed under the sub-section aforesaid."

Repeal and savings.

12. The Madras Maintenance of Public Order (Amendment) Ordinance, 1948, is hereby repealed :

Madras
Ordinance
II of 1948

Provided that all notifications and orders which were issued under any provision inserted in the said Act by the Ordinance aforesaid and were in force immediately before the commencement of this Act, shall continue to be in force and be deemed to have been issued, and shall have effect as if they had been issued, under the corresponding provision of the said Act as amended by this Act :

Provided further that the repeal of the Ordinance aforesaid shall not affect any penalty or punishment incurred in respect of any offence committed against it, or any investigation, legal proceeding or remedy in respect of any such penalty or punishment; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty or punishment may be imposed as if the Ordinance aforesaid had not been repealed.

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