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MADRAS LEGISLATIVE COUNCIL
DEBATES.

OFFICIAL REPORT.

WEDNESDAY 19TH JANUARY
1949

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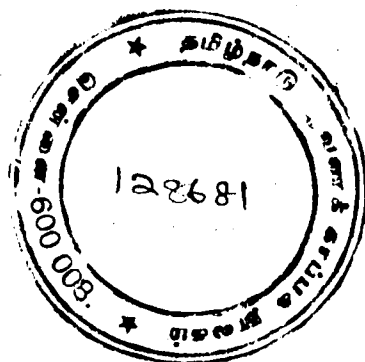
OFFICIAL REPORT

WEDNESDAY, 19TH JANUARY 1949

VOLUME XIX—No. 11

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THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 19th January 1949.

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.

Applications for loans by agriculturists for sinking wells, etc.

* 175 Q.—SRI MOTHLEY NARAYANA RAO: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government are aware that there is great delay in the disposal of applications for loans by agriculturists for sinking wells, etc.; and

(b) if so, what action is proposed to be taken for the speedy disposal of such applications?

THE HON. SRI KALA VENKATA RAO:—“(a) & (b) It is possible that there have been some cases of delay. Instructions have already been issued to the Collectors and the special staff urging on them the importance of prompt disposal of applications.”

SRI B. BHIMA RAO:—“Are the Government aware that there is considerable delay in sinking these wells and the sinking is not expedited?”

THE HON. SRI KALA VENKATA RAO:—“The hon. Member would have seen the Press Note to-day. Even for the current year out of one crore fifty lakhs nearly one crore was disbursed up to the end of December and the other 50 lakhs will be disbursed by the end of this month. With reference to the previous year's work is practically complete except in the case of Ceded Districts accelerated scheme and a portion of the 1947-48 scheme for which some extension is given.”

SRI B. BHIMA RAO:—“Are these wells expected to be dug by the 31st March 1949?”

THE HON. SRI KALA VENKATA RAO:—“Last year's scheme will be completed in the current year in good time before perhaps September because the actual construction will be in summer.”

SRI R. SURYANARAYANA RAO:—“Have the Government taken into account the difficulty of securing materials for the completion of wells in time?”

THE HON. SRI KALA VENKATA RAO:—“That is the reason why extension is being granted from time to time.”

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MR. PRESIDENT:—"I saw some announcement recently that Government have got some machine by which a well could be dug in three days."

THE HON. SRI KALA VENKATA RAO:—"The gentleman concerned was with me yesterday and he has undertaken to demonstrate the experiment somewhere near Madras and the hon. Members and Hon. the President can also see the experiment."

MR. PRESIDENT:—"Where is it that the experiment will be conducted?"

THE HON. SRI KALA VENKATA RAO:—"I will see that it is informed to all the gentlemen concerned."

Applications from the West Godavari district for subsidy to sink wells.

* 176 Q.—SRI MOTHEY NARAYANA RAO: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) how many applications have been received from the West Godavari district for subsidy to sink wells under the "Grow More Food Scheme" for the years 1947-48 and 1948-49;

(b) how many of the above are from the Dendurur firka;

(c) the number of wells for which subsidy has been granted;

(d) whether it is a fact that many of the wells could not be finished in time as the subsidy was disbursed late; and

(e) whether the Government propose to give extension of time for the completion of the works?

THE HON. SRI KALA VENKATA RAO:—" (a) The number of applications received from the West Godavari district for subsidy to sink wells under the Grow More Food Schemes is 179 under the New Well Subsidy Scheme, 1947-48 and 603 under the 1948-49 scheme.

" (b) The number from Dendurur firka is 128 under the 1947-1948 scheme and 196 under the 1948-49 scheme.

" (c) The number of wells for which subsidy was sanctioned under the 1947-48 scheme is 18. The applications received under the 1948-49 scheme have not yet been disposed of. The special staff have been instructed to dispose of all pending applications quickly.

" (d) & (e) The subsidy amounts were disbursed in February and March 1948 but the applicants had time till 30th September 1948 to complete the wells. Further extension of time till 30th June 1949 has however since been granted."

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

II.—STATEMENT OF THE HON. THE REVENUE MINISTER.

MR. PRESIDENT:—"Does the Hon. the Revenue Minister want to take leave of the House?"

* THE HON. SRI KALA VENKATA RAO:—"I really regret to take leave of you and the hon. Members of the House. I may expect to hand over charge on the 24th evening and will not be able to attend the session of the Council till the 22nd. Therefore, Sir, this will be the last occasion to see you and the hon. Members of the House. I most heartily thank you and the Members for the good co-operation you and the hon. Members gave me during the 22 months of my ministership. I very much thank you, Sir."

THE HON. DR. T. S. S. RAJAN:—"In duty bound, I must inform the hon. Member that this House considers his going away from us as something which we will all regret. At the same time the fact remains that he is going out to engage himself in a bigger sphere to work and perhaps of wider service to the nation at large. It is with that view in my mind we will accept, and regretfully accept his withdrawal from the deliberations of this House in which he has taken a prominent part during the last two years. As Minister in charge of Revenue his presence has been very valuable and those of us who know how well he conducted the proceedings of the Zamindari Bill which is perhaps one of the biggest Bill dealt with by us in this House, will know the amount of application, the amount of interest and the amount of work, he has put into the Bill that passed through this House and it is now on the way of approval of His Excellency the Governor-General. I am sure that you and the hon. Members of this House will echo the sentiments which I am giving expression to that one and all of us do appreciate his valuable services to this House as Member representing Revenue. We wish him all God speed in his new sphere of activity and I am sure as far as this House is concerned we have to make this statement because he still continues to be a Member of the Assembly. But as far as this House is concerned as a Member of the Government of the Revenue Department he will discontinue and therefore I have found it necessary to make this statement, I have made. We all appreciate his work and one and all of us will follow with interest his activities in the wider sphere of service for the nation at Delhi."

MR. PRESIDENT:—"The Hon. Revenue Minister has an engagement with His Excellency at 11-30 a.m. and that is why I am disturbing the proceedings of the House."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"On behalf of the Opposition, I very much regret that the Hon. Mr. Kala Venkata Rao is handing over charge of the Revenue portfolio. But we all feel there is an amount of happiness and joy also because he has taken upon himself the responsibility to work in a wider sphere. His appointment or his selection as the General Secretary of the Congress does credit not only to himself but also to the people of this Province. His ability, his tact and his perseverance in any

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matter that he takes up particularly the Zamindari Bill which he piloted in the other House and in this House has brought very great credit not only to himself but also to this Province. I am certain, Sir, that he will bring to bear on the Congress Organization the rich experience that he has gained not only in the national movement but in the Legislature as well. Sir, I once again mention that he really held the torch of independence in 1921 movement. In those days, Sir, there was a feeling of fellowship and a feeling of brotherhood which I am sure will continue in the independent India. I wish him God speed on behalf of the Opposition and also hope that this General Secretaryship of the Congress will be for him a precursor of great national honour and greater national service and sacrifice. Gentlemen like him will be remembered not only by this generation but also by posterity. Gentleman like him will have not only all-India and Provincial fame but destined to have international fame and I am sure that all of us will pray that he will be spared very long for national service and national activities. His presence in the All-India Congress Committee will be viewed with pride and we will be watching his activities with great interest."

15 K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—
n Mr. President, Sir, I have nothing to add to what has been said already. I only rise to associate myself on behalf of my party with the sentiments expressed by the Leader of the House and the Deputy Leader of the Opposition. We have all known the Hon. Mr. Kala Venkata Rao for his ardour and perseverance and how he had been able to handle very great complicated questions of revenue, and that is itself sufficient testimony to his ability. I do not want to take up much time of the House. I only feel sorry that he is leaving us; but it is a mixed feeling of joy and sorrow, and the consolation is that he is going away from us in response to the call of duty from a higher quarter. I wish him success in the activities which await him, which of course will give him wide and rich experience. Once more, Sir, I wish him success."

* Sri C. N. MUTHURANGA MUDALIYAR :—" Mr. President, Sir, I wish to associate myself in this brief function. I wish the Hon. Mr. Kala Venkata Rao all joy and God speed in his new venture. But as the Leader of the House has indicated, he has not burnt his boats; he continues to be a Member of the other House, if not of this House, and that is good so far as it goes. So I am led to think that as soon as his work in the All-India Congress Committee is over, and perhaps at the time of the next elections he will come back to us with greater vigour and energy and conduct the affairs of this province in a greater and more efficient manner, unless of course he is wanted in a higher sphere of activity in the Central administration. Even then, when he comes back to us, we would welcome him with open arms and give him the responsible position due to him in this province. Sir, I wish him once again success in his new sphere of work."

20 DR. V. K. JOHN :—" Mr. President, Sir, I am sorry I was late; but all the same, I feel it my duty to pay my compliments to

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the Hon. Revenue Minister. I remember I once said, after the passing of the Zamindari Abolition Bill, of him that he would be an ornament to any Government. Sir, the impression that he has left in me is—and in that my friends also share with me the same feeling—that he is one of those who sincerely want to do selfless service to the country. He has great achievements to his credit in the struggle for winning freedom to this country. He has won great credit to himself as a Member of this Government and I am sure in the new position he is to take up as secretary of the great national organization he will win more laurels and discharge his duties to the satisfaction of everybody. Congressmen and non-Congressmen and to the nation as a whole and he will take a leading part in the reconstruction of this country. I hope, after the achievement of freedom, he will do his best to build a new India on the foundations of unity, integrity and solidarity, which alone will give strength, prestige and greatness to this country. He will neutralize all forces of disintegration and harness and develop all forces of unity. We have great hopes for his future and that he would discharge his duties as secretary of a great organization efficiently and he will bring credit to south India; for although we should feel that we are Indians first and Indians last, nevertheless we shall always feel proud that he from the south, has been chosen to be one of the secretaries of the great organization and he will bring credit to south India. Sir, I congratulate him for what he has done and wish him all success in his new field of work."

Mr. PRESIDENT :—" It is very difficult to describe one's feelings on an occasion like this. The Hon. Mr. Kala Venkata Rao's services and qualities have been recognized not only in this House but outside this House. He has always been known for his very pleasing exterior and affable manners, and he has done his bit not only in the national cause of winning freedom for his country but also in the legislative field, which has fallen to his lot. I am sure his contribution to the legislative enactment of this Province will stand out as a momentous step in the direction of improving the economic condition of this Province. That is no mean achievement, and I am sure any Minister of any province in this great country would be proud of such an achievement as that. Now he is going to a perhaps higher position, though not higher in the sense of greater power and patronage, but higher in the sense that he has greater opportunities not only for serving the country, but also of directing and guiding the activities of various provinces which directly or indirectly will be under his supervision. I am sure the House will agree with me when I say that his association with this House has been pleasant. There has not been even a single instance of expression of bitterness of feeling by him either to me or to any Member. His association with this House has been very pleasing and very cordial. I wish him all happiness and prosperity. I am sure he will not be a stranger to this Province, as he will be a Member of the other House, and I am sure whenever we want him he will show himself up to us. (Laughter.) I wish him all happiness and prosperity."

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THE HON. SRI KALA VENKATA RAO :—“ Sir, I thought this will be a simple leave-taking, and I never expected a shower of blessings and praise from my esteemed colleagues the Leader of the House, the Deputy Leader of the Opposition and Mr. Ibrahim and others, and more than anything else from the Chair. As my heart is full, I cannot speak more. I am very glad that I have the goodwill of all the Members of this House, which will certainly help me in the discharge of my future duties in the rebuilding and reconstructing of an independent India, but nonetheless a poor India practically in distress on account of the economic situation. I will not lose association either with Madras or this House, for I shall, even from that distance, carefully study what is going on here. I thank you for all the round of blessings you have given me. I shall carry with me this pleasant association throughout my life. I thank you.”

(The hon. Sri Kala Venkata Rao then left the House.)

STARRED QUESTIONS

I—QUESTIONS AND ANSWERS—cont.

Instructions regarding Communists.

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

(a) whether the Government have issued any instructions to the Collectors and Police authorities in the mufassal defining ‘Communism’ and what political characteristics constitute a person a ‘Communist’; and what characteristics differentiate a Socialist from a Communist;

(b) whether it is a fact that about twenty persons detained in the Vellore Central Jail as Communists have signified their loyalty to and expressed their intention to stand by and support the present Dominion Government of India and in favour of non-violence and adoption of constitutional methods; and

(c) whether the Government have considered their cases and ordered their release?

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

“ (b) Yes.

“ (c) The matter is under consideration.”

SRI B. BHIMA RAO :—“ How do the Collectors and District Magistrates act on the report that a certain man is a Communist, Sir? ”

THE HON. DR. T. S. S. RAJAN :—“ I do not follow the hon. Member's question.”

SRI B. BHIMA RAO :—“ What political views should a man hold or one should practise in order to be characterized as a Communist? ”

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THE HON. DR. T. S. S. RAJAN :—“ To be a Communist, I think, is no offence; but if he does anything wrong, any unlawful act, then of course the District Magistrate will take note of it and he will be properly dealt with.”

SRI B. BHIMA RAO :—“ May I take it that commission of acts of violence is one of the criterions for being called a Communist? ”

THE HON. DR. T. S. S. RAJAN :—“ I do not think it is so. But if a man commits violence, whether he is a Communist or not, he will be dealt with.”

SRI B. BHIMA RAO :—“ Do members of R.S.S. come under the category of Communists? ”

THE HON. DR. T. S. S. RAJAN :—“ If they commit any acts of violence, they will be punished.”

SRI B. BHIMA RAO :—“ Before they commit any act of violence, will any action be taken against them? ”

THE HON. DR. T. S. S. RAJAN :—“ We cannot answer about the intention of Government in an interpellation in this House.”

SRI B. BHIMA RAO :—“ Then why did Government declare the R.S.S. an unlawful body even when they did not do an unlawful act? ”

MR. PRESIDENT :—“ May I know which Government declared them so? ”

THE HON. DR. T. S. S. RAJAN :—“ So far as this Government is concerned, this Government did not declare them unlawful.”

SRI B. BHIMA RAO :—“ I believe this Government has declared them unlawful.”

MR. PRESIDENT :—“ No, it is the Government of India.”

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ Will the Government consider the advisability of disposing of the applications as expeditiously as possible in view of the fact that a mere delay in the disposal of the applications may lead to the possibility of such Communists becoming more burdened? ”

THE HON. DR. T. S. S. RAJAN :—“ Government are dealing with these cases as expeditiously as possible. There are certain procedures to be adopted when Communists or those on their behalf seek some relief. The matter is referred to a committee. The decision of the committee is referred to their respective area to ascertain whether it is in public interest that they should be released even after they had given an undertaking. When once all this procedure has been gone into—I am sure all this is done expeditiously—then release is ordered.”

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SRI B. BHIMA RAO :—" Have the committees met after I sent notice of my interpellation three months back? "

THE HON. DR. T. S. S. RAJAN :—" The committees are meeting."

SRI R. SURYANARAYANA RAO :—" Sir, there are several cases in other jails where prisoners have signified their loyalty to Government and have submitted representations for their release to the Government and I do not know what action has been taken."

THE HON. DR. T. S. S. RAJAN :—" I am sure all these cases are taken up serialim and are being examined with a view to their release."

Rules governing appointments in Government service.

* 169 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Premier be pleased to state—

(a) what the rules governing appointments to various services are in respect of (1) direct recruitment and (2) promotions from lower ranks;

(b) what the circumstances are under which direct recruitment to a service can be dispensed with;

(c) what the services are in respect of which Government can recruit themselves either directly or by promotion without the intervention of the Public Service Commission; and

(d) whether it is a fact that many appointments are being made under emergency provisions and even extension of time is being sought for such appointments without securing recruitment through the Public Service Commission?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier) :—" (a) The hon. Member is referred to the rules contained in the Madras Services Manual, Volumes II and III which should be read with the general rules printed at pages 138-159 of Volume I of the manual. The manual is available for reference at the library of the Madras Legislature and also at the Secretariat Library.

" (b) The methods of recruitment prescribed in the various rules are invariably followed. If, in respect of a particular service or post, raw recruits will not suit, the method of recruitment will be by promotion within the service or by transfer from any other service.

" (c) The list of services and posts which have been excluded from the purview of the Commission is printed in Annexure I to the Madras Public Service Commission Regulations, 1937, at pages 11-13 of Volume I of the Madras Services Manual mentioned in the answer to clause (a). In respect of those services and posts, either the Government or the respective appointing authority prescribed in the concerned

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special rules makes the appointments. In respect of the other services and posts, the Madras Public Service Commission makes the selection.

" (d) On account of the situation created by the war and post-war periods, a large number of emergency appointments had to be made. Steps were and are duly taken to replace the candidates so appointed by regularly selected candidates. If, in any particular case the emergency appointment has to be continued for a period exceeding three months, the concurrence of the Madras Public Service Commission is duly obtained as required by the rules."

SRI R. SURYANARAYANA RAO :—" Are the emergency 11-30 provisions applicable only to initial appointments or do they apply a.m. even to promotions? "

THE HON. DR. T. S. S. RAJAN :—" I think they are applied to initial appointments."

SRI R. SURYANARAYANA RAO :—" Is the communal rule applicable to emergency appointments also? "

THE HON. DR. T. S. S. RAJAN :—" I think so."

Steps taken to prevent smuggling of foodgrains by sea to Ceylon.

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

(a) the steps taken by the Government to prevent smuggling of foodgrains by sea to Ceylon;

(b) whether it is a fact that a certain vessel called ' Motor Launch ' was purchased by the Government;

(c) if so, when and at what cost;

(d) to what use it was put and for how many days;

(e) whether it is a fact that a party of smugglers escaped in a motor launch very recently through the river Coleroon, in the Chidambaram taluk into the sea;

(f) what action the anti-smuggling police party took and with what results; and

(g) what further steps the Government propose to take to prevent smuggling effectively in future?

THE HON. DR. T. S. S. RAJAN :—" (b), (c) & (d) No vessel by name ' Motor Launch ' was purchased by the Government. But a motor fishing vessel named ' Tessa ' was purchased by the Government about the end of the year 1946, at a cost of about Rs. 40,000. It was used for anti-smuggling patrol along the east coast of the Province from July to September 1947.

" (a), (e), (f) & (g) The Government regret that it is not in the public interest to disclose the information."

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SRI K. MANATHUNAINATHA DESIGAR :—“ May I know whether the purchase of the vessel was made after consulting qualified persons? ”

THE HON. DR. T. S. S. RAJAN :—“ As far as I know, the vessel was purchased from the disposal of the surplus war materials in the Bombay Port, and it was duly inspected and thought worthy of being purchased.”

SRI K. MANATHUNAINATHA DESIGAR :—“ May I know whether the Government consulted any qualified person as to whether the vessel would serve the purpose for which it was intended? ”

THE HON. DR. T. S. S. RAJAN :—“ Yes.”

SRI R. SURYANARAYANA RAO :—“ Is the vessel now used for the purpose for which it was purchased? ”

THE HON. DR. T. S. S. RAJAN :—“ It is not now used.”

Ration shops in Chingleput.

* 171 Q.—SRI C. N. MUTHURANGA MUDALIYAR : Will the Hon. the Minister for Food be pleased to state whether it is a fact that the Government have issued orders to the Collector of Chingleput district to give ration shops to the old ration shop-keepers?

THE HON. DR. T. S. S. RAJAN :—“ No. Collectors have been instructed to see that only such of the old ration shop-keepers who had a clean record are appointed as ration shop-keepers and that the remaining vacancies are filled in by new men (not necessarily those who were in the trade before) with the necessary qualification and who can be trusted to be honest.”

SRI C. N. MUTHURANGA MUDALIYAR :—“ Is it not a fact that some of the ration shop-keepers who misbehaved during the former control days have now been allowed to open ration shops? ”

THE HON. DR. T. S. S. RAJAN :—“ If the hon. Member has information to that effect and if he will pass it on to me, I shall make enquiries.”

Revision of bus-fares in the Madras City.

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

(a) whether the Transport Advisory Board, at its meeting on the 28th October 1948, decided to revise bus-fares on Government Transport buses in the Madras City;

(b) if so, what the old and new fares are on the various routes;

(c) whether it is a fact that the representatives of the Bus Passengers' Association walked out of the meeting in protest;

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(d) whether it is a fact that the Government have approved of the revision of the fares; and

(e) if so, whether the Government took into consideration the fact that a popular route could be operated at a smaller fare per mile than an unpopular route?

THE HON. SRI B. GOPALA REDDI :—“ (a) The answer is in the affirmative.

“ (b) A statement * is laid on the table of the House.

“ (c) Sri R. R. Dalavai did walk out in protest.

“ (d) The fares were only rationalized in accordance with the rates approved by the Government in November 1947 after due publication. The question of Government's approval of the revised fares did not therefore arise.

“ (e) This question does not arise in view of the answer to clause (d) above.”

SRI R. SURYANARAYANA RAO :—“ May I know whether the Government have since received fresh proposals for the revision of fares and, if so, whether they are under consideration? ”

THE HON. SRI B. GOPALA REDDI :—“ There have been proposals not about the revision of fares but about the revision of stages and these are under the consideration of the Government.”

SRI S. B. ADITYAN :—“ Is it not a fact that on all the 37 routes, the revised fares are either stationary or higher and that on no route there has been any reduction? ”

THE HON. SRI B. GOPALA REDDI :—“ It is obvious from the comparative statement placed on the table of the House.”

SRI B. BHIMA RAO :—“ Will the Government consider the desirability of making the fare from Parrys to Tyagarayanagar, uniform on all routes? ”

THE HON. SRI B. GOPALA REDDI :—“ It is under the consideration of the Government.”

SRI R. SURYANARAYANA RAO :—“ Is there a proposal to reconstitute the Transport Advisory Board? ”

THE HON. SRI B. GOPALA REDDI :—“ Yes, the City Transport Advisory Board is going to be reconstituted.”

SRI S. B. ADITYAN :—“ Will the Government consult public opinion and revise the fares in conformity with it? ”

THE HON. SRI B. GOPALA REDDI :—“ I do not think we can consult public opinion with regard to revision of fares. But with regard to the revision of stages and connected matters, the Transport Advisory Board, which will be broad-based under the proposed reconstitution, will certainly be consulted.”

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Running of special buses for the Race Course.

* 173 Q.—SRI C. N. MUTHURANGA MUDALIYAR: Will the Hon. the Minister for Finance be pleased to state—

(a) whether it is a fact that special buses are proposed to be run for the benefit of race-goers and race-bettors;

(b) whether it is a fact that the Transport Department has recently advertised the running of special buses to the Guindy Race Course;

(c) whether it is a fact that the Government have recently abolished the third and second enclosures in the race-course with a view to minimizing the betting evil;

(d) whether it is a fact that the Government have already introduced a Bill for the abolition of betting in racing;

(e) at what stage that Bill is and whether the Select Committee has finished its labour; and

(f) whether the Government have any intention to issue instructions to the Transport Department to withdraw the advertisements?

THE HON. SRI B. GOPALA REDDI:—“(a) It is a fact that special buses are being run to Guindy on race days.

“(b) No advertisements were published; but the intention to run the special buses was announced to the Press in advance by the Transport Department.

“(c) There is no third enclosure for betting. No orders have been issued withdrawing the permission granted for the second enclosure.

“(d) The Madras City Police and Gaming (Amendment) Bill is intended to prohibit betting on horse races.

“(e) The Select Committee appointed by the Assembly to consider the Bill has made its report. The Hon. the Minister for Public Works who is in charge of the Bill has given notice to the Assembly to present the Select Committee's report and to move that the Bill be taken into consideration. I may add that the motion was moved yesterday and that the Bill is under the consideration of the Assembly.

“(f) The question does not arise in view of the answer to clause (b) above.”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—“Will the Government consider the desirability of discontinuing the running of special buses in view of their declared policy to prevent betting on horses?”

THE HON. SRI B. GOPALA REDDI:—“No, Sir. We will run buses to Guindy as long as racing is allowed to continue there.”

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K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—“Do the Government want to encourage betting especially by the poor people who travel by bus?”

THE HON. SRI B. GOPALA REDDI:—“It is not a question of encouraging betting. When a large number of people crowd at any place, we run special buses for that place.”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—“Even when that going is for an illegal purpose?”

THE HON. SRI B. GOPALA REDDI:—“It is not an illegal purpose so long as racing is allowed by the Government. Suppose there is a conference of Muslim Leaguers under the presidency of the hon. Member. Then also we will run special buses to the place of the conference.”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—“Thousands of families are ruined on account of betting, and it is the policy of this Government to discourage betting. Even before the Bill is passed for abolishing betting at the races, why should not the Government try to prevent the evil as far as possible?”

THE HON. SRI B. GOPALA REDDI:—“I don't think the hon. Member is asking for any information. So long as racing is there, the Government Transport buses will run because a large number of people find it very inconvenient to travel by other means of transport. The Transport department is there to serve the people, whether it is for going to the race-course or a foot-ball match or a Muslim League Conference.”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—“Is it not the policy of the Government to prevent people from betting in races as it brings misery to thousands of families?”

MR. PRESIDENT:—“I think the point has been sufficiently canvassed.”

Extent of casuarina plantations undertaken by the Government.

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

(a) the localities and the extent of casuarina plantations undertaken by the Government;

(b) whether all these plantations have been successful;

(c) whether, before an area is chosen for casuarina plantation, a survey is made and suitability of the soils is ascertained; and

(d) what steps the Government propose to take to increase casuarina plantations?

THE HON. SRI K. MADHAVA MENON:—“(a) A statement * showing the localities and the extent of casuarina plantations undertaken by Government from the year 1940-41 onwards is placed on the table of the House.

“(b) It cannot be said that all these plantations have been quite successful. There have been widespread casualties from 1945

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to 1948 wherever plantations were raised in widely separated localities affecting both Government and private plantations and the casualties are due to adverse climatic factors, viz., the 1945 drought, the 1946 floods, the short spell of severe hot weather that prevailed in June 1947 and the complete failure of the north-east monsoon in July 1947, the cumulative effect of which has caused mortality in varying degrees wherever casuarina is raised.

" (c) Yes.

" (d) Under the Post-war Reconstruction proposals, the target figure for raising casuarina throughout the Province—not all of it necessarily to be departmental planting—has been fixed at 150,000 acres on a 10-year rotation of 15,000 acres per year. With this end in view, plantations have been taken up in certain forest divisions mostly in coastal areas and also in the Cauvery Coleroon padugais. Interior areas selected in the Tanjore revenue district for raising casuarina have been handed over to villagers and co-operative societies for casuarina planting. New areas have also been selected in suitable localities in the northern taluks of Tiruchirappalli revenue district. The possibility of reserving areas for casuarina plantations in or near Bellary district is under investigation. So far 21,573 acres have already been planted with casuarina."

SRI R. SURYANARAYANA RAO :—" Is any assistance given to private persons interested in raising casuarina plantation? "

THE HON. SRI K. MADHAVA MENON :—" Wherever technical advice is sought, it is given. Whoever asks for the seedlings of casuarina trees, they are given."

[175 Q. and 176 Q. were already answered—Please see pages 809 and 810.]

The Madras Drugs Rules.

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

- (a) whether the Madras Drugs Rules have been promulgated;
- (b) what the arrangements are for their enforcement;
- (c) whether a retail dealer of drugs who deals in drugs either in bulk or loose and does not undertake dispensing is required to employ a compounder;
- (d) whether licences have been cancelled for not appointing compounders; and
- (e) whether the compounders appointed should all be fully qualified?

THE HON. SRI A. B. SHETTY :—" (a) Yes, from 1st April 1947.

" (b) The Surgeon-General has been appointed as the Provincial Drugs Controller and Licensing Authority. A separate drugs section has been formed in the Surgeon-General's office for

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administrative and executive work under the immediate charge of a Civil Surgeon who has been appointed to assist the Surgeon-General in the discharge of his functions as the licensing authority and for the purpose of inspection of manufacture of drugs other than those mentioned in Schedules C and C-1 of the Drugs Rules, 1945. One separate Special Department of Biological Control has been formed in the King Institute, Guindy, for analytical work connected with the enforcement of the Drugs Act and the Rules with necessary staff. The laboratory is not yet fully equipped. The District Medical Officers and the Gazetted Medical Assistants have been appointed as ex-officio inspectors for the purpose of inspection of retail shops in their respective districts.

" (c) Purely wholesale dealers are not expected to have qualified compounders. But if they include retail sale of E and H drugs (poisonous drugs) they should have one or more compounders.

" (d) No.

" (e) They should hold either the diploma obtained on successful completion of the prescribed course for a year or the diploma marked ' private ' issued by the Surgeon-General in favour of private candidates who have come out successful in any of the three examinations conducted after the promulgation of the Drugs Rules."

SRI R. SURYANARAYANA RAO :—" Are the Government aware how difficult it is to get qualified compounders even for dispensaries run by them? "

THE HON. SRI A. B. SHETTY :—" The Government are aware of the dearth of qualified compounders, Sir. That is why the rates of stipends for compounders have been increased both in the city and in the mufassal and the number of training centres has also been increased with a view to train more compounders and the age-limit for compounders has also been raised as a further inducement."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, whether it is not desirable that, till a sufficient number of qualified compounders become available, not to enforce the rules strictly and prosecute the licensees unnecessarily? "

THE HON. SRI A. B. SHETTY :—" If the dealers do not appoint qualified compounders, their licences are not immediately cancelled. They are given a specified time within which to secure the services of qualified compounders; otherwise, they are asked to dispose of their drugs to chemists and druggists who have qualified compounders."

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" May I know, Sir, whether the age-limit for the recruitment of compounders to Government service has also been correspondingly increased? "

THE HON. SRI A. B. SHETTY :—" Yes, Sir, their age-limit has been raised from 25 to 30."

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III.—NON-OFFICIAL BUSINESS.

THE MADRAS HINDU BIGAMOUS MARRIAGES PROHIBITION AND DIVORCE BILL, 1917 (L.A. BILL NO. 6 OF 1917)—*cont.*

Clause 2.

* DR. V. K. JOHN :—“ Mr. President, I beg to move the amendments standing in my name to clauses 2, 3 and 4, namely :—

‘ For clauses 2, 3 and 4, substitute the following :—

“ 2. No Hindu, Buddhist, Jaina or Sikh resident in the Province of Madras and having a wife or husband living shall solemnise or go through the form of a marriage except under the provisions of rules made from time to time by the Government and approved by the Legislature.

“ 3. Any person contravening or abetting the contravention of the provision of section 2 shall be deemed to have committed an offence under section 491 or section 495 of the Indian Penal Code.”

“ Mr. President, if you will kindly allow me to speak on these two amendments together, it would be convenient. Now, Sir, I have moved these two amendments mainly for two reasons. First of all, clauses 2, 3 and 4 of this Bill are very ambiguous, cumbersome and badly worded. This is a piece of social legislation and not only the wording used and definition given should be clear and unambiguous but there must be flexibility in its provisions. This Bill contains two matters. One is prevention of bigamy and the other is provision for divorce. In clause 2, the definition of the term ‘ Hindu ’ has been given. I say that the definition is very badly worded, and is very cumbersome. I used to criticize the Bills introduced by the Government, on their bad draftsmanship, but after having seen this Bill, which has been drafted by a non-official gentleman, I think I must compliment the Government. If you read clauses 2, 3 and 4 of the Bill as it stands, you will see how cumbersome, how ambiguous and how badly worded these clauses are. But, here, in this connexion, I should like to make it perfectly clear that I am not one of those who oppose the principles underlying this Bill providing for monogamous marriages. But my submission is that when we pass a legislation on any matter, we must pass it in a manner which should be acceptable to the Legislature. I was certainly of the opinion and am still of the same opinion that in a matter like this we should have an all-India legislation and I do not see why this Bill should be confined to the Province of Madras alone, when the subject-matter of the Bill should be applied to all the Hindus in India. In fact, this Bill could have been introduced by somebody in the Central Legislature and then we could have a law for all Hindus, Buddhists, Jains and

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Sikhs throughout this country. Be that as it may, let me confine myself to the amendments in question. Now, how does this Bill define the term ‘ Hindu ’? Clause 2 of the Bill states that—

‘ In this Act, “ Hindu ” means—

(a) a person professing the Hindu religion in any of its forms or developments, including a Virashaiva or Lingayat or a member of the Brahmo, Prarthana or Arya Samaj, or

(b) a person professing the Buddhist, Jaina or Sikh religion.’

“ In effect, this definition comes to this, that a Hindu means a Buddhist, Jaina or a Sikh. I submit, Sir, that this is atrocious. It is just like saying that for purposes of this Act, night means day, man means woman or that a chair means a table. It is absurd to insert a definition like that in a law. Why not we say plainly and clearly that no Hindu, Buddhist, Jaina or Sikh shall take a second wife when the first is alive? That would be plain enough. After all what we want is that people should understand the provisions of the law and the language we use should be clear to them. Now here, according to this definition, it comes to this, that a Hindu means a Buddhist. Does this not sound absurd? We should not be a party to a definition like this. Suppose, for example, it is said that ‘ No Hindu, Buddhist, Jaina or Sikh having a wife or husband living shall solemnize or go through another marriage; ’ then that will satisfy the draftsman of this Bill, because that conveys his real intention. I submit, Sir, that there should be a decorum in the use of the language in a piece of legislation.

“ Now, let us look at the definition again. Explanation (1) under the definition says that a convert or re-convert to the Hindu, Buddhist, Jaina or Sikh religion is a Hindu. This again means that a convert to a Buddhist, Jaina or Sikh religion is a Hindu. One cannot think of passing a legislation in these words, when we can certainly use a better, more direct and more correct language to make a provision which the author of the Bill wants to provide.

“ Then, Sir, explanation (2) states that it shall be presumed, until the contrary is proved, that a person who is not a Muslim, Christian, Parsi, or Jew by religion is a Hindu. There are presumptions in law. We have got it in the Evidence Act. But, after all, it is not difficult to find out whether a person is a Hindu by religion or a Buddhist or a Jaina or a Sikh. Why cannot we presume that a person is a Christian, if he is not a Muslim? I submit, Sir, that these explanations and definitions are so very cumbersome and unnecessary to express the intentions of the author of this Bill. This Bill should have gone through the hand of a person who could draft.

“ Again, sub-clause (2) of clause 2 states—

‘ For the purposes of this Act, the domicile of a Hindu shall be determined in accordance with the provisions contained in sections 6 to 18 (both inclusive) of the Indian Succession Act, 1925.’

[Dr. V. K. John] [19th January 1949]

" Sir, during the general discussions of the Bill on its first reading, I read out sections 6 to 18 of the Indian Succession Act in this House and explained clearly that those sections have nothing to do with marriage at all. They deal only with succession to property and they are not germane to the provisions under this Bill and I therefore think that it is quite unnecessary to refer to those sections in this Bill.

" Then, Sir, clause 3 of this Bill says—

' This Act applies to Hindus domiciled in the Province of Madras.'

" Sir, you may remember that I raised this question of domicile even during the general discussions of the Bill and pointed out that there is no question of domicile of a person with reference to a Province, where he is living. He is only a resident of the Province. Domicile is with reference to the country as a whole following the same law. There can be no Hindus domiciled in the Province of Madras. If we want to extend the provisions of this Bill to all the Hindus in this Province, then we must say that this Act extends to all Hindu residents in the Province of Madras. You cannot extend the provisions of this Bill outside Madras. I cannot therefore understand the definite intention of this clause.

" Then, clause 4 of the Bill says—

' Notwithstanding any rule of law, custom or usage to the contrary, any marriage solemnized after the commencement of this Act between a man and a woman either of whom has a spouse living at the time of such solemnization shall be void, whether the marriage is solemnized within or outside the Province of Madras :

Provided that a man or woman whose marriage has been dissolved by a final order of a court of competent jurisdiction under section 5 or under any other law for the time being in force, or in accordance with any custom or usage permitting of divorce, may solemnize a valid marriage with another, after the expiry of six months from the date of such final order or from the date on which the marriage was dissolved in accordance with such custom or usage, as the case may be.'

" I submit, Sir, that there is too much of verbiage and unnecessary wording in this clause. The author wants to provide that any marriage solemnized after the commencement of this Act shall be void, if either party has a spouse living. When the marriage is dissolved, either party will lose their relationship. Six months after dissolution either party can marry somebody else. Why all the verbiage in the clause and unnecessary and cumbersome language? Why do you want to put in this unnecessary proviso? These will only bring in further complications which will lead to unnecessary litigation."

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MR. PRESIDENT :—" Perhaps the idea may be to give a six months' time in the same way as is provided for Iddat among Muhammadans in the Muhammadan Law, relating to Talak. May I know what is the time allowed according to the Christian Law? "

DR. V. K. JOHN :—" Sir, there is no such provision in the Christian Law. If a decree absolute is given, then the woman can marry immediately. The law of divorce in the Christian countries is founded upon the experience of ages. There are two decrees granted in connection with divorce, one the decree nisi and the other, the decree absolute. One of the fundamental principles of the law relating to divorce is that there should not be any collusion. If there is any such collusion, then the proctor can interfere and set aside the decree nisi. A court can give only a decree nisi, because the court does not know whether any of the facts have been concealed from it. It could only make enquiries on admissions of parties. First a decree nisi is granted and only after six months a decree absolute is given. During these six months, any stranger or the proctor appointed by the Crown can intervene and file a petition to the court to set aside the decree nisi.

" But this provision in this Bill does not provide for either a decree nisi or a decree absolute. But when once a decree is there, which you cannot set aside, why wait for six months for another marriage? Everybody is not familiar with the principle underlying the law of divorce. I claim that I have studied the principles underlying divorce and I practice in the matrimonial court. I have appeared in many cases. I have studied the fundamental principles. Divorce is a matter concerning society. We should not merely bring in a Bill forgetting the fundamental principles underlying monogamy and divorce. In the place of these cumbersome clauses, what I am suggesting is the introduction of one small section to the effect that no Hindu, Buddhist, Jaina or Sikh resident in the Province of Madras and having a wife or husband living shall solemnize or go through the form of a marriage except under the provisions of rules made from time to time by the Government and approved by the Legislature. This can take the place of clauses 2, 3 and 4. As for punishment, I am attracting the provisions of Penal Code. The Bill as it stands is also doing that. If my amendment is accepted, there will be a great advantage. We are now legislating on a social matter. You as a lawyer know, Sir, that law has got two characteristics, one is certainty and the other is flexibility. When you legislate, you lose flexibility. Law should live. And law must grow. You must always provide for flexibility in any legislation which you pass. Now we have a national Government who are in intimate touch with the ideas of the people. Law is the idea of right or wrong in a people. The Government know what people think is wrong and what people think is right. When we have a national Government and a legislature to which the members are elected, we certainly know in time how the ideas of the people grow. To-day, this is not a matter merely concerning the Hindus, Sikhs, Jains and Buddhists.

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It is a matter concerning everybody, the Muslims, the Christians and every other member of society. There may be a feeling that in very, very exceptional cases man might be allowed to marry while his wife is alive. These cases may be very exceptional. If that is the feeling of the majority, the rules will provide for it and if that feeling dies down and people would rather have monogamy absolutely, the Government would change the rule. I know that 99 per cent or 999 cases out of a thousand of the Hindus, Buddhists, Sikhs or Jains do not take a second wife when the first wife is alive. The exception usually is when the wife is ill or the couple have no children. If it is in conformity with the considered opinion of society to have monogamy as a rule, let it be so, but there may be some exceptions. If there be no exception, there may be concubinage. You know, Sir, that the English, Roman and other systems of law consider illegitimacy as bastardism. An illegitimate son has no right to the property of his father. We in India have a more advanced law from the ancient times. After all, an illegitimate son is not responsible for his illegitimacy. Therefore, the Hindu law provides that he can inherit and he takes an interest in the joint family estate by birth. And that is quite proper. That is why I say that the Hindu Law is much more advanced in this respect than any other system of law. Concubinage is accepted under the Hindu Law. Can we, on the other side, have a law saying that a second marriage is void? A man may be living with the woman keeping her exclusively as a concubine. His child, according to Hindu Law, can inherit. This Bill wants to make a marriage void. I do not know why. Even in the case of the Nambudiris, the marriage is not made void. Of course, the man is punished.

"I say, Sir, that we must make provisions for flexibility. Let the courts decide whether a second marriage is invalid or void. If the general public think that a marriage should be void and the son should not inherit, then it is a different matter. We have our own judges to-day in intimate touch with the opinions of the people to interpret the law. What I say is that, when we make a social legislation, we must provide for flexibility. Therefore, I provide by means of my amendment that the Government can make rules in regard to these matters and get the approval of the Provincial Legislature. What objection can there be to accept my amendment which puts in a simple, clarified and unambiguous language the provision which the draftsman of this Bill wants to introduce. Therefore, I submit that a very simple provision is sufficient for the purpose of putting into the words the intentions contained in the long clauses of the Bill.

"Another thing which I want by means of clause 3 which I have suggested is that any person contravening or abetting the contravention of the provision of section 2 shall be deemed to have committed an offence under section 494 or 495 of the Indian Penal Code. When there is a provision in an All-India law making bigamy an offence, now we need only attract that and we need not produce anything new for those above the age of 18. The drafts-

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man of the Bill has provided in a long paragraph for punishment of persons who neglect to prevent the marriage. I have stated 'whoever abets'. Abetment, Sir, as you know is an offence. Let us make a simple provision that whoever abets the contravention of the provision is also punishable. After all the provisions of the law must be simple. Why have long long verbiage in conveying ideas that ought to be put in a few words into the Bill? What we want is to punish abetment, and not to collar a man saying that he was neglecting the prevention of a marriage. Further the burden of proof is placed on him. Sir, the fundamental principle of criminal jurisprudence is that the burden of proof is not placed on the accused man but it is always on the prosecutor. Of course, a very few exceptions have been made to this principle. I do not see why in this case the burden of proof of preventing a marriage should be on the man who is accused. Why should we not follow the very fundamental principles of jurisprudence? Therefore I say that the Bill is very badly worded and clumsily worded. It does not express the intention properly and it does not provide for flexibility.

"Therefore it is, Sir, that I have taken the liberty to take the time of the House in moving the amendment which would carry out the intentions of the draftsman. Sir, it has been stated again and again on the floor of the House and I have in mind the words of the hon. the Lady Member who seconded the motion for introducing the Bill that if anybody opposed this Bill or if anybody brought any amendment to it, and if that person is a man, then he wants to marry another woman immediately. That kind of allegation is very objectionable because we are all here as responsible Members of the Legislature to frame laws and there should not be any motive attributed. In spite of the attribution of that motive, I was glad to see that Mr. Muthuranga Mudaliar got up and opposed the Bill, because he was willing and bold to say that he did not care for the charge that he wanted to marry again. (Laughter.) I ask the Mover of the Bill in this House not to stand on prestige. After all the Bill is in the Council and it does not matter if it goes back to the Assembly for this amendment. If these amendments are correct and bring out the intention better than the original draft, let us accept the amendment. After all I am not objecting to the fundamental principles. I only say: Let us introduce some flexibility into it and make the language clear."

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

MRS. MONA HENSMAN :—"Mr. President, Sir, I do not wish to take much of the time of the House over this point . . ."

MR. PRESIDENT :—"I think you have been dragged into the discussion!"

* MRS. MONA HENSMAN :—"I only just want to make it clear that this amendment is not acceptable to some of us here in spite of the reasons which the hon. Member, Dr. John, just mentioned. I would just like to ask you, Mr. President, whether when

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I first spoke on this Bill I used language to convey the sense that no comma should be changed in this Bill. I feel that there is some superimposition on the truth of what was said that day. I would like to point out that no harm was ever meant to anybody. We know that every one is as earnest as we are.

"But just now I shall come to the question of residence . . ."

MR. PRESIDENT:—"Evidently you want to assure Mrs. John that Dr. John is not trying to marry again."

DR. V. K. JOHN:—"Various people have approached my wife, Sir, to ask me to support this Bill without any amendment. I have said, Sir, that I could not agree to do that. I am not a henpecked husband." (Laughter.)

* MRS. MONA HENSMAN:—"Coming to the question of residence, Sir, I want to point out that the framers of the Bill have put the word 'domiciled' with a specific intent. There has been some discussion with regard to the meaning of the words 'domiciled' and 'resident' in connexion with some other Bills and you were kind enough to clear up the matter in this very House. There is a lot of difference in the legal meaning of the word 'domiciled' and the word 'resident'. The word 'resident' would apply to somebody belonging more or less to the soil of the Province of Madras. But the word 'domiciled' applies to anybody who has taken up his residence with the intention of living in a certain place. I would therefore oppose the change of the words, Sir.

"The second thing which I want to point out is that there is absolutely no objection for any of us to the hon. Dr. John bringing in as his amendment that there should be an interim period between the judgment regarding the granting of divorce and the decree nisi, if he feels that the question of divorce in the present Bill should be based on a principle parallel to the Christian law. He is an authority on law, Sir, and I do not pretend to claim to be a pedagogue on the subject, as he is.

15 "So I would not object to Dr. John's moving an amendment
m. that there should be an interim period between the decree nisi and the absolute nullity of the marriage. Such an amendment might be considered by this House. But to object to this particular clause and say that because no provision for reconciliation exists, or can be made for six months this sentence should be taken out, is a different matter. I would oppose that. Sir, any Act that is passed in this House and in Assembly is always subject to various amendments that may be brought forward later. Therefore, it is super-redundant, unnecessary and provocative to put in the wordings 'except under the provisions of rules made from time to time by the Government and approved by the Legislature.' I oppose these words."

* SRI N. RANGA REDDI:—"Mr. President, Sir, I would like to answer some of the points made by the hon. Member Dr. John. I oppose the amendment for the following reasons,

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First of all, let me assure my hon. Friend Dr. John that if I felt there was much substance in what he said I would certainly have said that this Bill should go back to the Assembly. His main objection seems to be with regard to the drafting of the Bill. With regard to the wording of the Bill, I say, Sir, the same idea can be expressed in a different way. Why should we take this tortuous course of expressing the idea. I submit that so far as the expression of the ideas is concerned, there would be as many ways as there are human beings in the world. I express the same idea in one kind of language. My hon. Friend put the same idea in another form. The point to be considered is what is the objection to adopting the present form and language. If you look at the language from that point of view, there can be no objection at all to adopting the language that is employed in clauses 3, 4 and 5.

"My hon. Friend Dr. John said that the word 'Hindu' has been made to include Buddhists, Jains or Sikhs. This is a legislative enactment. We are not saying anything here which offends the religious sentiments of anybody. Nobody can take objection to the definition. For the purpose of understanding this enactment and for the purpose of seeing to whom this enactment applies, we say that the word may include Jains and Buddhists. Therefore, Sir, no objection can be taken to the use of the terms.

"The next point is Dr. John's objection to the word 'presumption'. After all, presumptions are provided for in the Acts. Dr. John, being a distinguished lawyer as he is, knows that there are provisions relating to presumptions in the Indian Evidence Act. There are provisions introduced in special enactments also. When the provisions in the Evidence Act are not sufficient, special provisions are made in the special enactments. This House is aware of similar provisions in the Prohibition Act and the various other Acts. Therefore, it should not be taken that anything special has been done in this Bill with regard to presumption.

"The next point is with regard to the term 'domiciled'. While the Bill was being debated at the first reading stage, my hon. Friend Dr. John spoke on the use of the word 'domiciled'. I must submit, Sir, that the word has been carefully examined and put. The difficulties that are envisaged would not follow. Therefore, the present word can be retained.

"The next point is with regard to the dissolution of the marriage. My learned Friend Dr. John appealed that the decree should not be granted immediately and that some time should be given for reconciliation and so on. As I said yesterday, Sir, this is a special enactment. This is not the same as judicial separation. Why should we adopt whatever the English law says. Our customs and manners are different from English customs and manners with regard to marriage. No doubt they have introduced a special provision with regard to divorce. We need not slavishly follow the English law. We need not follow the wordings of the English law—the husband or the wife going to a court of law. Why should we not give some chance for reconciliation?"

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MR. PRESIDENT:—" May I point out that divorce is not in clause 2. You may speak on it on the relevant clause."

SRI N. RANGA REDDI:—" Dr. John said something on clause 2. That is any person contravening or abetting the contravention of the provision of section 2 shall be deemed to have committed an offence under section 491 or section 495 of the Indian Penal Code. My hon. Friend Dr. John criticized the drafting in the sense that 'abet' means things that are necessary and that there is no need to use the words 'performing the marriages, etc.' I submit, Sir, that the word 'abet' has a special meaning. It is a special word which has been put into the Indian Penal Code. One has to refer to the General Clauses Act when a word in a special enactment cannot cover all the meanings that are intended to be conveyed by the special enactment. It is for that purpose that the extra words have been used. Therefore, I submit that drafting also cannot be found fault with.

" I am indeed indebted to my learned friend Mr. Kaleswara Rao who is responsible for the drafting of this Bill and for piloting it in the Assembly. Most of the definitions that are incorporated in the Bill have been borrowed from Mr. Rao's Hindu Code. Therefore, I submit that no objection can be taken with regard to drafting. My hon. Friend also said that this Bill should be very flexible and that exceptions should be provided for. If we allow exceptions to the rule, then the law itself will become infructuous. Under the Prohibition Act people ask for permits for liquor on various grounds such as sickness, medicine, etc. In the same way, if we are to allow exceptions, the law will become useless. If we accept monogamy as the rule, no exceptions should be provided for. Why should there be any exception? When we say that monogamy should be the rule and not the exception, and when monogamy is accepted by the majority of the people of the Province who profess the Hindu religion, there can be no objection whatever to accepting monogamy without any exceptions. Therefore, Sir, I oppose the amendments moved by Dr. John."

* THE HON. SRI K. MADHAVA MENON:—" Sir, I want only to clear one position, and that is that if the drafting people have committed a mistake, they have committed the mistake in good company. Dr. John's objection to clauses 2, 3 and 4 is particularly against bad drafting. He said that the definition of the Hindu is ridiculous, because it can as well take a Muslim as a Hindu. Sir, I now refer to the draft Hindu Code as amended by the Select Committee in the Central Assembly. In the definitions sub-clause (4) says 'all references to the expression Hindu in any portion of this Code shall be construed as if they included references to a person who is not a Hindu by religion but to whom such portion applies by virtue of the provisions in sub-sections (2) and (3).' Therefore, it is not a mistake that we committed in the other House. If I may say so, with due deference, the expression in the Bill as it is, is very correct. Not only the draft Hindu

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Code applies to persons who are Buddhists and Jains, but it definitely mentions, as Dr. John has said, that all references to the expression Hindu shall be construed as if they included references to a person who is not a Hindu by religion but to whom such portion applies by virtue of the provisions in sub-sections (2) and (3). Sir, I do not think, therefore, that the drafting requires to be condemned as Dr. John did.

" Dr. John made much of the word 'domiciled'. With due deference I may say that this mistake is committed in many of the English Acts, where it is said that 'this Act applies to all persons domiciled in England.' I only refer to Dicey's Conflict of Laws, on page 95 and onwards where the word 'domiciled' is defined. It says that a person is domiciled in a place where he is born. The intention of Mr. Kaleswara Rao and the other House is that if a person following the Hindu Law in Madras is living in Bombay, he shall be bound by this Act. The word 'domiciled' is used very correctly. It is found in all the Madras Acts."

MR. PRESIDENT:—" Objection is taken to domicile in Madras."

THE HON. SRI K. MADHAVA MENON:—" Sir, this is the very wording in the English Act—domiciled in England."

MR. PRESIDENT:—" Domiciled in England is equal to domiciled in India."

THE HON. SRI K. MADHAVA MENON:—" It is applicable to all domiciled in Madras. The English Act also has made mention of this word. Therefore, there is nothing so repugnant or so outrageous in the drafting. Let us not be carried away by the arguments of Dr. John that the drafting is so bad, though I am thankful to him for the compliments he pays to drafting in Government Bills though we had heard worse comments about Government drafting from Dr. John than what we heard to-day. If the amendment of Dr. John is accepted, it would mean that the Government will have to do everything. The amendment says—

'No Hindu, Buddhist, Jain or Sikh resident in the Province of Madras and having a wife or husband living shall solemnize or go through the form of a marriage except under the provisions of rules made from time to time by the Government and approved by the Legislature.'

" That means that everything has to be prepared by rules and 12-30 that they should come before the Legislature. But, Sri Kaleswara Rao has made a specific provision in the Bill so that the Legislature may not be troubled again. So far as the intrinsic merit of the Bill is concerned we can have our own opinion but, so far as drafting is concerned, if Sri Kaleswara Rao has erred, he has erred in very good company."

MR. PRESIDENT:—" I think the purpose of the amendment is to allow second marriage under certain conditions."

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* DR. V. K. JOHN :—" Under exceptional conditions laid down by the Legislature."

MR. PRESIDENT :—" The main purpose is to allow second marriage under certain conditions."

* DR. V. K. JOHN :—" The purpose of the amendment is to allow bigamy under exceptional conditions determined by rules framed by the Government and sanctioned by the Legislature. But the rule is monogamy."

MR. PRESIDENT :—" But the intention of the amendment is to allow second marriage."

* DR. V. K. JOHN :—" Under exceptional conditions. Now, Sir, I want to say one word about 'domicile'. Last time also I spoke something about this definition of 'domicile'. I have also read the book 'Conflict of Laws' by Mr. Dicey. Mr. Dicey says—

'When once his domicile in a given country is determined, the question within what part of that country (or law district) he is domiciled becomes, for the purpose of this treatise, immaterial. To decide whether D has his legal home in England is important, because upon that fact depends whether certain of his rights are or are not affected by English law. To determine whether D has his legal home in Middlesex or in Surrey is, for the purpose of this treatise, unimportant, since in either case he comes within the operation of the same system of law.'

"Sir, law is the same for all India. You cannot have 'domicile' in Madras for the purpose of some Madras Acts. Without knowing the law, you have used the word 'domicile' which is an accepted term of law. You cannot have a 'domicile' in Madras Province if the same law is prevalent all over India."

MR. PRESIDENT :—" I now put the amendment of Dr. John to the vote of the House, namely :—

'For clauses 2, 3 and 4, substitute the following :—

"2. No Hindu, Buddhist, Jain or Sikh resident in the Province of Madras and having a wife or husband living shall solemnize or go through the form of a marriage except under the provisions of rules made from time to time by the Government and approved by the Legislature.

"3. Any person contravening or abetting the contravention of the provision of section 2 shall be deemed to have committed an offence under section 494 or section 495 of the Indian Penal Code."

The amendment was put and declared lost.

A poll was demanded and the House divided thus :—

Ayes.

- | | |
|---------------------------------------|--------------------------------|
| 1 Dr. V. K. John. | 5 Sri D. Manjappa Hegde. |
| 2 Abdul Latif Farookhi Sahib Bahadur. | 6 " S. B. Adityan. |
| 3 H. M. Jagannatham. | 7 " C. N. Muthuranga Mudaliar. |
| 4 Dr. Syed Tajuddin Sahib. | 8 " A. Govindacharyulu. |

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Noes.

- | | |
|----------------------------------|------------------------------|
| 1 The Hon. Dr. T. S. S. Rajan. | 8 Dr. U. Rama Rao. |
| 2 The Hon. Sri K. Madhava Menon. | 9 Sri A. Gopalakrishnayya. |
| 3 Sri M. Narayana Menon. | 10 Mrs. M. N. Clubwala. |
| 4 " B. Bhima Rao. | 11 " M. Menman. |
| 5 " L. Subbarama Reddi. | 12 Sri R. Suryanarayana Rao. |
| 6 " S. K. Satagopa Mudaliar. | 13 " N. Ranga Reddi. |
| 7 " P. Veerabhadraswami. | 14 " G. Venkata Reddi. |

Neutrals.

- | | |
|-------------------------------|---|
| 1 The Hon. Dr. S. Gurubatham. | 4 K. T. M. Ahmed Ibrahim Sahib Bahadur. |
| 2 Sri N. Sankara Reddi. | 5 Mr. A. S. T. F. Rodriguez. |
| 3 " N. Venkatachalamaji. | 6 Sri V. Nagappa Chettiyar. |

Ayes 8. Noes 14. Neutrals 6.

The amendment was lost.

MR. PRESIDENT :—" I now put clause 2 to the vote of the House."

Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 4.

MR. PRESIDENT :—" I wish to point out to the hon. Member Sri A. Govindacharyulu that according to the clause which has just been passed and which prevents a man or woman marrying again, this amendment runs counter to that. The amendment says—

'Provided this sub-clause shall not apply to any marriage between a man who has no issue by the first wife and who marries a second wife for the sake of progeny, with the prior written consent of the first wife.'

There is no use of this amendment because under clause 2, he cannot marry whether there is an issue or not. Now that clause 2 has been passed, your amendment runs counter to that."

SRI R. SURYANARAYANA RAO :—" Clauses 2 and 3 have been passed. We are now in clause 4 and this is an amendment to clause 4 and the hon. Member is perfectly entitled to move his amendment to clause 4."

SRI A. GOVINDACHARYULU :—" Mr. President, Sir, I wish to draw the attention of the House to the wording of my amendment. I have used the word 'issue' and I have not specified whether it is 'male issue' or 'female issue.' I merely have said 'issue.' That means any progeny either male or female. Another point in my amendment is that the person can have a second marriage 'with the prior consent of the first wife.' My hon. Friend, the mover of the Bill said that it is very easy to get the consent of the wife for a second marriage. Certainly not . . ."

MR. PRESIDENT :—" Sri Muthuranga Mudaliyar has also got some amendment on this and I think that amendment is more comprehensive than Mr. Govindacharyulu's amendment."

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SRI A. GOVINDACHARYULU :—" There is difference between the two."

MR. PRESIDENT :—" What is the difference? I think one amendment will do and both the amendments may be consolidated into one amendment and it will meet the requirements of both. The main difference between the amendment of Sri C. N. Muthuranga Mudaliyar and that of Sri A. Govindacharyulu is that Sri Muthuranga Mudaliyar's amendment does not contain the words 'with her written consent.' I think if we insert those words in Sri Muthuranga Mudaliyar's amendment, it will be enough."

SRI A. GOVINDACHARYULU :—" Is the hon. Member Sri Muthuranga Mudaliyar agreeable to this? "

MR. PRESIDENT :—" What I suggest is that Mr. Muthuranga Mudaliyar's amendment seems to be more comprehensive and if we add the words 'with the written consent of the first wife' in his amendment, I think it will meet the purpose of both the amendments."

SRI C. N. MUTHURANGA MUDALIYAR :—" Mr. President, Sir, I submit that my amendment is more comprehensive than Mr. Govindacharyulu's amendment except for the fact that I have not provided for the written consent of the first wife in my amendment. Of course the consent of the wife is implied. The words 'written consent' is an additional thing in his amendment. I shall have no objection to adding those words in my amendment if the Hon. President so desires."

MR. PRESIDENT :—" I think if you add the words 'with her written consent,' it will meet both. I shall now read the amendment of Sri Muthuranga Mudaliyar with the addition of these words and then Sri A. Govindacharyulu may speak on it."

'Add the following as the proviso to clause 4 (1) :—

" Provided that any man shall have the right to marry another woman during the lifetime of his first wife with her written consent if the first wife has not given birth to any child after her marriage with him or if she is sick or unfit for marital duties and such marriage shall not be void under any of the provisions of this Act."

Does the hon. Mr. Muthuranga Mudaliyar agree to the inclusion of the words 'with her written consent' ? "

SRI C. N. MUTHURANGA MUDALIYAR :—" Yes, Sir, I agree."

MR. PRESIDENT :—" Sri Govindacharyulu may now speak on the amendment."

12-45 P.M. SRI A. GOVINDACHARYULU :—" I am afraid, Sir, that we are riding rough-shod over the ideals of Hindu marriage and trampling on Hindu religion, custom and usage. If we say that no

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man can marry a second time even for the sake of progeny, then we would be prescribing one remedy for all diseases, the remedy of adoption for couples who have no children. You will be giving them no chance to have a progeny of their own. The mover of the Bill, while arguing with me, asked why the same right should not be given to women also. Certainly, I have the least objection to it. Dr. Rajan said the other day that the women alone should not be taken to be the cause of childlessness. Another doctor friend of mine told me that there is an inherent natural physical difficulty in women after a certain age for bringing forth children, but no such limitation exists in the case of men."

MR. PRESIDENT :—" The hon. Member wants to give the same rights to women also."

SRI A. GOVINDACHARYULU :—" If a woman after a certain number of years of marriage has had no children by her husband, she may be allowed to marry another for the sake of progeny. I have no objection if others want it to be so. Let there be equal rights for both. But I do not think that any woman after she has reached the age of 45 years and has had no children, will want to marry again, because I am told that on account of certain physical conditions, it is not possible for her to bear children after that age. There is no question of equality here."

" Sir, in 1926, the late Lala Lajput Rai, the Punjab Kesari came to Madras and the Women's Association presented an address to him asking for equal rights for women. The great national leader, the Punjab Kesari replied that there was the least objection to give equal rights to women provided God also would change his mind and make women and men equal in every respect—physically and mentally."

MR. PRESIDENT :—" Even in the capacity to bear children." (Laughter.)

SRI A. GOVINDACHARYULU :—" Therefore, the question of equality does not arise so far as progeny is concerned. There is an inherent capacity in man to bring forth children up to a certain age. In the case of a woman, after a certain age there is an inherent disability. Therefore, man alone should be given the right or option to re-marry provided the wife gives her consent. The wife will not easily give her consent unless she also feels the same desire for a progeny for her husband. After all Hindu religion, Dharma and custom revolve round Karma Siddhanta, which says that we must have progeny. Marriage is for the sake of getting progeny and not for indulgence. Now you say that a man should not have a second marriage whether he has children or not and whether the first wife gives her consent for the second marriage or not. But if the wife is divorced the man can marry again. After divorce the man can marry again and the woman also can marry again, any number of times. The only question is it should be done after the end of the existing marriage. Suppose a husband

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and wife want progeny and the wife also consents to the second marriage of the husband. But this Bill says that there must be a divorce. For the sake of a formal divorce, they will pick up a quarrel and say that they will be divorced. The law can be circumvented in so many ways, whatever may be the penal provisions. Therefore, I say there is absolutely nothing objectionable in the amendment. The hon. Mover of the Bill, Mr. Ranga Reddi can accept it, because it has provided for the consent of the wife. When the consent of the wife has to be obtained for the re-marriage of the husband, where is the difficulty in accepting the amendment? I request the hon. Mover not to be obstinate but to accept the amendment for the sake of Hindu religion and Karma Siddhanta. If he rejects my appeal, I appeal to the House to accept the amendment."

* SRI C. N. MUTHURANGA MUDALIYAR:—"Mr. President, Sir, I am glad that my amendment has preceded me. It is through your good offices that Mr. Govindacharyulu has accepted my amendment with the modifications of his own. I have agreed to the modifications. In supporting the amendment before the House, I must say that it is a proviso which provides for exceptions in this Bigamous Marriages Prevention Bill. Every rule has an exception. It is not as if people are roaming about and running after women for marrying a second time and a third time in this country. This country has always been observing monogamous marriages. Only in exceptional circumstances a second marriage is performed. Our ancient law-givers—Manu, Yagnyavalkya and Bodhayana—have legislated in their own way for monogamous marriages. They have also provided for second marriage in cases of childlessness or incurable diseases.

"Coming to later times, we have had the Nambudiri Marriage Bill. That also is a Monogamous Marriage Bill. An exception is provided there, that if a Nambudri Brahman marries a Nambudri woman and for ten years he is issueless, he can marry a second Nambudri wife. It is there in the Act."

THE HON. SRI K. MADHAVA MENON:—"That is taken away by this Bill."

SRI C. N. MUTHURANGA MUDALIYAR:—"I know you are so anxious that none should have any issue. (Laughter.) In 1946, the Government of India have brought forward the Hindu Code. There also they have not absolutely tabooed second marriage like the sponsor of this Bill. They have provided that a Hindu who has got his first wife can marry again, but the first wife must be given maintenance and if she so chooses, must be provided with a separate living quarter. This contemplates a second marriage. The Bill before us is said to be a concurrent legislation. The Government of India may enact it or this Province may enact it. All the difficulties of domicile and other matters raised by my hon. Friend Dr. V. K. John would not arise if the Centre brings up this Bill. The Centre also is preparing to bring a Bill like this. Where do

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the need for such a hurry? My hon. Friend Mr. Madhava Menon says that we should not wait, because it would take a long time for the Centre to bring forward a Bill, as if people here are anxious to divorce immediately. Our friend, the whip of the Congress Party, brought in the analogy of the Alexandria Library for getting through this Bill. All this is surprising to me, Sir. When the Bill was brought before the House on the first non-official day, the hon. Lady Member, Mrs. Mona Hensman let slip a remark that all those who oppose the Bill are anxious to get married again."

MRS. MONA HENSMAN:—"On a point of personal explanation, Mr. President, I did not say that . . ."

SRI C. N. MUTHURANGA MUDALIYAR:—"No personal explanation will be accepted now. I do not stand on formalities. Yesterday, my hon. Friend Mr. Ranga Reddi, taking shelter behind her remark quoted her and said that as Mr. Muthuranga Mudaliyar is opposing the Bill he wants to marry again. (Laughter.) I am tempted to retort to the mover of the Bill by saying that he is anxious to divorce his wife and marry again and that is why he is keen on getting this Bill passed immediately. I can say it, but I do not like to say it. I have said it in a way also.

"Sir, the Hon. Dr. Rajan said the other day that medical science and medical research has advanced to such an extent that no disease can be considered incurable. My amendment was given before Dr. Rajan made his speech. So I have provided for sickness and other things. After hearing Dr. Rajan, I think that the latter portion relating to sickness and other things is unnecessary and may be removed from my amendment. Sir, my only point is this. Exception should be made for a second marriage, only in the case of childlessness. The purpose of marriage is to bring forth progeny. That is the Hindu civilization and Hindu custom.

"But the modern tendency is to get married and use contraceptives. Hindu Dharma provides marriage to bring forth progeny. It is on that score that I stand on this amendment. Having seen the fate of Dr. V. K. John's amendment, I know to what fate my amendment will be subjected. Still I am bold enough to move this amendment before this House for "He is a slave who dare not be on the right with two or three." That is why I am impelled to move this amendment and stand by it and implore the members of this House to give their vote for this amendment. If they have decided otherwise, it is their look-out and I must take it that I am the only man standing in this House to safeguard the Hindu Dharma, the Hindu customs and the Hindu morality in this country. Sir, I support the amendment moved by Mr. Govindacharyulu."

* DR. V. K. JOHN:—"Sir, I want to say one or two words in support of this amendment. In my opinion, we, the members of this House, must always try to ascertain the opinion of the community as a whole. Our individual opinion may be one and

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we are interfering with our religious practices. I may submit, Sir, that even at the time when I introduced this Bill, I said that the old orthodox people who are not in favour of introducing any kind of reform either with regard to marriage or any other social matters, always say that religion is in danger. Sir, we have seen how the Widow Remarriage Act and the *Sharda* Act have been placed on the Statute Book. By these two Acts, so many people have been benefited. So also, in the same manner if this Bill is passed into law, it will benefit a great number of people.

"One hon. Friend has said that by this Bill, women claim equal rights along with men. I do not think that they claim equality in all fields. They are only complementary to another. Now, medical science says that human beings are bisexual, probably man contains something of a woman and a woman contains something of a man and after a certain stage they probably come out as man and woman. Whatever it is, my point is man and woman are complementary to each other and they cannot change place in all walks of life. If we can view things in that perspective, we can see the point that women should not be placed at a disadvantageous position. Woman has always been by the side of a man in all fields. Therefore, it is time that we should remedy these defects and give liberty to women also. The man does not suffer in any way by conceding this right. Therefore, I oppose this amendment."

The amendment was put and declared lost.

A poll was demanded and the House divided thus:—

Ayes.

- | | |
|--------------------------|---------------------------------|
| 1 Dr. V. K. John. | 4 Sri S. B. Adityan. |
| 2 Sri H. M. Jagannatham. | 5 " C. N. Muthuranga Mudaliyar. |
| 3 " D. Manjeyya Hegde. | 6 " A. Govindacharyulu. |

Noes.

- | | |
|----------------------------------|------------------------------|
| 1 The Hon. Dr. T. S. S. Rajan. | 9 Sri A. Gopalakrishnayya. |
| 2 The Hon. Sri K. Madhava Menon. | 10 Mrs. Mone Hensman. |
| 3 Sri N. Narayana Menon. | 11 " M. N. Chubwala. |
| 4 " B. Bhima Rao. | 12 Sri R. Suryanarayana Rao. |
| 5 " L. Subbarama Reddi. | 13 " N. Ranga Reddi. |
| 6 " S. K. Satagopa Mudaliyar. | 14 " G. Venkata Reddi. |
| 7 " P. Veerabhadraswami. | 15 " C. Veerabhadra Rao. |
| 8 The Hon. Dr. S. Gurubatham. | |

Neutrals.

- | | |
|---------------------------------------|--------------------------------|
| 1 Sri N. Sankara Reddi. | 4 K. T. M. Ahmed Ibrahim Sahib |
| 2 " N. Venkatachalamaji. | Bahadur. |
| 3 Abdul Latif Farookhi Sahib Bahadur. | 5 Mr. A. S. T. F. Rodriguez. |

Ayes 6 : Noes 15 : Neutrals 5.

The amendment was lost.

Clause 4 was put and carried.

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Clause 5.

* Dr. V. K. JOHN :—"Sir, I move the following amendment 1-15
that stands in my name:— p.m.

For clauses 5 to 8, substitute the following:—

The provisions of the Indian Divorce Act, 1869, shall apply to Hindus, Buddhists, Jains and Sikhs, resident in the Province of Madras notwithstanding the provisions to the contrary in section 2 of the said Act."

"On this, Sir, I do not want to make a long speech, but I would say for the information of the ladies who are watching the progress of this Bill that though this Bill is popularly known as a Monogamous Bill, it is actually a Divorce Bill and the real intention of the framers and the sponsors of this Bill, in my opinion, is to provide for divorce, and they have provided for monogamy as an excuse for divorce, because there is no provision against concubinage. Divorce is not recognized under Hindu Law and they want divorce. If you read newspapers you will find how society is disrupted both in Europe and America and how there are thousands of cases in the matrimonial courts in England and thousands and thousands of such cases in America. This sort of open door tempts people with the result that society is disrupted. It is not for the good of the society, especially when in this country we are not accustomed to divorce. Of course, you may help educated women. If a man wants to marry another woman, he can drive a woman mad and if she remains mad for five years he can marry another woman. What will be the position of such a woman in the hands of an unscrupulous man. He will merely divorce his wife and the woman will be helpless. I want the women of this Province not to be carried away by sections 3 and 4 of the Bill, but let them direct their attention to section 5 and those that follow it. I condemn this Bill because I do not think it is the opinion of the majority of Hindus, Buddhists, Jains and Sikhs of this Province or anywhere in this country that a man should be allowed to divorce his wife. If you want to provide for divorce, give it to the woman and let that right be confined to the woman. The proper course would be for the woman to go to the court and get a divorce against her husband. I say this Bill in the hands of unscrupulous persons will do great harm because they will divorce their wives and marry again.

"I repeat Sir, the second part of the Bill namely divorce is, I think, the main object of this Bill. As I said in the beginning, previously 999 out of 1,000 Hindus do not take a second wife when the first wife is alive and a law providing for monogamy does not make much of a difference. I want to impress on this House that you are running into something which you ought not to, because you will put women to misery. You may therefore reject that part of the Bill and if you will not confer the right of divorce on women and if that is not possible, I am for pressing my amendment. After all, we have to-day passed from the stage of slavery to Independence

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and if we have to keep the integrity, solidarity and unity of this country, we should have a unified law for everybody. Therefore, why not adopt the provisions of the Indian Divorce Act *in toto* for Hindus, Jains, Buddhists and Sikhs. No civilized system of law allows divorce in the case of a man whose wife happens to be mad for a continuous period of five years on the date of the petition—not from the date of the marriage. The duty of the husband is to look after an insane wife and not divorce her. The other day, my hon. Friend Mr. Ranga Reddi said, no, you must maintain her. Suppose no maintenance is paid to her, she will have to go to the court. Can a woman who is not looked after actually get maintenance from the husband? It is oppressive on the woman that if she is mad for five years, there can be divorce. I do not find such a provision in any system of law either in the American or English Divorce Acts. Hereafter we are not Hindus or Mussalmans. Let us have one common law. Therefore, I am moving this amendment.

"If you look at clause 8, you will see that it is clumsily worded. Again if you refer to section 6 (f), it says: 'any other matter for which no provision or no sufficient provision is made in this Act, and for which provision is either made in the Indian Divorce Act, 1869, or considered to be necessary by the Provincial Government for giving effect to the purposes of this Act' the Provincial Government may make rules to carry into effect the purposes of this Act. Now, Sir, what I suggest is, let us have the Indian Divorce Act, because that is a complete system of law which provides for the filing of an application, for contesting an application, for the duties of the court, for separation, for nullity and for various other things. It is a comprehensive law. When there is a comprehensive Code to-day existing in this country and a unified system of law for all India, why should you introduce a new provision which does not obtain in any other part of the world. I do not attribute any motive to anybody when I say that the framers of this Bill did not understand the weakness of the provisions in sections 5 to 8—not being conversant with divorce law. As I said before this is not a monogamous Bill but a divorce Bill. I therefore suggest that either you amend sections 5 to 8 as proposed in my amendment or confine divorce for women only or at least let us attract the Indian Divorce Act and let us not go beyond that."

SRI H. M. JAGANNATHAM :—"I second the amendment, Sir."

1-30
p.m.

MRS. MONA HENSMAN :—"Mr. President, one thing I would tell the hon. Member who has just sat down after referring in smooth and flowing terms to the cause of the women outside House. He urged, that the right of divorce might be confined to women and it should not be given to man. I challenge him Mr. President, to ask this House and the Nation whether it is not better for a woman to be called to the court and be divorced by her husband than to sit in her home with the husband having a second

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wife, the second marriage having been contracted by her husband without the right of her going home; she could leave the man who has married; she may go to her home; she may have alimony and she may have the satisfaction perhaps of being allowed some of her children and she may even have—but I do not think that would happen in this country—even the right of finding other support than the man who sent her away. Is it not better that the woman should have a right of divorce an open divorce than to have the secret putting on of another woman in her home. The hon. Gentleman who has just spoken may know the Divorce laws backwards and upwards, point to point but, Sir, we, women, know the result of such things in our homes and any of the alternatives that he has given will only give them a superficial and specious right while the man will have the satisfaction of having two wives in his home. Sir, we cannot accept his amendment and I would request the House to throw it out on the grounds brought by him."

* SRI N. RANGA REDDI :—"Mr. President, I oppose the amendment. My hon. Friend said that it was an eye-wash to say that it aims at monogamy and that the purpose of the Bill is to provide for divorce. This Bill provides for both monogamy and also for divorce and there is no eye-wash at all.

"He urged that the right of divorce should be confined to women and his main argument seems to be that unscrupulous husbands would divorce their wives on flimsy grounds and they will be deserted. I really appreciate his arguments when he says that women have to be given protection but I feel that his argument is not very genuine and his purpose is to see that this Bill is thrown out on some ground or another and therefore, it is that he has put forward the plea that women alone should be given the right of divorce. As my Friend Mr. Kaleswara Rao has suggested, if the home cannot be run smoothly either on account of the wife or on account of the husband, the peace of the home must be secured. Now monogamy is the practice and it is sought to be made the law by this Bill. Supposing the wife runs away with another man and if the suggestion of Mr. John were to be accepted, the man will have to sit idle; what is the man to do? So the right of divorce should be given to both the man and the woman alike. My hon. Friend said that divorce stands by itself and the husband does not incur any further responsibility after the divorce. I have pointed out more than once in the course of the discussion that the husband has the obligation to protect and give maintenance to the divorced wife after the divorce till she is married. But the position is different if she had been unchaste or has refused to live with her husband in pursuance of a court decree for under the Act of 1946 she is entitled to some maintenance in such circumstances.

"He has suggested that there should be one uniform personal law for all people. I appreciate the suggestion. But if there is to be any such move to introduce one uniform personal law for all people, the Muslim will be up against it saying that their culture

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is being jeopardized and that their religion is being interfered with and they will question: 'What right have these Hindus to dictate to us or to legislate for the Muslims?' Probably it is in that spirit that the Muslim members of the House have not voted one way or the other and they have remained neutral and it is in that way that their attitude has to be interpreted. Even with regard to a uniform procedure with regard to divorce, I submit, Sir, the arguments of my hon. Friend Dr. John cannot be accepted. We are introducing a new rule of law and it is not necessary that we should copy word for word what is contained in other enactments, the Indian Divorce Act for instance. There is provision for divorce in the Islamic law and the procedure prescribed for that purpose in the Muslim law is quite different from what is laid down in the Indian Divorce Act. It is not, therefore, necessary that we should follow the procedure prescribed for Christians for divorce. Further it is now too early to think of a uniform personal law for all people living in the Province. So far as the provisions for divorce are concerned, they have been taken from Rao's Hindu Code and there ought to be no objection for accepting this principle. I therefore oppose the amendment and it ought not to be accepted."

The amendment was put and declared lost.

SRI C. N. MUTHURANGA MUDALIYAR:—"Mr. President, there is one other amendment standing in my name and if I should have moved it, my work is over. I move, Sir, that in clause 5 (1) (b) for the words 'is a concubine of any other man or is leading the life of a prostitute', substitute 'is unchaste'."

MR. PRESIDENT:—"Can a woman be the concubine of her own husband?"

SRI C. N. MUTHURANGA MUDALIYAR:—"I do not know, Sir."

MR. PRESIDENT:—"The wording is: 'is the concubine of any other man'."

SRI C. N. MUTHURANGA MUDALIYAR:—"I do not know if the modern law permits it. Under the ancient law a woman can only be the wife of her husband and not the concubine of her husband."

"By the amendment I have suggested I do not propose to bring about a revolution taking you back to the ancient days of uchikudimies and madisanchies; we are all living in the modern world and my object in bringing this amendment is to make the Bill decent enough so that it might fit nicely into the statute book. Now we see the language used is so vulgar that I do not want the statute book to be besmirched with these vulgar words and that is why I have used the modest words 'is unchaste' and I do not think it will be unacceptable to the sponsors of the Bill or to the House but if still they oppose and defeat it, I do not mind since it is not going to change the character of the Bill."

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THE MADRAS LEGISLATIVE COUNCIL.

Saturday, the 22nd January 1949.

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.

Alleged entry of French Indian Military Police into the Indian territory.

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

(a) whether it is a fact that a report was received by the Police that (i) French Indian Military Police from Mahe crossed into Madras Province (Indian Union territory) on or about the 11th November 1948 and (ii) one Narayanan Nair was shot at and arrested by the French Police while he was in Indian Union territory; and

(b) if the answer to (a) is in the affirmative, (i) whether any and what action has been taken in the matter and (ii) whether the attention of the Government of India has been drawn to the incident?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier) :—“(a) (i) & (ii) No. According to a report received from the District Magistrate, Malabar, one Kuttipunathil Narayanan of Manjakkal in French territory was arrested by the French police on the morning of 10th November 1948, in French territory, near the Mahe railway station.

“(b) (i) Does not arise.

(ii) The Government of India have been informed of the correct version.”

DR. V. K. JOHN :—“Have the Government of this Province taken up this matter with the Government of India that we should integrate foreign possessions in South India?”

THE HON. DR. T. S. S. RAJAN :—“No. Sir. This question refers only to an incident which was rather confused. People here thought that one of the Union citizens was arrested and dealt with. Information now discloses that he was a French citizen arrested by the French police. As regards the other question, it is a much bigger question and we are not directly concerned with this. We as the Provincial Government have informed the Central Government of this fact.”

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DR. V. K. JOHN :—“ Are Government quite sure that no Indian Union subject was arrested by the French police in Indian Union territory? ”

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

Police officers of Madras Province sent for duty in the Hyderabad State.

* 179 Q.—SRI MOTHEY NARAYANA RAO : Will the Hon. the Premier be pleased to state—

(a) the conditions on which the police officers of this Province have been sent for duty in the Hyderabad State;

(b) the period for which their services have been lent; and

(c) whether the promotions, etc., of the various officers will be affected on account of their stay in the State?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier) :—“ (a) The matter is under consideration.

“ (b) No period has yet been fixed.

“ (c) The answer is in the negative.”

SRI M. NARAYANA RAO :—“ May I know, Sir, whether in consideration of the difficulties involved in the task, the Police officers will get any extra remuneration from the Nizam's State? ”

THE HON. DR. T. S. S. RAJAN :—“ Such officers who serve will certainly be remunerated by the Nizam's Government.”

SRI M. NARAYANA RAO :—“ I want to know if they get any additional remuneration for the task they take upon themselves? ”

THE HON. DR. T. S. S. RAJAN :—“ I should have time to enquire into the matter, Sir.”

Review of work done in the Research sections of the Agricultural Colleges.

* 180 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Finance be pleased to state whether it is a fact that the Retrenchment and Reorganization Committee has recommended that a review of the work done in the Research sections of the Agricultural Colleges and Agricultural Stations should be undertaken with a view to assess the value of work already done and to prepare a plan for the future and if so how the Government propose to implement the recommendation?

THE HON. SRI B. GOPALA REDDI :—“ The Retrenchment and Reorganization Committee has recommended as follows :—

The Committee understands that a survey of the research work and field staff has not been made within recent times. In view of the large staff employed and the importance of

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the work to be done and the development in various directions necessary, the Committee considers that a survey should be made by some competent person or persons and advice taken as to the organization, teaching and field work.”

Agricultural Research being a technical matter, the Government are of the view that it would be useful if the research work carried out by the Agricultural Department at the Agricultural Colleges and Research stations is reviewed once in three years and have decided that a Committee of experts of about five members from within and outside the Agricultural Department should be entrusted with this work. Proposals for the constitution of the Committee with details regarding the terms of reference to be suggested to it, etc., are awaited from the Director of Agriculture.”

Appointment of Assistant and Deputy Panchayat Officers.

* 181 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether there is any difference in status and emoluments of those two kinds of posts—Ex-Assistant Panchayat Officers and Deputy Panchayat Officers;

(b) who the authorities appointing the Assistant Panchayat Officers and Deputy Panchayat Officers are;

(c) whether the posts of District Panchayat Officers and Deputy Panchayat Officers are interchangeable with those of the posts of Commissioners of Municipalities and Executive Officers of Panchayats;

(d) whether it is a fact that the service under a municipality and a local board belongs to different cadres; and

(e) whether the proposal to transfer the recruitment to all those posts to the Public Service Commission or to create a separate Public Service Commission for Local Board and Municipal Services has ever been considered by the Government?

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

“ (b) The President, District Board (now the Special Officer).

“ (c) No.

“ (d) Yes.

“ (e) The matter is under consideration.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, whether the duties of the Assistant Panchayat Officers and the Deputy Panchayat Officers differ in any way? ”

THE HON. SRI K. CHANDRAMOULI :—“ Yes, they differ. Hitherto the Assistant Panchayat Officers have no control over the executive officers. But the present Deputy Panchayat Officers supervise and advise the executive officers to carry on the duty.”

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Sending of Secretaries of Government to districts to announce the decisions of Government.

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

(a) on what occasions previous to 23rd October 1948, Secretaries of Government were sent to districts to announce decisions and policies of Government; and

(b) if on no previous occasion it has happened, why the above course was adopted, when the Joint Secretary was sent to Tanjore to announce the decision of the Government *re* Agrarian Labour dispute on the 23rd October 1948?

THE HON. SRI H. SITARAMA REDDI:—“(a) All decisions of the Government are communicated by Secretaries to the Government, Secretaries who are declared to be Presidency Touring Officers, e.g., the present Joint Secretary and his predecessor, have both had to announce and explain the decisions of the Government in districts on many occasions.

“(b) Does not arise.”

[* 183 Q.—The question was not put.]

Industries owned and managed by European firms.

* 184 Q.—SRI P. VIRABHADRASWAMI: Will the Hon. the Minister for Industries be pleased to state—

(a) the industries in the Province that are owned and managed by European firms with a major portion of European capital; and

(b) whether the Government propose to purchase these mills?

THE HON. SRI H. SITARAMA REDDI:—“(a) The Government do not have full information.

“(b) No, Sir.”

* 185 Q.—SRI R. SURYANARAYANA RAO:—“In view of the long answer, Sir, which the Hon. the Minister has laid on the table will it be convenient, Sir, to take up this question the next day.”

MR. PRESIDENT:—“The question will be put the next day.”

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

II.—MESSAGE FROM THE ASSEMBLY.

11-15 a.m. MR. PRESIDENT:—“I have to announce to the House that messages have been received from the Hon. the Speaker of the Madras Legislative Assembly transmitting copies of the following Bills as passed by the Assembly:—

(1) On 20th January 1949—The Madras City Police and Gaming (Amendment) Bill, 1948 (L.A. Bill No. 10 of 1948); the

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Madras Commercial Crops Markets (Amendment) Bill, 1948 (L.A. Bill No. 1 of 1948); the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1948 (L.A. Bill No. 2 of 1949 and the Madras Agriculturists Relief (Amendment) Bill, 1949 (L.A. Bill No. 3 of 1949).

(2) On 21st January 1949—The Madras Municipal and Local Boards (Amendment) Bill, 1948 (L.A. Bill No. 4 of 1949) and signed by him for the concurrence of the Council.”

III.—SITTINGS OF THE HOUSE.

MR. PRESIDENT:—“Is it agreed that we are meeting on the 25th afternoon?”

THE HON. DR. T. S. S. RAJAN:—“Yes, Sir.”

SRI K. MANATHUNAINATHA DESIGAR:—“May I know when we are meeting again?”

MR. PRESIDENT:—“We are meeting on the 25th afternoon, and we will have to go on for two days. I give this information to hon. Members who would like to reserve berths in trains.”

IV.—DEMANDS FOR GRANTS FOR EXCESS EXPENDITURE IN 1945-46.

* DR. V. K. JOHN:—“Mr. President, Sir, I think it is quite in order and quite necessary that there should be a demand for excess of expenditure, although it is excess of expenditure incurred in 1945-46, about four years ago. Sir, I am not quite sure whether the Assembly would pass this demand, but as far as this Council is concerned, we are only discussing the demand. The report of the Public Accounts Committee on the accounts of the Province of Madras for the year 1945-46 reveals a very regrettable state of affairs. In introducing these demands, I did not hear the Hon. Minister or refer to the regrettable state of affairs revealed by this report. I shall not give many instances, but I am anxious, Sir, to know whether this regrettable state of affairs continue even to-day. I want to know whether the conditions that existed in 1945-46 and thereafter continue even to-day in Government departments. Sir, this report gives us an insight into the working of Government departments, which when pointed out, this House will find to be regrettable and deplorable. Sir, at page 9 of the report it is said—

“The Accountant-General has pointed out that in respect of the payments made during the year 1944-45 in connection with the State Trading Schemes administered by the Director of Agriculture, vouchers and payees' receipts for amounts aggregating to Rs. 7,12,722 still remain to be submitted to audit.”

Sir, how are the Government departments working at present? Have the Government taken any steps to understand and get into order the regrettable feature of the working of the Agriculture department in 1944-45 and for some years later? Receipts amounting to 7 lakhs of rupees have still to be submitted to audit. It is not one or two rupees.”

MR. PRESIDENT:—“The accounts relate to 1944-45.”

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* DR. V. K. JOHN :—" That is true. That state of affairs may continue even to-day. That system may continue. If it existed in 1944-45 and the Accountant-General in 1948 could not get the payees' receipts, that state of affairs may continue even to-day. We do not know the state of affairs in this department. It is said that vouchers and payees' receipts for an amount aggregating to 7 lakhs and odd still remain to be submitted to audit."

THE HON. SRI B. GOPALA REDDI :—" Please read the next sentence."

* DR. V. K. JOHN :—" Sir, the report says—

'It has been explained to us that a substantial portion of the amounts held under objection has since been cleared (leaving an amount of Rs. 1,76,000 outstanding on 16th February 1948).'

Look at the words used in respect of the remaining amount.

'In respect of the remaining amount, the records of the office of the Director of Agriculture show that the necessary stamped receipts were sent to the Accountant-General, but as they are not traceable in his office . . .

First, receipts are not traceable for amounts aggregating to seven lakhs of rupees. Certain receipts have been obtained and sent to the Accountant-General, and they are missing in the Accountant-General's office! Sir, that is how the Government of this Province are functioning."

THE HON. SRI B. GOPALA REDDI :—" The Accountant-General's office is not under the control of the Government of Madras."

* DR. V. K. JOHN :—" These are receipts that are missing. The Hon. Minister might point out that in 1944-45 he was not in office. But there is continuity, Sir. He is here before this House because he is the successor to an office."

MR. PRESIDENT :—" I think they are trying to clear it."

* DR. V. K. JOHN :—" The Hon. Minister did not tell the House that although the conditions in 1945-46 were very regrettable, they do not continue to exist to-day. Cannot we assume that these departments—after all only the Ministers have changed—which are responsible for not getting receipts to the tune of so many lakhs of rupees . . ."

MR. PRESIDENT :—" It is not a change of ministry."

DR. V. K. JOHN :—" It is a change of Government. The Ministers are members of the Government. I am anxious and the public should be anxious that this regrettable state of affairs revealed by this report might still be continuing. The Hon. Minister said that the Accountant-General is not under his jurisdiction. But the Accountant-General's office is dealing with our accounts, and surely the Hon. Minister can take this matter up with the Government of India that the Accountant-General's office is not functioning well and that receipts sent there have been lost or that they have not been put in a safe place. After all, it is for the Government to do that."

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The Public Accounts Committee further say 'we consider that the defects brought to notice are serious and regrettable'. It is not only one instance; we find so many defects. But at the end of the report, somebody seems to have persuaded them to say—

'We have carefully examined the reasons for the excess expenditure under each of the Authorized grants concerned. We recommend that a demand to cover the expenditure in excess of the amount available under each grant be presented to the Legislative Assembly.'

In the earlier portion of the report, they say that the state of affairs in many matters is very serious and regrettable. But at the end they forgot what they wrote in the beginning, and have made the recommendation that the demand be presented to the Legislative Assembly. Perhaps the present Government were able to persuade them to cover up the sins of their predecessors in office.

I now pass on to State Trading Schemes. The report says—

'In respect of the maintenance of the *pro forma* accounts of the Handloom Standard Cloth Scheme, the Accountant-General has brought to notice that the audit of the initial accounts of the Collective Weaving Centres revealed the following irregularities:—

(1) Moneys collected in the Centres not properly accounted for.

I want to enquire, do those officers responsible for this state of affairs continue in office (?). Or have they got promotions and got out of their places?

(2) Delays in remittances of moneys to the Treasury.

This would amount to temporary misappropriation.

(3) Non-availability of certain vouchers relating to purchase.

It is a very serious matter for a Government department to say that vouchers are not available for goods purchased.

(4) Incorrect accounting of stock in one Centre.

I ask, Sir, have the present Government investigated this matter and brought to book the persons responsible for this state of affairs?

(5) Utilization of departmental receipts towards departmental expenditure without proper authority.

What could be worse, Sir, than Government employees spending Government money without proper authority. Now, after four years, we are discussing the demand. The irregularities pointed out show a very unsatisfactory state of affairs. Not one word was uttered by the Hon. Minister who initiated the discussion to allay the apprehensions of this House whether the defects revealed by the Public Accounts Committee still continue in the various Government departments, and whether steps have been taken to punish the officers who have been responsible for the irregularities involving lakhs of rupees—not one rupee or ten rupees or hundred rupees or thousands of rupees, but lakhs of rupees.

"Now I pass on to another item."

"At page 32 of the Report, under Grant XXXI—Miscellaneous 11.30 (Excess Rs. 3,78,84,582), the report says—

'According to the decision of the Government, the net surplus in the Revenue Account in 1945-46 in round lakhs, after meeting the net outlay on State Trading Schemes finally debit to the Revenue Account was transferred

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to the Revenue Reserve Fund, leaving only a part of a lakh as the final revenue surplus. As a result of the revenue position which was known definitely only when the accounts for 1945-46 were finally closed, i.e., by about December 1946, the amount transferred to the fund was Rs. 1,731 lakhs against the estimated amount of Rs. 1,268 lakhs. This resulted in an excess expenditure of Rs. 463 lakhs, for which it was not possible to sanction the necessary appropriation before the close of the year 1945-46. The total net excess under the grant, however, is only Rs. 3,78,54,582.

"Now, Sir, we are dealing with three and odd crores, nearly four crores of rupees, spent without authority and who spent it, Sir? Government servants who ought to know better. Now, Sir, this excess demand has come to-day four years later and the Government to-day can say, we are not responsible for this irregularity for the excess expenditure but being successors, we have to bring it before the House. But, what I am most concerned is this. I expect the Hon. Minister will satisfy this House. Is it an accident that these irregularities took place in the year 1944-45 or is the same department continuing with the same officers or substantially the same officers? I want to know whether any steps have been taken against officers who have been responsible for these. If so, what steps have been taken to see that the vouchers are obtained from the various departments and passed on to the Accountant-General in time? Are monies spent only for amounts sanctioned in advance? Are remittances made to the treasury in time? Are these irregularities pointed out in this report still continuing in any department of the Government?

"Sir, I am glad that the Government thought it fit that the excess expenditure of 1945-46 not having been passed by the Governor under section 93 of the Government of India Act, should be brought before the Legislature. But, Sir, the advantage is that although the amounts have been spent and nothing can be done now and it is probably all a farce, still the Council can discuss it. Sir, this report has been brought to show how the Government departments function. Sir, I say that this House should take very serious notice of the many, many irregularities committed in which very huge amounts to the tune of crores are involved. Surely, Sir, I would ask the Government to appoint a Committee. The Government ought to go into this matter and satisfy public opinion and also satisfy the Members of this Honourable House. I say that the Public Accounts Committee must go into the question to find out what is the state of affairs to-day and to see whether there was any miraculous change when the present Government took charge so that there are no such irregularities at all and if there are irregularities, what steps were taken and would be taken hereafter to remedy them. Sir, after seeing the state of affairs as reported by the Committee, every step should be taken by the Government to satisfy the members of this House and the other House and also the public and to see that Government departments are functioning efficiently and properly and that public revenues are not lost. I hope the Hon. the Finance Minister will give us an assurance that he will look into this matter."

MR. PRESIDENT :—"The actual accounts for 1946-47 must have been submitted to the House already."

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DR. V. K. JOHN :—"These refer to items for which receipts and vouchers were not obtained."

MR. PRESIDENT :—"What I am saying is that the actual accounts of subsequent years must surely have come before the House."

THE HON. SRI B. GOPALA REDDI :—"The Auditor-General's report is also before us as also the report of the Public Accounts Committee and both are before the House for discussion."

MR. PRESIDENT :—"This relates to 1945-46. Are such irregularities continuing now?"

THE HON. SRI B. GOPALA REDDI :—"If there are any irregularities this year, they will be revealed only in the Auditor-General's Report next year."

MR. PRESIDENT :—"Have you not got the audit report for 1946-47 yet?"

THE HON. SRI B. GOPALA REDDI :—"That will be presented next year."

DR. V. K. JOHN :—"That is, five years later. The Government are working in such a way that the audit report will come five years after and we will have to discuss it then."

MR. PRESIDENT :—"When do you get the audit report for 1946-47?"

THE HON. SRI B. GOPALA REDDI :—"This particular report was received in July 1947 and the Public Accounts Committee Report was received in February 1948. Of course, it took some time for us to get the report due to the expansion of the departments from time to time and hence we could not present it to the House in July last year itself."

MR. PRESIDENT :—"That is all right. I want to know, so far as any year is concerned, say 1946-47, whether the Government do not get the audit report by the end of next year."

THE HON. SRI B. GOPALA REDDI :—"These are abnormal times. The Auditor-General also took some time to scrutinise the items relating to all the various expanding departments. Then, the departments have to reconcile some discrepancies for which the officers take some time."

DR. V. K. JOHN :—"The difficulty for this House is that demands are brought forward and we discuss them without knowing what the report of the Public Accounts Committee or that of the Auditor-General is. The Hon. Minister simply tells what the income is and what the expenditure is. But, how the money has been spent is not known at all. Now, we have an opportunity because they have delayed for five years in presenting this report. Of course they have explained why they have brought it too late. At least now they were kind enough to bring the Report of the Public Accounts Committee and the Auditor-General's Report before the House."

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MR. PRESIDENT :—" He did not make any statement."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" Then I will not be trenching on any expression that he has already used, but I should like to know certain things with reference to the remarks mentioned on page 6 of the report: '... the Public Works Workshop at Madras has sustained an increasing loss of Rs. 95,610 in 1944-45 and Rs. 1,13,797 in 1945-46, against a loss of Rs. 75,623 in 1943-44'. It seems to me extraordinary that in the Public Works Workshop, things should be going on in such a manner that the losses have actually increased. There is one suggestion which has been made, namely, that the overhead charges should be raised from 28 per cent to 40 per cent. Nothing is given in explanation, as to why this should be raised from 28 per cent to 40 per cent, why the overhead charges should be so heavy. If this was a business concern, dealing with the sort of work that the workshop is supposed to do, it would be unthinkable for any business concern to charge 40 per cent for overhead charges and then to expect any profit whatsoever. The difficulty with regard to these schemes of State management—and I am coming to the State trading schemes presently—is that it is nobody's concern to see whether there is a loss or profit. Nobody is interested in it, except perhaps the Minister in charge of that department, and the Finance Minister. That is why all our State trading schemes are going to be ruinous concerns, so far as the tax-payer is concerned. I should like to know the manner in which the Government are going to make them commercial propositions and if they are not in a position to make them commercial propositions, I think they ought to come forward and tell us 'We cannot manage this business concern; nobody is interested in it, and therefore the loss is colossal.' I am sorry I feel a presentiment that the further trading concerns that have been taken on by this Government will be ruinous ones too—trading concerns about which the audit report has spoken."

"Then again, Sir, in page 7 under the head 'Capital Outlay on Provincial Schemes connected with the war—Losses incurred by the Government on (i) rice, (ii) wheat and wheat products, (iii) other grains and (iv) firewood'. Under the head 'Firewood' the losses amounted to Rs. 4,83,513. The Board of Revenue is satisfied, sitting in the cool chambers, that this loss of Rs. 4,83,513 is reasonable. I should as a layman like to know how this amount disappeared. Was there any fire in the firewood depots?"

THE HON. SRI B. GOPALA REDDI :—" It was due to dryage."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" I am glad I did not take to the profession of a firewood depot-keeper, because I should have been always on the loss side and never on the profit side. Does dryage exist only in Government firewood depots, or does it occur in all other depots as well? You have got places for storage, and still Rs. 4,83,513 have disappeared, on

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account of dryage. It seems to me, some other 'age' must have crept into these Government firewood depots, not dryage. Unfortunately the Public Accounts Committee say 'We accept the explanation,'—I do not know on what grounds. For me it seems unthinkable that this loss should have been accepted in so easy a manner. Sir, in another place, it has been explained to us that the loss was not due to any fault on the part of the officers of the Agricultural Department, but was due to losses in transit and in storage, and to deterioration and damage caused to the stocks by continued exposure to the sun on the railway premises, due to long delay in the supply of wagons, before the stocks arrived at the destination. That is perfectly true. Have the Government taken any steps subsequently to see that this long delay on the part of the railway authorities is curtailed to some extent? If I am not mistaken, Sir, the position is much worse to-day than it was before. At least during the period of the war, a certain amount of haste was exercised in sending goods and in seeing to it that their transport was expedited. I think a casual visit to any railway platform or any stockyard will reveal that to-day, unfortunately, merchants are suffering great losses because there is no protection neither against the sun nor against the rains, for their goods. It seems to me that when we are in need of so much rice on account of the food shortage, something should be done, and this Government should not hesitate to impress upon the Central Government that if they are not able to get proper rolling stock, they must at least see that there is something provided temporarily to preserve these valuable foodstuffs. I know that as a matter of fact, many merchants feel that the foodstuffs that are sent out are consigned in such a manner that they are almost unsaleable after some months of delay, soaked all through in the rain, and kept sun-burnt in the hot sun."

"Then again it is stated that in regard to pearl fisheries 'The Accountant-General reported that the expenditure during the year 1945-46 amounted to Rs. 21,628 as against Rs. 3,45,111 in the previous year, although no pearl fishery operation was carried out during 1945-46 also. We have been informed that the expenditure related mainly to the maintenance charges of the vessel 'Lady Nicholson' used both for pearl and chunk fisheries operation.' This 'Lady Nicholson' seems to be a very extravagant lady indeed. To maintain this 'Lady Nicholson', we had to spend Rs. 21,628. One would like to know further details as to the manner in which this lady was looked after during the period in question, when there were no pearl fisheries operations conducted by the Government of India."

THE HON. SRI B. GOPALA REDDI :—" Ladies will have to be looked after well."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" I hope that practice does not continue now."

"Then, on the same page it is stated 'the Accountant-General has reported in particular that the cashbooks and ledgers were not maintained properly both by certain officers of the Civil Supplies Department and by some other quarters.' What are the instructions that the Finance Department has issued on these remarks,

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which are certainly very very great? I know how I would be hauled up, if anything like this were to be found by even a single member who attends some of our meetings. I feel inclined to quote this on a future occasion and take shelter by saying that 'I am following Government policy in this respect.'

"In regard to the State Trading schemes under the control of the Director of Industries and Commerce, the working of the schemes for the year 1944-45 resulted in a net profit to the Government, except in respect of the schemes relating to the steel stock-yard and the two handmade paper units at Gazulapalli and Bugga. The net loss sustained by the Government on the working of the steel stock-yard scheme was Rs. 412-5-8. The two hand-made paper units sustained a loss of Rs. 12,161 and Rs. 3,606, due to high cost of production. In all these State Trading schemes, I venture to submit to the Finance Member that he should be the watch-dog of this House, and of the Province, as different departments may have different methods of showing profit and loss in these State Trading schemes. I mean no reflection, but it is perfectly true that all business concerns and all those who are interested in business concerns have their own different methods of showing profits and loss. It should be the endeavour of the Finance Minister to go into these, and try to get actual figures of profit and loss, and see that a uniform method of accounting is adopted in the various departments. I am not satisfied that at present the principles of depreciation are properly accounted for, or that a uniformity exists in all these matters. This criticism of the report has nothing to do with the existing state of affairs in the Government; nor are our Ministers responsible at all for this state of affairs. But I am not quite sure, Sir, whether the traditions of a previous Government have been entirely eradicated, by their successors in this respect. I know in many other respects, they have eradicated them, with not all of which we may be inclined to agree. But in this most valuable thing in regard to accounts and proper auditing, I wish once again to emphasize that unless the Government take it up seriously, and the Finance Member makes it his business through the Public Accounts Committee to scrutinize the accounts of every department of Government mercilessly, be they his colleagues of less or more friendship—I believe with the Finance Member, all are of equal friendship unless therefore the financial accounting, and the yardstick by which the regularity and the precision with which these accounts are being maintained are looked into are improved we shall be in a very serious state of affairs. I am hoping against hope that the report that the Finance Member will be able to present to us will present a different state of affairs. But I must confess I have my own serious misgivings from what little I have come to know about the state of affairs in some of the departments. I desire therefore that it will be your directive, and the Finance Member's obligation to present these reports as I said for the next two years, before April of this year, and then see that the report for the year 1948-49 is presented before January 1950."

* SRI R. SURYANARAYANA RAO :—"Mr. President, Sir, it so happens, that almost all the points I wanted to mention have been exhausted by the Leader of the Opposition, Dr. John, and

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Dr. Lakshmanaswami Mudaliyar. I would like yet to draw the attention of the House to one or two other points. We have been asking in this House that there should be a Standing Finance Committee of the Legislature. But now they have a Standing Finance Committee of the Cabinet which is virtually a limb of the Cabinet. The difference between a Standing Finance Committee of the House, and one of the Cabinet, may be easily realized. The Accountant-General has drawn the attention of Government to the utilization of unanticipated credits by spending departments of Government, and has suggested that in view of the absence of the Standing Finance Committee of the Legislature such an utilisation should be subject to the consent of the Legislature. I would like the Finance Minister to revert to the old system of having a Standing Finance Committee of the House.

"As regards the remedies adopted by Government in dealing with their concerns, they do not examine each case on its intrinsic merit. If there is mismanagement by their officers, or if there are losses, perhaps sometimes unavoidable, the only course the Government adopt it to wind up these concerns. That I feel, is a confession of weakness. When once a scheme is undertaken by Government, after satisfying themselves as to its intrinsic merit, it should be the endeavour of Government to carry out the scheme successfully, seeing to the rectification of all defects that lead to losses, such as mismanagement, etc.

"I have in my mind the hand-made paper units. My hon. 11
Friends sitting on the Treasury Benches swear by hand-made noc
paper. (The Hon. Sri B. Gopala Reddi: Hand-made things generally.) These hand-made paper units that were started in Gazulapalli and Bugga have been wound up because they were not run on a commercial basis and did not yield profits but caused losses. Have the Government tried to find out why there were losses—whether the places chosen for the development of hand-made paper were rightly chosen and whether the circumstances were favourable for making the units a success? If the circumstances were not propitious why have they not transferred the units to other places and made them a success? What is the object of these units? The idea is to spread the practice of making hand-made paper in the surrounding areas and to see that the people trained in these units go back to their villages and start making hand-made paper. But the only two hand-made paper units have been closed. Practically there are no hand-made paper units now. Perhaps some private individuals might be running some units. But is this the support which the Government give to a cottage industry like hand-made paper making? Sir, the easiest way of disposing of a thing which we are not able to run at a profit is to close it down. That is the easiest way of solving difficulties. I have mentioned hand-made paper as an instance, because that illustrates the attitude that we adopt in regard to almost all cottage industries. Now, Sir, certain cottage industries sponsored by the Government have not yielded good results. Have the Government taken the trouble to find out what the causes are and how those defects could be rectified instead of closing down those cottage industries?

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I would like the Government to take a realistic view of these things and approach them with a constructive mind rather than close them down as they are trying to do to-day.

"My hon. Friend Dr. Lakshmanaswami Mudaliyar referred to the Public Works Department Workshop. There are many firms in this city which are running workshops. If they go on incurring losses continually as our Public Works Department Workshop is doing, do you mean to say that they would continue to maintain their workshops? During the war, there were heydays for these workshops and they made huge profits. How is it, Sir, that our workshops are always incurring losses? There is the suggestion by the Accountant-General that a committee should be set up for this purpose with the Chief Engineer and a few others. I should like, Sir, that none connected with the Public Works Department should serve on the committee. (Hear, hear.) Let those who can look at things from a commercial point of view, and suggest how to work the workshops successfully be appointed. Let them go into the whole system of work in these workshops and suggest remedies. Otherwise, Sir, it may end in our closing down the workshops, which I do not want. If the workshops go on incurring losses continually, the only remedy open to the Finance Minister will be to say that they had better close down the workshops as he could not allow them to incur losses any further. But that is not the method, because the Public Works Department Workshops will serve a useful purpose especially as a number of irrigation schemes are coming up and as they will have a lot of work to do. Therefore the question of how best to make the workshop avoid the losses is a point which I would like the Hon. Minister for Finance to examine. Let a Committee go into the matter, Sir.

"Then Sir, about State Trading schemes, pointed attention was drawn to the unsatisfactory working by Dr. Lakshmanaswami Mudaliyar and Dr. John. This story that the accounts are not satisfactory is being repeated in all the Accounts which have been published. In the Appropriation Accounts for 1946-47, copies of which were supplied to us, this story was repeated. What is it that is wrong? When you start a business why should you not make the necessary arrangements for proper keeping of accounts? At present you recruit your Accounts Officers from the Accountant-General's Office and they know nothing of commercial accounts. Their methods of dealing with accounts in Government offices are different from those which are followed in trading concerns. In spite of the fact that the Accountant-General's Office supplies our Accounts Officers, the accounts are not satisfactory. There must be something wrong. We cannot go on at this rate, especially as our State Trading schemes have to be continued for some time more. The accumulation of losses will go up to crores and the Hon. Minister for Finance may raise his hands in despair. We would like him, Sir, if his Accounts Officers are not competent, to appoint people with knowledge of commercial accounts. (The Hon. Sri B. Gopala Reddi: They are not available.) Let such officers be

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appointed on a contract basis. If you pay Rs. 200 and Rs. 250 you cannot attract the best men. Your salaries are so low that they will attract only the worst men and not the best men. Whoever is thrown out of employment anywhere seeks a job under Government, but not those with good commercial qualifications. I say, Sir, "Pay them well and get better work." Then you need not come before this House or the other House and say that your accounts are not satisfactory. I would implore the Hon. Minister for Finance to look into this matter. If he finds that his Accounts Officers are not up to the mark, let him recruit other men. I understand that the Public Works Department and the Electricity Department are recruiting Accounts Officers on a contract basis and they have advertised for applications. But I must say that the salary offered is not attractive to the best men. They have done well to have thought of appointing Accounts Officers on contract, but the salary offered is not inviting enough to attract the best and most experienced men. The tale of woe which the Hon. Minister for Finance has been repeating from year to year will continue to be repeated and he will feel helpless. I think, Sir, that a change in the mentality of the Government regarding payment to be made for services rendered should take place. Hon. Members sitting on the Treasury Benches who have dedicated their lives for service to the country may be willing to receive small emoluments and continue to discharge duties for which very highly paid men were employed. But when we cannot get such people in all walks of life, the Government should not hesitate to get the best men, pay them well and extract good work. I have made this suggestion, Sir, especially because the Hon. Minister for Finance is in charge of Government Bus Transport. There again, an Accounts Officer from the Accountant-General's Office is working. Their method of keeping accounts is different from the method adopted in business concerns. Therefore, in view of the fact that this is a huge trading concern of which the Hon. Finance Minister is in charge, let him take the services of well-qualified commercial accounts men so that the accounts may be kept in proper commercial method and presented in a form which will be understood by people engaged in commercial undertakings.

"Sir, I have nothing more to say except that this post-mortem examination is necessary, at least to enable hon. Members of this House and the other House to draw the attention of the Government to the existing state of things so that they may be remedied before it is too late."

* THE HON. SRI B. GOPALA REDDI :—"Mr. President, I am indeed thankful to hon. Members who have offered their remarks on the Public Accounts Committee Report and the Auditor-General's Report. It is but right that the Opposition should bring to the notice of the Government the irregularities in the various departments of the Government. I may assure the House that the Accountant-General and the Auditor-General are very vigilant in these matters and they are bringing to the notice of the Government every irregularity committed by any departmental head or

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department. Thanks to the Constitution, the Accountant-General and the Auditor-General are not within the jurisdiction of the Provincial Government. Their entire office, their appointments, promotions and disciplinary control are all vested in the Government of India. We are fortunate that at least the Accountant-General will not be charged with being subservient to the Provincial Government or with being dictated to by the Provincial Government. Having that privileged position, the Accountant-General with his huge staff is scrutinising the accounts of the Provincial Government from time to time and bringing every irregularity committed in any department to the notice of the Government. The Finance Department asks for the explanation of the departmental head on the objection of the Accountant-General. Both the objection of the Accountant-General and the explanation given by the departmental head are scrutinized by the Public Accounts Committee. The remarks of the Public Accounts Committee and all these explanations are now available to this House. Therefore, the mechanism and the set up are good, though it is inevitable when departments undertake suddenly huge state trading schemes, that a certain amount of irregularity will occur. It is not always that we can post experienced Accounts Officers to these schemes. As with every other kind of technical men, Accounts Officers are not available and experienced people are not forthcoming to undertake Government work and for various reasons it is not always possible to appoint an Accounts Officer whenever we start a new state trading scheme. Further during 1945-46, things were very abnormal. Expenditure had to be incurred with great expedition and what with the food and cloth situation, the steel, iron and cement position, the Government had to undertake a huge responsibility without the necessary technical staff, as it were. Some of the civilians and the Revenue Department people were put in charge of the State Trading schemes. They were not familiar with the maintenance of commercial accounts. The Accountant-General came up with objections and elaborate explanations had to be offered. Though some of these irregularities are inevitable we are taking steps to see that our officers in the State Trading schemes maintain their accounts in a proper manner so that we may be able to review their work from time to time. I am really sorry for the delay in bringing forward this report. There again we could not expedite the report, because the Accountant-General himself signed the report on 14th May 1947 after which it was despatched to the Auditor-General who signed it on 14th June 1947. Then it had to be scrutinized by the Public Accounts Committee. You are aware, Sir, that from time to time, on account of the prorogation of the Assembly and the Council, the Public Accounts Committee lapsed and we had to wait for the constitution of a new Public Accounts Committee when the Assembly met again. This is a very peculiar position in our rules by which whenever there is a prorogation of the Assembly the House Committee and the Public Accounts Committee lapse and we have to wait for the Assembly meeting again to elect fresh committees. For some time we had to wait for the reconstitution of the Public Accounts Committee and for one reason or other we could not do it before February 1948."

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DR. V. K. JOHN :—" Cannot the rules regarding the appointment of these committees be changed? "

12-15 p.m.

* THE HON. SRI B. GOPALA REDDI :—" This is a matter for us to look into the rules whether they can be changed.

" Of course, the Report of the Public Accounts Committee for the year 1945-46 was ready by about June or July last year but we could not present it to this House earlier than in January 1949. Whatever it is, I may assure the House that hereafter we will try to expedite the report to the extent possible. At the same time, I must say that the whole thing has to be examined by the Accountant-General and the Auditor-General and I have to call in explanations from the departmental heads and necessarily it takes a long time. Whatever it is, I will certainly take the hint of the hon. Dr. Lakshmanaswami Mudaliar into consideration and see that this report is given in good time, though it may not be available by the time the Budget is presented. I say this because elaborate details have to be scrutinized and the accounts have to be reconciled if there is a little discrepancy and finally it takes a long time in the Accountant-General's office. But this much I can say, that we will certainly see that these things are expedited in future.

" With regard to irregularities, Sir, as I said, the Accountant-General is being put on this work and we must also remember that those times were abnormal and the departments had to be increased and they had to incur large sums of money in order to get food from outside or to get fuel for our people and various other matters to which they were put in charge.

" Sir, sometimes it is said by some military people also that many a battle is lost by the Finance Department or the Audit Department. The Finance Department and the Audit Department are so extra careful about financial matters they do not allow any expenditure to be incurred unnecessarily. So much so, many times the Military experts used to say that had their proposals been accepted, perhaps things would not have occurred and we would not have got this reverse in the battle front. Many times they shrugged their shoulders belatedly and tried to put the blame on the Finance Department and the Audit Department. So also, our officers were charged with a huge responsibility in those days, especially at the time when the war was on and immediately after the cessation of hostilities certainly irregularities were inevitable as it were. But we must be thankful to our Accountant-General's Office and to our various officers for the shrewdness with which they are able to maintain their accounts and ultimately bring the accounts to the satisfaction of the Accountant-General.

" Sir, some remark was made about the Fisheries Department and the Public Works Department. There again, sometimes we have to carry on some experiments though they may not yield good results. Still we are carrying on some experiments in the Fisheries Department.

" About the Public Works Department also, I must say that it is not really a State Trading concern nor a profit-earning concern. We have to maintain our services. We have to maintain our

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machinery. And then, public workshops can never be, a profit-earning concern as any other industrial concern is. As a matter of fact, we had thoroughly gone into the question and yet these losses were inevitable, though in this case the centage charges of 40 per cent were so high. But we shall certainly see what could be done in that regard.

"Dr. John was very critical about the various irregularities. Though he has done his best to bring to greater prominence these irregularities which were scrutinized and examined by the Public Accounts Committee, the one little mistake he did was that he thought that an excess expenditure of about three crores was incurred by the Government and that we are now asked to sanction that excess demand. As a matter of fact, if we read that paragraph which he read in the Report of the Public Accounts Committee, we will see that it was no expenditure at all. The Government of the day thought that they could safely transfer twelve crores from the Revenue Surplus to the Revenue Reserve Fund which they set up for the Post-war Development Schemes. When the final accounts were drawn up, they thought that they could transfer this amount, without any detriment, to the Revenue Reserve Fund. And what was excess was shown as a sort of expenditure though, in fact, it is not expenditure at all. It is only a transfer from the Revenue Surplus to the Revenue Reserve Fund. So, instead of thanking the Government for showing such an excess, he thought it fit to blame the Government."

DR. V. K. JOHN :—"Then it is excess expenditure."

THE HON. SRI B. GOPALA REDDI :—"It is technically called excess expenditure. It has to be shown in one demand."

"As I said, we shall certainly expedite the 1946-47 Accounts and they will be placed before this House ere long."

MR. PRESIDENT :—"The House will now adjourn and meet again at 3 p.m. on the 25th instant."

The House then adjourned.

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MADRAS LEGISLATIVE COUNCIL
DEBATES

OFFICIAL REPORT

TUESDAY, 25TH JANUARY 1949

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THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 25th January 1949.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

* 185 Q.—MR. PRESIDENT :—“ The question is addressed to the Minister for Land Revenue. I think the Minister for Finance will answer it.”

THE HON. SRI B. GOPALA REDDI :—“ Sir, I answered it in the Assembly. When the Hon. Minister was absent, I was asked to answer this question.”

MR. PRESIDENT :—“ What about the answer to the question now? ”

THE HON. SRI B. GOPALA REDDI :—“ The Hon. Dr. Rajan will answer it, Sir.”

THE HON. DR. T. S. S. RAJAN :—“ I can answer the question only to-morrow.”

MR. PRESIDENT :—“ Because the answer to the question was a long one, and hon. Members wanted time to put supplementary questions, the question was postponed.”

THE HON. SRI B. GOPALA REDDI :—“ I am prepared to answer the question now, Sir.”

MR. PRESIDENT :—“ Have you got the file with you? ”

THE HON. SRI B. GOPALA REDDI :—“ No, Sir, but I can answer.”

DR. V. K. JOHN :—“ Sir, may I know whether we have a Revenue Minister at all? ”

THE HON. SRI B. GOPALA REDDI :—“ Sir, the Hon. Premier is in charge of the Land Revenue portfolio.”

MR. PRESIDENT :—(Turning to Mr. Suryanarayana Rao) “ Have you any supplementary questions to put? ”

SRI R. SURYANARAYANA RAO :—“ I have a large number of supplementary questions to put. I think, Sir, the Hon. Minister should have the file and that he should be prepared to answer the supplementary questions. It is not fair to me that he should come forward to answer supplementary questions without the file before him.”

MR. PRESIDENT :—“ We shall take up this question to-morrow.”

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THE HON. SRI B. GOPALA REDDI :—" I will be prepared to-morrow, Sir."

[The Question No. 185 was postponed.]

Arrests made at Palmyra Depot, Rayapuram.

* 186 Q.—SRI H. M. JAGANNATHAM: Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that about 30 residents of Palmyra Depot, Rayapuram, were arrested by the Police of the Division on 13th October 1948 and taken to the Police station; if so, what the charges against them were;

(b) whether it is a fact that the arrested persons were beaten very severely by the Sub-Inspector and the constables when they were being taken to the Police station and thereafter in the Police station too;

(c) whether it is a fact that some of the persons were asked to remove their clothes and the Sub-Inspector at the point of the lathi asked them to do some indecent acts;

(d) whether it is a fact that some of the arrested persons were sent from the Police station to the Rayapuram Stanley Hospital for treatment for injuries received at the hands of the Police; and if so, whether the Government will be pleased to call for the medical report on those cases; and

(e) whether it is a fact that one of the arrested persons was a college student and he was put in the lock-up for over five hours completely naked after being severely beaten by the Sub-Inspector; and if so, what was the charge against him that necessitated the Sub-Inspector to resort to such cruel treatment?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier) :—" (a) Twenty-six persons residing not only in the Palmyra Depot, but also at other places in Rayapuram were arrested by the Rayapuram Police on 13th October 1948 and taken to the Police station. Sixteen were arrested under section 75 of the City Police Act for disorderly and riotous behaviour, i.e., obstructing the Sub-Inspector of Police, Rayapuram, in discharging his duty and thus creating a disturbance of public peace and the other ten were arrested under Rule 44 of the Madras Traffic Rules for causing obstruction to traffic by walking on the centre of the road in spite of the warning given by the Police.

"(b) No.

"(c) No.

"(d) Two of the arrested persons were sent by the Police to the Stanley Hospital, Rayapuram, for treatment of the slight injuries sustained by them while jumping over a wall to escape arrest by the Police for riotous and disorderly behaviour in a public place. Government have obtained copies of the medical reports on these cases.

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"(e) One of the arrested persons is a college student. He was kept in the lock-up for five hours and when bail was offered he was enlarged on bail. He was neither beaten by the Sub-Inspector nor ill-treated nor kept naked while in Police custody. The charge against him was riotous and disorderly behaviour in a public place. He obstructed the Sub-Inspector from enquiring into an alleged theft case by catching hold of the Sub-Inspector's shirt and by using criminal force."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Sir, is this merely based on the report of the Sub-Inspector of Police or any independent investigation has been made into the matter?"

THE HON. DR. T. S. S. RAJAN :—" An investigation has been made by the Commissioner of Police and a report has been submitted to Government."

Persons arrested in connexion with the Hyderabad affair.

* 187 Q.—ABDUL LATIF FAROOKHI SAHIB BAHADUR: Will the Hon. the Premier be pleased to state how many persons, who were arrested on suspicion in connexion with the Hyderabad affair, are still kept under detention in the district of Kurnool?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier) :—" None."

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" May we know, Sir, whether this Government are aware that several persons whose names are Abdul Razak were arrested simply because the officers thought there must be some connexion between Abdul Razak and Razakars?"

THE HON. DR. T. S. S. RAJAN :—" No such persons were arrested."

Special officers posted to Hyderabad State from Madras Province.

* 188 Q.—SRI N. SANKARA REDDI: Will the Hon. the Premier be pleased to state—

(a) how many special Collectors were posted to Hyderabad State from Madras Province;

(b) what the number of Andhras so posted is;

(c) how many from Rayalaseema districts have been posted; and

(d) how many special Deputy Collectors have been posted, and how many of them are from Andhra and Rayalaseema?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier) :—" (a) Eight Deputy Collectors from this Province have been deputed to act as Collectors of eight districts in the Hyderabad State;

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"(b) & (c) It is presumed that by Andhras, the hon. Member means to include those from Rayalaseema also; if so, the number of "Andhras" posted is 5, of whom two come from Rayalaseema; and

"(d) Sixteen Deputy Collectors from this Province have been deputed to the Hyderabad State on special duty. Eight Tahsildars have also been deputed to act as Deputy Collectors in the State. Of these 24 officers, 22 are Andhras, 10 of whom are from Rayalaseema."

Shortage of petrol at the petrol storage.

*189 Q.—SRI S. A. S. RM. RAMANATHAN CHETTIAR: Will the Hon. the Minister for Finance be pleased to state—

(a) whether it is a fact that there is a shortage of 5,000 gallons of petrol at the petrol storage;

(b) if so, what action has been taken so far;

(c) how many cars are lying idle in the garage;

(d) what is the reason for their being idle;

(e) in how many buses the covers and cushions of the seats are torn, thereby exhibiting their inner contents;

(f) whether sudden increase in fares is due to any loss incurred by the Transport Department;

(g) whether he is aware of the fact that due to the enhanced fares there is more crowding and suffocation in the already overcrowded trams, and people are hanging on all sides of the trams; and

(h) whether he proposes to have the experience of travelling in the Government buses at least for two days and personally come to know the difficulties of the travelling public?

THE HON. SRI B. GOPALA REDDI:—“(a) The hon. Member apparently refers to the petrol stored in the petrol pumps in charge of the Transport Department. No shortage has so far been reported from the pumps except the shortage which is inevitable on account of evaporation.

“(b) The question does not arise in view of the answer to clause (a) above.

“(c) & (d) The hon. Member apparently refers to spare buses which are kept in reserve to be used in emergencies or for special trips. The actual number that may be in reserve may vary from time to time; but it may not exceed the prescribed maximum of 40 reserve buses.

“(e) The Government have no information.

“(f) The increase in fares was only on certain routes and this was due to the adoption of a standardized rate in accordance with the Government Order issued in November 1947 after due publication.

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“(g) Overcrowding in trams is not peculiar and it existed even before the introduction of standardized bus fares.

“(h) The hon. Member's suggestion will be borne in mind.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—“Are the Government aware, Sir, of the inconvenience caused to the public on account of the bus strike in the City since yesterday?”

THE HON. SRI B. GOPALA REDDI:—“We are aware, and more than aware, of the difficulties caused by the strike.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—“Sir, what action have the Government taken up till now, or propose to take, to see that the strike is ended?”

MR. PRESIDENT:—“What has this question to do with petrol shortage?”

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—“The question is not confined to petrol shortage alone; buses also are included.”

THE HON. SRI B. GOPALA REDDI:—“One hundred buses are being run now. Up to now, another forty buses must have been put on the road. So, one hundred and forty buses are to-day running (in the afternoon). The usual number of buses that run generally is about 230 or 240. We are only down by 90 buses to-day.”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—“With reference to the answer to clause (e), may I know whether this Government are really aware of the very unsatisfactory condition of the cushions of the seats? Many of the seats are torn and people cannot sit on them.”

THE HON. SRI B. GOPALA REDDI:—“Various firms were asked to do the body building work. Some firms did not do the work properly. We have seen to it that they are all repaired.”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—“With reference to the answer to clause (f), may I know, Sir, whether the Government have taken steps to reconsider the fares with reference to the stages, and refix the stages as promised the other day?”

THE HON. SRI B. GOPALA REDDI:—“Yes, Sir. The Transport Commissioner's report was received by the Government. It is under examination now.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—“Have the firms which did the body building work, been paid?”

THE HON. SRI B. GOPALA REDDI:—“No, Sir. The claims are under scrutiny. We have not paid the full sum due to them.”

DR. V. R. JOHN:—“Sir, is not the bus transport a constant headache to Government?” (Laughter.)

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THE HON. SRI B. GOPALA REDDI :—" It is a constant headache to Government and a constant stomach ache to the Opposition Leader." (More laughter.)

SRI R. SURYANARAYANA RAO :—" With reference to the answer to clause (h), will the Hon. Minister please tell us when did he have the experience of travelling in the Government buses, and what his experience is? "

THE HON. SRI B. GOPALA REDDI :—" Some time back I travelled. I do not remember the exact date. I have travelled in some of the Government buses, and my experience is very favourable."

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" May I know, Sir, whether the travelling was done after due notice to the workers concerned? "

THE HON. SRI B. GOPALA REDDI :—" Notice was given only to the Transport Officers, but not to the drivers and conductors."

DR. V. K. JOHN :—" May I make a suggestion that Ministers travel in buses and not in cars provided for them by Government? " (Laughter.)

(No answer.)

Recommendations of the Industrial Planning Committee.

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

(a) whether the Government have considered the recommendations of the Industrial Planning Committee;

(b) what the orders of the Government on those recommendations are;

(c) what steps the Government have taken to amend the State Aid to Industries Act, and in what particulars;

(d) whether the Industrial Financing Corporation is to be established, and if so, the lines on which such a Corporation is to be organized; and

(e) how the Government propose to promote industrialization in the tracts of this Province where the possibilities for starting industries are great?

THE HON. SRI H. SITARAMA REDDI :—" (a) & (b) The recommendations of the Industrial Planning Committee are under examination by the departments of the Secretariat and the heads of departments and it will take some time before plans are drawn up to implement these recommendations.

" (c) The matter is under consideration.

" (d) Yes. The Corporation will be registered as a Joint Stock Company under the Indian Companies Act, 1913, with a capital of Rupees two crores.

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" (e) The Government are examining the recommendations of the Industrial Planning Committee and plans will be drawn up in due course to promote industries in the tracts of this Province, where the possibilities of starting such industries are reported to be great."

DR. V. K. JOHN :—" Have the Government up to this time been able to promote any industry at all in this Province, and if so, what are they? "

THE HON. SRI H. SITARAMA REDDI :—" Several, Sir."

SRI R. SURYANARAYANA RAO :—" Sir, have the Government taken into consideration the Note appended to the Interim and Final Report of the Industrial Planning Committee regarding Industrialization in Rayalaseema? "

THE HON. SRI H. SITARAMA REDDI :—" Government are aware of it, Sir."

Control measures relating to textiles.

* 191 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Industries be pleased to state what arrangements have been made or contemplated in the City and mufassal to enforce control measures relating to textiles, both cloth and yarn, recently reimposed and whether it is proposed to set up Advisory Committees to assist the Textile Commissioner and the Collectors in enforcing the control orders?

THE HON. SRI H. SITARAMA REDDI :—" (1) Under the new scheme of control over textiles the Central Government distribute to Provinces and States mill cloth and yarn according to quotas fixed. They also fix fair prices of cloth and yarn ex-mill and such prices will be stamped on all cloth and yarn. The responsibility of fixing margins of profit to dealers in the Province within the maximum prescribed by the Central Government and of distributing cloth and yarn within the Province has been left to the Provincial Government.

" (2) The major portion of the quota of mill cloth and a small quantity of yarn out of the quota for this Province have to come from Bombay surplus area. The goods will be delivered by the mills at their premises to representative buyers approved by this Province. After taking delivery of cloth and yarn at that end, the representative buyers will book the goods to the wholesale consignees in each district, who will take delivery and arrange to distribute to the wholesalers in the district in this Province. Necessary purchase and transport permits will be issued by the Textile Commissioner, Bombay, to the representative buyers. The local mills will send their production of cloth and yarn allotted to this Province direct to the wholesalers in this Province.

" (3) The districts will receive cloth and yarn according to the quotas fixed for each district by the Provincial Textile Commissioner, Madras. As an interim arrangement the entire quota of cloth for the first month earmarked for distribution

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through wholesale co-operative stores and primary stores affiliated to them and the quota of yarn for the first two months for distribution through the Madras Handloom Weavers' Provincial Co-operative Society and selected Primary Weavers' Co-operative Societies. Thereafter as a permanent arrangement about one-third of the quota of mill cloth and one-half of the yarn quota will be distributed through co-operative organizations and the remaining through normal trade channels. About 50 per cent production of the Buckingham and Carnatic Mills and 50 per cent of the production of Mettur Industries have been allowed to be distributed through their own agents. The balance will be distributed through co-operatives.

(4) There will be only two classes of dealers, wholesale dealers and retail dealers in addition to representative buyers and wholesale consignees in the case of cloth coming from Bombay. The wholesale consignees are required to minimize the time taken for the transport of cloth from Bombay to wholesale dealers in each district. There will be 26 wholesale consignees in all, 2 each for the districts of Malabar and Vizagapatam and 1 in each of the other districts, the Nilgiris district being clubbed with Coimbatore district. The co-operative organizations, private dealers and the agents of the Buckingham and Carnatic Mills and Mettur Industries will fall under the two classes of dealers, viz., wholesalers and retailers, according to the nature of their business. The Government have promulgated the Madras Cloth (Dealers) Control Order, 1948, and the Madras Yarn (Dealers) Control Order, 1948, with the object of enforcing a suitable licensing scheme for the effective control of all these dealers. The important provisions made in the control orders have been explained in a Press Note, dated 17th September 1948, issued by the Government. The number of dealers in cloth will be selected at the rate of one wholesale dealer for about a lakh of population in the district and one retail dealer for every 5,000 of population and the number of dealers in yarn will be selected at the rate of one wholesale dealer for 15 bales of the quota allotted for the district for distribution through trade channels and one retail dealer to serve approximately 150 to 200 looms. These dealers will be selected by the Collectors. The dealers so selected, the co-operative organizations selected by the Registrar of Co-operative Societies and the agents of the Buckingham and Carnatic Mills and Mettur Industries will be licensed by the Collector.

(5) The dealers including co-operative organizations should pay a licence fee of Rs. 125 per half year to conduct business in wholesale and Rs. 12-8-0 to conduct business in retail. The licence fee is intended to cover the cost of administration of textile control in this Province. The dealers other than co-operative organizations should make a security deposit of Rs. 5,000 in the case of wholesale business in cloth or yarn and Rs. 500 in the case of retail business in yarn and

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Rs. 200 in the case of retail business in cloth. These deposits are forfeitable in part or in whole if the dealers contravene any of the provisions of the Control Orders, and the conditions of the licences. The deposits thus provide for effective check over the malpractices of the dealers. Though foreign cloth and yarn are not subject to control, the dealers in foreign cloth and yarn will be licensed. Licences will be issued freely in their cases on the payment of a uniform fee of Rs. 12-8-0 per half-year and deposits will not be demanded.

(6) Mill cloth obtained from the Bombay area will be sold to consumers at ex-mill prices plus 20 per cent thereof and the mill cloth produced in the local mills at ex-mill prices plus 16-25 per cent thereof. Sales tax at the retail end will be extra in these cases. The representative buyer will be allowed a margin of 1-75 per cent of the ex-mill price and the wholesale consignee a margin of 0-75 per cent of the ex-mill price. The wholesaler will get a net profit of 3-25 per cent of the ex-mill price and the retailer 6-60 per cent of the ex-mill price. Yarn will be sold to consumers at ex-mill price plus 7-13/16 per cent thereof and in addition all the charges for the transport of yarn from mills onwards, handling charges, and sales tax will be passed on to consumers. The wholesaler will get a net profit of 3-1/8 per cent of the ex-mill price and the retailer 4-11/16 per cent of the ex-mill price.

(7) The Collectors will be responsible for the administration of Textile Control work in their districts. A skeleton staff of one Textile Control Officer in the Tahsildar's or Deputy Tahsildar's grade, one Inspector for each taluk and necessary ministerial staff have been given to each of the Collectors to assist them. A Provincial Textile Commissioner in the grade of I.C.S. and four Assistant Textile Commissioners and one Personal Assistant to the Provincial Textile Commissioner and necessary ministerial staff have been sanctioned to attend to the procurement of yarn and cloth, to co-ordinate the work of the Collectors and to attend to such other items of work as have to be done on a Provincial basis. The Provincial Textile Commissioner and the Collectors assisted by their subordinate staff will enforce the arrangements for distribution of yarn and cloth through the Co-operative organizations and the trade channels and the sale within the margins of profit allowed to them. For the present there is no proposal under consideration of the Government to set up Advisory Committees to assist the Assistant Textile Commissioner and the Collectors. Collectors have, however, been instructed to consult all local members of the legislature before selecting dealers. The need for setting up such committees will, however, be considered if necessary.

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3-15 K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ In view of the fact that the answer is too long, I suggest that we may take this question to-morrow for supplementary questions.”

SRI R. SURYANARAYANA RAO :—“ I came a little earlier and read the answer. It might not have been possible for all the members to do so, because it might take some time for them to read the answer as it runs to four pages.”

MR. PRESIDENT :—“ When the hon. Member gave notice of such a question, he should have been prepared for such a long answer.”

THE HON. SRI H. SITARAMA REDDI :—“ This is a matter about which there has been a discussion in the House and hon. Members have had an opportunity of knowing the views of the Government from the statement I made on the matter.”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ Still we have got another big statement here as answer to this question and we have not yet read it.”

MR. PRESIDENT :—“ All right. We can take this question to-morrow for supplementaries.”

Aid to elementary education.

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

(a) whether the Government have refused to pay the Corporation of Madras grant equal to the amount of education cess or tax collected by the Corporation;

(b) whether this refusal may result in the closing down of elementary schools; and

(c) whether the Government have decided on their policy regarding aid to elementary education in the Province?

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

“(a) The statutory contribution payable to local bodies in respect of education tax is based on the rates of education tax in force prior to 1941. The request of the Corporation for an equivalent contribution based on the entire proceeds of tax collected at present, was therefore refused.

“(b) There is no information on this point.

“(c) There is no intention to change the present policy.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, whether the Government have considered the desirability of repealing the Act of 1941 which has enabled the Government now to refuse the contribution to the Corporation? ”

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THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ Government very much sympathise with the suggestion and they would like to contribute as much as possible but in the present finances of the Province they are unable to do so. I think we must await better finances.”

Dismissal from service of Sri T. C. Ramunni Ezhuthachan, Peringode.

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

(a) whether it is a fact that one Sri T. C. Ramunni Ezhuthachan, a teacher employed in the Aided Higher Elementary School, Peringode, South Malabar, has appealed to the Educational authorities against the order of dismissal passed by the Manager of the school;

(b) what orders the Educational authorities have passed;

(c) what the offence is for which this teacher was punished by the Manager;

(d) whether it is a fact that the Manager compelled the teacher to give an undertaking to desist from taking jatha of Harijans into the temples on threat of dismissal; and

(e) whether the legislation relating to temple entry does not afford protection to those upholding the law as against those who take law into their own hands?

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

“(a) Yes.

“(b) The matter is under investigation.

“(c) Alleged serious misconduct and gross insubordination and engaging in religious and communal propaganda, and unsatisfactory work.

“(d) No information is available.

“(e) Yes.”

SRI R. SURYANARAYANA RAO :—“ Is it not a fact that this teacher was dismissed because he lead a jatha of Harijans into the temple belonging to the Manager of the School? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ That is not the information. The matter is still under investigation.”

Constitution of Advisory Committees for Aided Colleges.

* 194 Q.—MRS. M. HENSMAN : Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the Government consulted the Madras and the Andhra Universities about the question of constituting Advisory Committees for Aided Colleges;

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(b) whether the Government will place on the table of the House the opinions of these two Universities; and

(c) whether it is a fact that the order since passed in G.O. No. 404, dated 2nd March has caused great anxiety to managements of Colleges and that representations have been made that this will result in creating a situation which will prejudicially affect the working of Colleges?

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

“(a) Yes.

“(b) & (c) The two Universities did not favour the constitution of these committees. The Government do not think it necessary to place the correspondence on the table of the House. The Director of Public Instruction recommended that the managements of Colleges may be advised to form such committees and that recommendation has been accepted by Government. The order is advisory and does not compel any managements to constitute such committees.”

MRS. MONA HENSMAN :—“ In the case of aided institutions and colleges which already have such advisory committees. I suppose Government do not propose to interfere with the working of these committees.”

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

“ Government do not propose to interfere with any private institution unless they consider it absolutely necessary.”

SRI R. SURYANARAYANA RAO :—“ Supposing a private college is not prepared to accept the advice of the Government to constitute an advisory committee, what is the action that the Government propose to take? ”

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

“ Nothing, Sir, it is only an advisory committee.”

Price of sugarcane in the Hospet area.

* 195 Q.—SRI N. SANKARA REDDI (on behalf of Sri B. Bhima Rao) : Will the Hon. the Minister for Agriculture be pleased to state—

(a) what the minimum price of sugarcane fixed for Hospet area in the Bellary district under the Sugarcane Act XV of 1934 during each year from 1938 to 1948 is; and

(b) the average price of white sugar per ton or per bag of 2 cwt. during the said years?

THE HON. SRI K. MADHAVA MENON :—“(a) & (b) A statement is placed on the table of the House.”

* Printed as Appendix I on pages 911-913 infra.

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

II.—MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT :—“ I have to announce to the House the following message received from the Hon. the Speaker, Madras Legislative Assembly, dated Fort St. George, the 24th January 1949 :—

“ In accordance with rule 94 of the Madras Assembly I transmit a copy of the Madras State Aid to Industries (Amendment) Bill, 1949 (L.A. Bill No. 5 of 1949), as passed by the Assembly on the 24th January 1949, and signed by me for the concurrence of the Council.”

III.—MESSAGE FROM THE GOVERNOR.

MR. PRESIDENT :—“ I have to announce to the House the following message received from His Excellency the Governor of Madras, dated the 7th December 1948 :—

“ In pursuance of section 82, sub-section (3) of the Government of India Act, 1935, I, Krishnakumarsinhji Bhavsinhji, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras State Aid to Industries (Amendment) Bill, 1948.”

IV.—THE MADRAS CITY POLICE AND GAMING (AMENDMENT) BILL, 1948 (L.A. BILL No. 10 OF 1948).

* THE HON. SRI M. BHAKTAVATSALAM :—“ Mr. President, Sir, I move—

“ that the Madras City Police and Gaming (Amendment) Bill, 1948 (L.A. Bill No. 10 of 1948), as passed by the Assembly be taken into consideration at once.”

“ Sir, this Bill seeks to amend the Madras City Police Act and the Madras Gaming Act so as to prevent betting within race enclosures and also to prevent the publication of news of race acceptances, etc., in the newspapers. It was the hon. the ex-Leader of the Opposition who sought to move a Bill to make betting an offence as early as July 1946 but that was not proceeded with because even then, Government had under contemplation the necessary legislation to prevent betting within race enclosures. Since then, Government published their Bill and it was introduced sometime last year in the Assembly and after examination by the Select Committee, some changes were introduced in the Bill by the Select Committee, and the Bill was passed by the Legislative Assembly as approved by the Select Committee, and it is now before this House. It is now really too late in the day to argue in favour of the continuance of betting, although one leading daily newspaper still thought fit to argue that there has been no agitation in favour of abolishing betting and that only a very few are to be affected by the betting in the races and that therefore this

* Printed as Appendix II on pages 912-915 infra.

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legislation was unnecessary. But, Sir, even that daily had to admit that it was too late in the day to argue in favour of the continuance of betting because of the Government's determination to undertake legislation to prevent betting. It may be a few that are affected or it may be a large number that are affected. But, I should like to point out that it is the duty of the State to prevent even the few from falling victims to the evils that are existing. Even if it is a few that are affected, we have to realise that the ruination of the few affects society as a whole and therefore, it is in the interests of everyone of us to see that we avoid spreading such evils. We have seen how even the great Yudhishthira fell a victim to gambling, although he had known the injunctions in the scriptures and had the example of the great King Nala before him. He could not avoid the temptation of falling a victim to gambling and thus he ruined himself, and his family and lost his kingdom. Therefore, it is no use arguing that the Government seek to interfere with the individual liberties of the people. As I said, Sir, if an individual falls a victim, ultimately it affects society and therefore, I do not think there will be any serious opposition to a measure of this kind. I rather expect that there would be criticism that we are not bringing into effect the provisions of the Bill immediately on the passing of the Bill. But, I may point out that there are some difficulties in the way of bringing into effect the provisions on the passing of the Bill into law. We seek to bring into effect immediately the provisions relating to the prevention of publication of news of acceptances, etc., in the newspapers. Regarding the abolition of betting, Government seek to take power and they will issue a notification. As I said in the other House, as soon as the Bill is passed into law, Government would take a decision and announce a date when the provisions of the Bill would come into effect. It may also be pointed out that the Government are not against races as such as a sport, and that there may be races without betting. If that is not possible, I can only say that we cannot help it. The Bill seeks to prevent betting and to avoid the evils of betting and if without betting races cannot be conducted, we have to satisfy ourselves without races. With these words, I do commend the provisions of the Bill for the acceptance of this House."

MR. PRESIDENT :—" The question is—

' that the Bill further to amend the Madras City Police Act, 1888 and the Madras Gaming Act, 1930 (L.A. Bill No. 10 of 1948), as passed by the Assembly be taken into consideration at once."

* SRI R. SURYANARAYANA RAO :—" Mr. President, I feel, Sir, that this is a very curious piece of legislation. I would like to draw the attention of the House that this Bill attempts to change the definition of the word ' gaming ', but the effect of this changed definition is to be given effect to later on by a notification. This, Sir, is a very curious method of achieving the purpose. I can very

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well understand the definition being amended, and another clause introduced to give effect to the whole Bill at such time as the Government think fit to do. Another thing is that while sections 3 and 5 which deal with the publication of news relating to races are to come into effect at once, only the definition has to become effective later on. I am not a lawyer, but I am sure no piece of legislation of this kind will be presented to any House for its adoption.

" Then, secondly, Sir, let us take clause 3. The proviso says :

' Provided further that, in regard to horse-races within the Province of Madras—

(i) any newspaper, or

(ii) any publication which is issued by or under the authority of any race-club empowered in this behalf by the Provincial Government and which is distributed solely within the precincts of such race-club or any race-course connected therewith'

Therefore, Sir, the Provincial Government are empowered to say which race-club can issue the kind of publication relating to races and distribute it. The proviso continues—

' may contain such information as may be permitted by rules made by the Provincial Government under sub-section 2.'

Sir, my point in drawing attention to this proviso is that if the Provincial Government are really anxious that there should be no betting on horse-races, let them straightaway pass a legislation. The merit of such a legislation is a different matter. But, to put off abolishing racing and only to control what kind of information can be published by race-clubs, is, to my mind, trying to do something about which they themselves are not quite sure because they have not made up their minds as to when the horse-races should really be abolished.

" On the question of horse-races, Sir, I am not a race-goer; the first time I went, Sir, you were also there. We went at the invitation of the race-club. Evidently they wanted to educate us in horse-racing! We were all there, but we did not feel the excitement that some of our friends feel."

MR. PRESIDENT :—" The hon. Member may speak for himself."

SRI R. SURYANARAYANA RAO :—" At any rate, most of us did not feel any excitement. The point for consideration is whether betting is to be abolished, or horse-racing is to be abolished. If horse-racing is to be abolished, it is not within our powers to abolish it. I know, Sir, in the district of South Kanara, buffalo races are very common. It is a pastime enjoyed by the villagers; and there is a certain amount of betting too. In fact no race can take place without a certain amount of betting. To what extent that betting should be allowed is the question. It should be to the extent which will not ruin anybody. However, it is not for the State to legislate in this matter. Under this clause, even buffalo races in South Kanara will become illegal,

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if gaming is to be defined as it is sought to be defined here. Is it necessary to lay down morals to the extent of controlling the conduct of individuals or groups of individuals, as long as their actions do not affect the community? The people who go to races, or take part in these races are few, and they know well what the evil and good effects of such race-going are. But is it contended that indulging in horse-racing and betting are immoral acts? I beg leave to say, Sir, we take upon ourselves too much responsibility to declare any act as moral or immoral. It is the point of view from which we look at a thing, that makes a thing moral or immoral. And the fact that it affects the general good of the community is the thing that perhaps makes an act immoral. I feel sure, though as I said, I am not a horse-race-goer, and I do not think I will ever indulge in betting even if I attend horse-races—that it is not for us to abolish horse-racing altogether. We were shown what are called the first and second enclosures. The first enclosure was for persons who could afford to lose or gain. And those who go into it seem to enjoy the horse-race not only when they gain, but even when they lose. If it is necessary to protect ignorant people who do not understand the evil effects of betting which in some cases may even prove ruinous, why not abolish the second enclosure first, and watch for its effects on public morals, because we are here laying down what morals are good for the public, though we have no right to do so?"

MR. PRESIDENT:—"If I know the Government mind, they seem to be thinking in this line. That is why the legislation is worded in that way."

* SRI R. SURYANARAYANA RAO:—"I am thankful to you for the information you have given. I wish the Government will follow that policy . . ."

MR. PRESIDENT:—"That is why they have taken the right to notify. If the people of the second enclosure are not amenable to reason, then the Government can enforce the provisions of this Bill."

THE HON. SRI M. BHAKTHAVATSALAM:—"I cannot say, Sir, that that is exactly the position we adopt."

DR. V. K. JOHN:—"I am very sorry, Sir, the Hon. Minister does not agree that you know their minds."

MR. PRESIDENT:—"I do not speak for the Hon. Minister."

* SRI R. SURYANARAYANA RAO:—"I would suggest to Government, even if this Bill is passed, as it is sure to be passed, not to abolish immediately horse-racing altogether, but to abolish such enclosures as attract people who cannot afford to bet and lose, then see what effect it has on public morals, and then abolish horse-racing altogether."

"Anyhow, to give effect to a definition later on, while giving effect to substantive provisions which hang on the definition in the

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Act earlier, seems to be a peculiar method of enforcing legislation. With these few words, I suggest to Government to go slow, not to ~~any punishment~~ to those who seem to find some pleasure in horse-racing and see that they take such action as will remove the temptations to those who cannot afford to lose, and after watching the effect of such action, to abolish horse-racing altogether if it is deemed necessary to do so."

SRI C. N. MUTHURANGA MUDALIYAR:—"Mr. President, Sir, I rise to welcome this measure, though a belated one. We all expected that this Bill should have become law much earlier than now. Of course, my hon. Friend Mr. Suryanarayana Rao advised Government to go slow, but I am advising the Government to move fast. While welcoming this measure, I should like to tell them that they should have brought two sections of the Bill immediately into force, and the others may be left to their sweetwill and pleasure, to be enforced. I must also say that this Bill would have come earlier, but for the fact that the Ministers themselves were not of one mind in this matter. That is why it was so long delayed, and to-day it has seen the light of day, in this upper House. But what guarantee is there that the Ministers should be of one mind even after the passing of this legislation? I am told that the Race Club authorities have asked for one year's time, to wind up their business. That was probably a year ago. If the legislation had been passed then and there, certainly the Government could have given them one year's time, and by now racing would have been abolished. But now, the legislation itself has long been delayed for about a year, and the one year's time that the Race Course authorities asked for winding up their business is already over. According to their own words, they should have wound up their business by now. If they have not, they take the risk themselves. But the Government should not delay any longer; on the other hand, they should bring into effect the provisions of the Bill immediately, as soon as the Bill is passed and receives the assent of the Governor-General. That is all my request to Government."

"I am not a race-goer myself, though I have witnessed some horse-races while I was a student, not the Gundy race, but the races conducted in the Island Grounds where there was no betting, but merely a presentation of cups to the winning horses. That, I think, is a better way of encouraging horse-breeding. If horse-racing is to be abolished, in my opinion, horse-breeding would not suffer. There is no meaning in asking for the abolition of the second enclosure, keeping the first enclosure intact. Let the rich man pay his penalty, and go, we do not mind. That was how we used to say even at the time of the prohibition act: "Let the rich man drink and become a pauper. We do not mind. It is the poor man that has to be saved, and it is only for that purpose that the Prohibition Act should be administered properly." Similarly, Sir, we say the same thing now too. My point is that whether a man is rich or poor, horse-racing should be abolished. The Race Course authorities have given lump sums by way of donations at the time of the war, for charitable purposes also, but that is no reason why the bulk of

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the poor man's money should cross the ocean. I do not want the Bill to be delayed any longer; the Bill must be passed immediately, and the Government must give effect to the provisions of the Bill immediately."

* DR. V. K. JOHN:—"Sir, I am obliged to Mr. Muthuranga Mudaliar for the information he has given us that the Ministers themselves are of divided opinions."

THE HON. SRI M. BHAKTAVATSALAM:—"On a point of personal explanation, Sir. I have not given any such information, Sir."

* DR. V. K. JOHN:—"I did not go to the extent of saying that he gave this information to his uncle. But I may say this much, that whenever Mr. Muthuranga Mudaliyar gives any information to us, it can be taken as authoritative."

THE HON. SRI M. BHAKTAVATSALAM:—"I do not accept that Mr. Muthuranga Mudaliyar can speak for the Cabinet."

* DR. V. K. JOHN:—"Now, I am not surprised that there is this difference of opinion among the Ministers in this matter. I am not speaking now as the Leader of the Opposition. I have given free vote to the members of my party, i.e., any one of us can either support or oppose this Bill. I hope Government also may give free vote to the Ministers . . ."

THE HON. DR. T. S. S. RAJAN:—"I may remind the hon. Leader of the Opposition that the Bill before us is a Government Bill."

* DR. V. K. JOHN:—"Even in Government Bills, free vote can be given, but I am not concerned with that just now."

"I consider, Sir, that this Bill is an austerity Bill, which will certainly affect adversely, if not destroy altogether, the industry of horse-breeding. It would also affect adversely amusement and recreation which a very large number of people, particularly Government officers who visit the race course after a hard day or a hard week's work, are having. More than all that, it will affect the revenues of the Government. Just a little while ago, the Education Minister was pleased to tell us in answer to a question put to him, whether the corporation is given sufficient funds to carry on the educational programmes in the City, that they have no funds. Then, Sir, I elicited information from the Hon. Mr. Bhaktavatsalam that the Government will be losing Rs. 25 lakhs a year if this Bill is passed into law. I consider, that this is an enormous amount for the Government to lose, on account of what I consider to be an austerity Bill."

3.45 p.m. "Of the Bills introduced by the Government during the last two years a number of them can be classified as piety series Bills and others as control series Bills. The Government want to promote austerity, piety, prayer and penance. They want to prevent people betting on horses and doing acts which in their opinion are objectionable. I would not be surprised if this Government want

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to prohibit football, cricket and other games and amusements also. I am sure before very long they will prevent smoking by adults. Perhaps there is a difference of opinion in the Government on this matter as some Ministers are smokers. Everything must go one after another. (The Hon. Dr. T. S. S. Rajan: 'Even laughing'!) Even laughing also as the Hon. the Leader of the House says may be prohibited, although he has advised us to smile our way through life. Sir, there is one great omission in this Bill. Provision should have been made that all these buildings now used for racing should be requisitioned and utilised as prayer halls. All the cardinal virtues must be promoted by prayer, penance and starvation. Even now many starve. We need not do anything for irrigation, but let us pray for rain! Let these buildings in the race courses be utilized as prayer halls. This omission in the Bill must be rectified."

MR. PRESIDENT:—"Is the hon. Member giving notice of an amendment to that effect?"

* DR. V. K. JOHN:—"No, Sir. No amendment given by me ever got through. Otherwise I would have given notice of an amendment."

"Joking apart, what will be the effect of this Bill? Will it achieve the object the sponsors have in view? You can't have legislation for promoting piety and virtue in people. That must be done by education. By compulsion of law you can't make a man virtuous. I do not consider that betting is a vice, although I do not myself bet and I am not a visitor to the race course either. If you try to promote virtue by legislation, you will never succeed. This so-called vice will go underground. In England in the days of Cromwell, many Bills were passed to make the English nation virtuous, but the people instead of becoming virtuous became vicious. In my opinion, no Government should interfere with the freedom of the individual unless that interference is necessary for the security of the State. It may be that another section of the people may hold very strongly a contrary opinion in the matter, but it is no ground for the Government or the Legislature to pass legislation and enforce on the people what they consider to be virtue or prevent what they consider to be a vice. They will not succeed in their object. Now, Sir, I may assure hon. Members that betting will continue. There must be an army of police officers to hunt out these bucket shops. There may be demoralization among the officers, they may be bribed and won over. There may be demoralization among the public. Sir, this is a matter for the constructive programme of the Congress Party. If the Congress Party are against betting, they must educate the people and persuade them that betting is a vice and should not be indulged in. I strongly protest that the Legislature should be asked to undertake legislation for preventing betting. To-morrow perhaps some Congress members or Ministers may feel that love-making is bad and that boys and girls should not meet before marriage and

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that legislation should be introduced to prevent love-making. Sir, opinions differ. Society grows and virtues also grow as society grows. It is not for us as a Legislature to introduce legislation of this kind, for it will never succeed, but on the other hand it will demoralize society.

"Sir, it would have been better if the Government had taken the views of people who know something about races and betting. I do not think that the Government have ever taken the opinion of the public as a whole for the introduction of this Bill. Some hon. Members might speak against the Bill here, but if there is a division, they will only vote for it. That is our position. I do not think, Sir, that public opinion in this Province is decidedly against betting in races which encourage horse-breeding industry and contribute to amusement and recreation. Sir, news of the introduction of this legislation here will be flashed throughout the world. The Governments in Britain, America and other countries no doubt want their people to be pious, prayerful, austere and virtuous, but they do not attempt to do it by legislation. When the news of what our Government are doing now is flashed to those civilized countries, they may think that we have gone mad in undertaking legislation like this. Then Sir, why should the Government hit the press? The press ought to be free in a free country, but it is also muzzled. The papers cannot publish news of what is happening. What about the radio? People listen to the news of the Derby and other races broadcast on the radio. Are you going to prevent people listening to the radio news about the races? That will perhaps be another austerity bill, Bill No. 101. We have had already 100 austerity bills and control bills. Sir, we should not try to sit in judgment over the conduct of persons. Racing is only an amusement and a very popular amusement all over the world. To see the Derby races, people wait for the whole night, to get a foot of standing ground. The results of the races are eagerly listened to on the radio. Betting on the races goes on not only in England but all over the world. Millions of people all over the world bet on them and enjoy it. News about the races is given priority. Why? Do you mean to say that the people all over the world—in the United States, in Britain, France, Germany, the Soviet Union—except in South India do not know that race-going and betting is a vice? Sir, people amuse themselves in many ways. At this rate, it might be said that eating is a vice and should be prevented. I expect the Government to bring forward a Bill saying that no man should have more than one meal a day."

MR. PRESIDENT:—"You are having it already!"

* DR. V. K. JOHN:—"Because some gentlemen on the other side are satisfied with one meal a day, they may think of legislation to prevent others from eating more than one meal a day."

MR. PRESIDENT:—"I am thinking of rationing speeches."

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* DR. V. K. JOHN:—"Sir, I protest against this kind of legislation vehemently. You may have differences of opinion about these matters, but just look at the millions and millions of people all over the world who enjoy these things even when they do not actually see the Derby and other races. If we took a very narrow view of these things, people outside are likely to think that we in Madras are doing something which, though it may not be called actual madness, is something near it." 4 p.m.

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Mr. President, Sir, I thought that I would not take more than five minutes on this Bill."

MR. PRESIDENT:—"That is why I called you to speak."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Sir, I must now feel satisfied or contented with agreeing to differ from two eminent members, one the Leader of the Party and the other the virtual leader of our Party who spoke against this Bill."

MR. PRESIDENT:—"I suppose you have got the freedom to vote."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Sir, we have always got the freedom to vote."

"You will kindly pardon me if I take a little bit of legitimate pride in having moved a similar Bill in this House. I am thankful to the Government for having brought this measure in a more complete manner. Now, Sir, arguments have been advanced by eminent lawyers as the hon. Leader of the Opposition that this is a sort of relaxation for the public and that the freedom of the individual should not be curbed. I would like to respectfully differ from this sort of argument. If that is the argument, I say the freedom of the individual should be viewed in a comparative sense."

MR. PRESIDENT:—"I think you better allow the Hon. Minister to reply to that point. If you have got anything in addition to that, you can say so."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"As I have said, I am supporting the Government and not criticising it. This is not a measure for the poor but for the rich. I read from a newspaper sometime ago that an ex-Governor of our Province who became a bankrupt was reported to have said that his bankruptcy was due to racing."

DR. V. K. JOHN:—"Only bankruptcy and not ruination."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"If bankruptcy is not financial ruination, what else can it be? It is ruination. In this connexion I would like to read one or two sentences from a press cutting published in Melbourne."

You cannot win, you cannot win. Any man who thinks he can is a fool."

This was the opinion expressed by a man who has been a race goer for 20 years. Sir, we are anxious to see that rich people in

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our country do not become paupers and therefore legislation of this kind is absolutely necessary. The poor people can afford to lose money because they cannot afford to lose much. If a poor man goes to race and loses money he will never visit again. If he wants to visit again he will have to take a loan from others. He cannot be getting loans always. Some day or other he will give up the practice of going to races. Sir, it is not a relaxation for the rich people. It is a sort of punishment that is inflicted upon the rich by having this kind of racing in this country. There may be races all over the world. There is drinking all over the world. In America there is drinking. We have drinking in England. Which is the country in the world where people do not drink? But Madras has given a lead. For this, we should be thankful to the Congress Government. Apart from the question of morality involved in it, there is also the financial aspect of it. There is the economic aspect of it. Therefore, let us not feel shy or fight shy of giving leads to the world. We have given a lead in the matter of prohibition. Let us also give a lead in the matter of preventing betting on horse races. Sir, I do not want to dilate upon this point any further as you have rightly pointed out that there is the Government to meet all the points that have been put forth against this Bill. As has been pointed out by my hon. Friend Mr. Muthuranga Mudaliyar this is a belated measure, and I also feel that it ought to have come long, long ago.

"But one thing, I would request the Government. They must announce the date, when racing would be abolished, by way of a notification as early as possible. This is absolutely necessary. There is no use in placing an Act on the Statute Book without the public knowing when that Act is going to be enforced. Though it may not be their intention and that sort of allegation may not be right in their case, yet the public is justified to a little extent in thinking that the Government have brought this Bill just to allay public opinion and that they have no intention to put it into force."

MR. PRESIDENT:—"Ever putting into force!"

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"There is no time limit. It can be put off for any number of years to come. I do not want that the Race Club should suffer very heavily on this account. They can be told that by the beginning of next year, we are going to stop racing. They can mention the date and the public will also be satisfied with it."

DR. V. K. JOHN:—"I suggest 1st of April."

MR. PRESIDENT:—"If you suggest 1st of April, you must take the credit."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Sir, the Race Club has been doing a very great injury to the public. Mr. Muthuranga Mudaliyar has pointed out that they have given large donations for public utility purposes. But I ask, whose money

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have they given? It is something like robbing Peter and paying Paul. Sir, it is argued that 25 lakhs of rupees will be lost to the Government if they stop racing. When the Government was bold enough, was strong enough and morally courageous enough to lose eighteen crores of rupees by the introduction of Prohibition, they can very well afford to lose 25 lakhs of rupees. I do not think that the Government would incur any loss by this legislation. There are large sums of money with the Race Club. Government can freeze this money. The Government can requisition all the buildings and divert them to other purposes. As there is the housing shortage in the city and as the Race Club is near the Guindy Railway Station, all these buildings and lands can be utilised for house-building purposes. People who are now left homeless can be accommodated there and rent can be collected from them. That will serve a great national purpose. I am certain that if the Government give contract for those lands, many people will come forward to pay even fifty lakhs of rupees to the Government annually. Therefore, it is not a question of revenue being lost. It is only a question of taking courage in both hands and putting this Bill into effect as early as possible. I think the Government have earned the gratitude of the public of this province by the introduction of this Bill and if this is passed into law, it will be a red letter day in the history of the province and it will go a great way to give a lead to the whole of India and through this great land to the whole world. With these words, I support the Bill."

* THE HON. DR. T. S. S. RAJAN:—"Sir, generally I never interfere in these debates although I can do so if I want. But my hon. Friend Dr. John provoked me into speaking today by his very incisive speech in which he began to dilate upon the moral virtues of human beings."

MR. PRESIDENT:—"I just want to say one word. As there are some more Bills to be taken into consideration to-day and as I do not want them to be left over for to-morrow, I request the Hon. Minister to finish his speech very soon. Also, I want the co-operation of the hon. Members in this matter."

THE HON. DR. T. S. S. RAJAN:—"I will not take much of the time of the House."

"I was not able to follow Dr. John very clearly in his conclusions. Whatever it is, the Government ought not to be penalised for not creating virtues. As a matter of fact, the Government do not claim that this Bill is going to create virtues. There is nothing of the sort in the Bill. This Bill is purely meant to remove the incentive for betting on the part of the poor people. It is to save those people who, for no fault of their own, fall victims to this evil that this Bill is intended. Often, people who do not know what a race is, the kind of horses that are running there and how they run and who never go near the Race Course, indulge in betting even in the open street. This Bill will benefit those people."

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"Sir, I was myself taken to the race course one day—as many others were taken there—and I have witnessed racing."

MR. PRESIDENT :—"We saw the picture in the papers."

* THE HON. DR. T. S. S. RAJAN :—"No, Sir. One day I was taken to the race course by the Secretary of the Race Club. I was very much impressed at the way the horses run at such a terrific speed. Seven or eight horses are made to run at such a high speed. While the horses were running, I saw the terrible excitement caused by it among the people witnessing the racing. I did not know why there was excitement. At the end, I saw people rushing and exchanging currency notes. Those people included both men and women. I did not know why these people should make such a fuss over it. Sir, I really wondered why so much money should be spent on this racing. At last, I returned home a disappointed man. Also, sometimes these horses were made to drink whisky or beer so that they can run fast at such a terrific speed. So, I felt that this form of torturing the animal should be stopped. We can never encourage the breeding of horses by such a method."

DR. V. K. JOHN :—"Does the Hon. Minister remember that horses enjoy racing?"

THE HON. DR. T. S. S. RAJAN :—"I do not think that horses enjoy racing. Again, I say, Sir, this Bill is mainly intended to save these poor innocent people who, by betting, lose money and take loan from their neighbours and thus create nuisance not only to them but also to the society as well. We can put an end to all these things only by stopping these races. Certainly, we have no objection to the running of horses but it should not go with betting. It is only on that aspect, purely on the social aspect, in which the society has got to suffer from this pernicious evil that we thought it fit to bring this Bill before this House. It is not for creating virtues but for preventing people from indulging in this gambling business that we have brought this measure. I have no doubt that the result accruing from this measure will be as good and beneficial as Prohibition is in our province and Dr. John also endorsed the view that Prohibition was a beneficial thing. With these words, I close my speech."

4-15 P.M. * K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—"Sir, I rise to congratulate the Government on introducing this Bill. I would like to say that it is very belated. In fact we have been urging for the introduction of such a measure from 1946 onwards. I remember when the first Budget was introduced in August 1946 in this House while pleading for Prohibition I also urged the introduction of prohibition of betting on races after the introduction of Prohibition. It is also not proper to say that public opinion in the province is against the Bill. I would like to point out that betting on horses is one of the vices introduced by the foreigner into this country and when the race course at Guindy was about to be introduced, there was a great deal of agitation against it and

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the then Governor of Madras said that in order to make people virtuous there must be temptation to train them to withstand those vices. I remember that quite distinctly. From the beginning, even before the introduction of this vice, the people of this province have been expressing themselves against it and I even thought that the introduction of this Bill should have synchronized with the exit of the foreigner from this land, that is, soon after the 15th August 1947. Now that the Government have brought forward this measure, I gladly welcome it. It is no doubt true that this horse racing has been the cause of the ruination of thousands of families. On more than one occasion we have seen hundreds of people in the verandahs of this building waiting to know the result of the previous Bill for the prohibition of horse racing and they have come to me on so many occasions urging that betting on horses should be banned altogether. So, there is no truth in the statement that public opinion is against the Bill. On the other hand, there has been a uniform and persistent demand for such a measure in this province for the last so many years. It has very often been said that the industry of horse breeding will be very much affected. And, even a former Minister of the Congress Cabinet said on a former occasion that we will not be getting any thorough-breds in this country. I am yet to know the existence of any connexion between the horses that compete in races and the ones that are available for use by the people. I do not think there is any force in the argument that the breeding of horses will be considerably affected by the abolition of betting on horses.

"Then, Sir, in regard to income from this source, I would point out that just as the income from the vice of drinking is tainted money, so also any money derived from the betting evil is also tainted money, whatever may be the amount. So, Sir, Government ought not to think of getting even a single pie which is derived from the miseries of the people of the land.

"Again, Sir, it is said that it is an amusement. I may point out in this connexion that there are ever so many kinds of amusements in the land and people had amusement and relaxation for thousands of years and centuries in this land even before the introduction of horse racing and consequent betting on that. I submit these are not reasonable arguments but somehow or other they have been advanced. In this connexion I would refer the Hon. Leader of the Opposition to the oft-quoted words of Lord Tennyson 'Freedom bound is freedom gained'. It is therefore no use repeating time and again that the freedom of the individual is subject to so many other factors. For instance, even in the new Constitution the fundamental rights are subject to so many restrictions.

"Now, Sir, coming to the Bill itself I would like to refer to one or two points. In regard to clauses 3 and 5, I should think that the first proviso requires some modification. It is stated therein that the section does not apply to any newspaper so far as horse racing outside the Province of Madras is concerned. I would

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submit that any newspaper published in this Province should be prohibited from publishing information regarding horse races which take place even outside the Province of Madras. If you allow local newspapers to publish such information it will lead to the continued existence of these bucket shops and give an incentive to people to resort to bucket shops in a stealthy manner. I do not think there is any harm in preventing the publication in our newspapers of information relating to horse races outside the Province of Madras.

"In regard to the second proviso also, I would urge the removal of the first exception. Of course, you may allow the Race Club to publish the information that is necessary for the members of the Race Club, but why should that be published in the newspapers. The information that is required only for the use of members of the Race Club if published in the local newspapers will again be an incentive to people to resort to bucket shops in a stealthy manner.

"I would therefore suggest that these two modifications may be made by the Government. Further, Sir, a suggestion has been made in some quarters that just as in Bombay where a time-limit of five years has been given for the abolition of the race course, this Government may also give such a long period of time to the Race Club to wind up. I think that is not necessary, nor is it reasonable. My point is that when once you decide upon the abolition of the race course it must be given effect to immediately. I would urge that immediate effect be given to the abolition of betting on races.

"Again, Sir, it has been argued, the Race Club has invested a large amount of money on the business. But, it must be pointed out that the question of the abolition of betting on horses has been before the public ever since 1946 and so I should say that they had sufficient notice of the intention of the Government in regard to the proposed abolition of betting on horses. But, as a kind of temptation to the Government to postpone this measure the Race Club has been subscribing large sums of money to the Provincial Welfare Fund and other such funds. It was also urged on the Floor of the other House that because the Government and public funds have been receiving moneys from the Race Club, you should not abolish that. That is no argument at all. As I said in the beginning, such donations should not be accepted because it is tainted money and even though it is offered it should not be accepted. At any rate, these should not be the grounds for the postponement of a measure of this kind. I would therefore urge on the Government to see that full effect is given to the objects of this measure as soon as possible and without any compunction at all. If they do so, they will be earning the gratitude of millions of families who have been suffering under this great evil for so many decades past."

* THE HON. SRI M. BHAKTAVATSALAM :—"Sir, with all my respect to the Hon. Leader of the Opposition, I do not take

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seriously his curious arguments against the Bill, because he has not been able to take his own following with him. Although he expressed so strongly against the provisions of this Bill he has been very effectively answered by his own following and other hon. Members of this House. Therefore I would not attempt at answering seriously his arguments, whether they were serious or not.

"My hon. Friend, Mr. Suryanarayana Rao, first complained that the clause relating to definition is not to come into effect immediately the Bill becomes law, but in the end he also pleaded for going slow. Regarding the criticism against the clause relating to the definition, I may point out that this Bill seeks to amend the definition contained in two of the existing Acts and if that definition is to come into effect immediately the prevention of betting also is to come into effect immediately, but as I have said before there are practical difficulties in bringing into effect that provision immediately. We are in the midst of the racing season and the Race Club has its own interests. If the Bill is passed into law today and the Governor's assent is to be received tomorrow, automatically all these should come into force. Then that will lead to a lot of difficulties which would seriously affect the interests of the Club. Therefore, we have introduced this provision that Government would issue a notification announcing the date when those provisions are to come into force, but I can point out that there is no mental reservation behind the Government and there is no idea of simply passing the legislation in order to satisfy public agitation and then continuing the races indefinitely. I would also wish to point out that it is not correct to say that the Ministers are not of one mind. Sir, time has not yet come for the Ministers to take a decision as to the date when the provisions of this Bill are to come into force. As a matter of fact, even in the Bill as originally drafted, there was this proviso, namely, that the Government is to issue a notification announcing the date. On any question, the Ministers may have their own views but then they meet for considering and taking a decision and when they take a decision, the Ministers will have only one mind and not different minds, and there is joint responsibility. It is not yet time for Ministers to express their views, but I can assure the House that as soon as this Bill is passed into law the Ministry would consider the date when it should come into force and when they take a decision they will announce the date and I can also give this assurance to the House, that it will not be a long lease of life for betting. There is no question of the curtailment of individual liberty. I have no doubt the House will agree that there should be no unrestricted individual liberty which would affect not only the individual but also the society.

"I wish once again to say that it is too late in the day to argue that betting and gambling should continue. My hon. Friend sitting opposite referred to clauses relating to the publication of news in newspapers. I may at once point out to him that there are practical difficulties in differentiating between newspapers of this Province and newspapers coming from other Provinces. Newspapers from other Provinces reach this Province within two or three

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hours by air and there are also newspapers which are published on the borders of this Province and they mainly cater to that part of the Province. So, it is not practicable to make a distinction between newspapers in this Province and newspapers outside this Province. We have therefore provided that only news about races within the Province is to be banned.

"Again, my hon. Friend referred to the proviso about the publication of certain news items regarding races in the newspapers. I have already stated that we are not against racing as such.

4-30 P.m. "It might be possible to continue racing and just as any other sport, racing also might continue and exist as a sport and it would not be right to ban publication of news items relating to sport, even relating to races in the newspapers. That is why we have introduced that provision. I can once again assure hon. Members of the House who are afraid that the Government would give an unduly long lease of life to betting that this Government would take a decision and it will not be a long lease of life to betting. There is no question of distinctions between the rich and the poor but it is a question of saving people who cannot afford to ruin themselves and it is in that spirit that the Government have brought forward this measure and I do hope that the House would unanimously vote for the motion."

MR. PRESIDENT:—"The question is—

'that the Madras City Police and Gaming (Amendment) Bill, 1948 (L.A. Bill No. 10 of 1948) as passed by the Legislative Assembly be taken into consideration at once'."

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

Clauses 2, 3, 4, 5 and 1 and the preamble were each separately put and carried.

THE HON. SRI M. BHAKTAVATSALAM:—"Mr. President, I move—

'that the Madras City Police and Gaming (Amendment) Bill, 1948, be passed into law'."

MR. PRESIDENT:—"The question is—

'that the Madras City Police and Gaming (Amendment) Bill, 1948, be passed into law'."

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

V.—MOTION UNDER RULE 15 (3) OF THE COUNCIL RULES.

THE HON. DR. T. S. S. RAJAN:—"Mr. President, Mr. Chandramouli has to move item 5, the Madras Municipal and Local Boards (Amendment) Bill, 1948. I want it to be taken here immediately now and I want the permission of the House to alter the order of business."

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MR. PRESIDENT:—"The Leader of the House may make a motion under Rule 15 (3)."

THE HON. DR. T. S. S. RAJAN:—"Under Rule 15 (3) I move—

'that the motion standing in the name of the Hon. Sri K. Chandramouli may be taken up now and the rest might follow'."

MR. PRESIDENT:—"The question is—

'that item 5 in the list of business, i.e., the Madras Municipal and Local Boards (Amendment) Bill, 1948 (L.A. Bill No. 4 of 1949) be taken up now'."

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

VI.—THE MADRAS MUNICIPAL AND LOCAL BOARDS (AMENDMENT) BILL, 1948 (L.A. BILL NO. 4 OF 1949).

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

'that the Madras Municipal and Local Boards (Amendment) Bill, 1948 (L.A. Bill No. 4 of 1949), as passed by the Assembly be taken into consideration at once'."

"The object of the Bill has been explained in the Statement of Objects and Reasons. It is only a small amending measure which has been necessitated after the passing of the Indian Independence Act of 1947. When Members have to take their oaths of allegiance or affirmation, the change has been made and instead of the words 'Crown' the words 'India and the Constitution of India' are to be substituted and similarly instead of 'to His Majesty the King-Emperor, his heirs, successors, etc.' the words 'India and the Constitution of India' are to be put in and each member is expected to swear in the name of his mother country and the Constitution."

DR. V. K. JOHN:—"Mr. President, I support the motion."

MR. PRESIDENT:—"The question is—

'that the Madras Municipal and Local Boards (Amendment) Bill, 1948 (L.A. Bill No. 4 of 1949), as passed by the Legislative Assembly be taken into consideration at once'."

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

Clauses 2, 3, 1 and the preamble were each separately put and carried and formed part of the Bill.

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

'that the Bill be passed into law'."

MR. PRESIDENT:—"The question is—

'that the Madras Municipal and Local Boards (Amendment) Bill, 1948, be passed into law'."

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

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**VII.—THE MADRAS COMMERCIAL CROPS MARKETS (AMENDMENT)
BILL, 1948 (L.A. BILL NO. 1 OF 1949).**

* **THE HON. SRI K. MADHAVA MENON** :—" Mr. President, this is only a small Bill. Under section 2 of the Commercial Crops Markets Act, commercial crop has been defined as cotton, groundnut or tobacco. It has been found that other crops like potatoes, cashewnuts, coconuts, copra might be brought in though potato may not exactly be a commercial crop but a food crop. But requests have come to the Government to declare them as commercial crops for the purposes of the Commercial Crops Markets Act. Under the definition as it now stands it cannot be done. Instead of specifically including them, as occasion arises the amendment takes power for the Government to include any other crop or product to be notified by the Government in the *Fort St. George Gazette* as a commercial crop. I move—

' that the Bill be taken into consideration at once '."

MR. PRESIDENT :—" The question is—

' that the Madras Commercial Crops Markets (Amendment) Bill, 1948 (L.A. Bill No. 1 of 1949), as passed by the Legislative Assembly be taken into consideration '."

* **SRI R. SURYANARAYANA RAO** :—" Mr. President, I have a few doubts which I would like the Hon. Minister to clarify. I never knew till this Bill was introduced that potatoes are considered as commercial crops. I thought that the Hon. Minister for Food has always been considering potatoes as food crop and in fact, the prices of potatoes were controlled and they were distributed through ration shops just as any other article of food and I do not know how he has allowed it to be classified under commercial crops."

THE HON. SRI K. MADHAVA MENON :—" It has not been classified yet."

* **SRI R. SURYANARAYANA RAO** :—" You have mentioned in the Statement of Objects and Reasons that representations have been made to the Government for the extension of the provisions of the Commercial Crops Markets Act to potatoes and copra.

" The second point that I would like to ask is how can a product become a crop? We see from the definition that it means ' cotton, groundnut or tobacco and includes any other crop or product.' I do not know how the draftsman allowed the use of the word ' products ' to come under commercial crops. I feel, Sir, it is a very curious definition of commercial crops. A product may be a processed food and how can it become a commercial crop? I would also like to know from the Hon. Minister if before the notification is issued bringing in any crop under the definition of commercial crops, the notification will be published in the *Fort St. George Gazette* and objections will be invited. I ask this, Sir, because in the Statement of Objects and Reasons it is proposed to

a Printed as Appendix IV on page 916 infra.

25th January 1949] [Sri R. Suryanarayana Rao]

bring immediately in potatoes under the Act and there may be some objections for treating potato as a commercial crop and the objection will be greater because the Marketing Committee will have to be constituted which will levy fees at rates specified in the schedule to the Act. The mere declaration that potato or copra is a commercial crop does not stop there because various other provisions of the Commercial Crops Act will apply. Is it the intention of the Government to bring in food crops like potato and even copra for that matter, under the commercial crops whereas the Act was meant to deal with real commercial crops as distinguished from food crops? I do not know how the department of Agriculture advised the Hon. Minister and how the other Ministers especially the Minister for Food agreed to potatoes coming under commercial crops."

* **DR. V. K. JOHN** :—" Mr. President, I must very strongly oppose the Bill. Its object is only to bring under the control of the Government business in crops which was not under the control of the Government hitherto. The Hon. Minister in charge of the Bill did not explain to the House the provisions of the Madras Commercial Crops Markets Act, 1933, which he seeks to amend now. Section 4 of that Act provides that no person within a notified area can set up, establish, purchase, sell or store or engage in the processing of commercial crops except under a licence granted by the Collector of the district. A commercial crop has been defined as cotton, groundnut or tobacco and for doing business in those commodities, one must be licensed by the Collector and Government control the marketing and production of these commodities. Only very few people are engaged in it but now the Government seek by this amendment to include any other crop or product notified by the Provincial Government in the *Fort St. George Gazette* for the purposes of this Act. Now, Sir, the reason given is that some representations have been made to extend the provisions of the Madras Commercial Crops Markets Act to potatoes and copra. I doubt very much whether any sensible man would have asked for it as it involves the issue of a licence by the Collector to deal in potatoes and copra. I doubt very much the seriousness, the extent and sincerity of the representation alleged to have been received by Government. According to them the representations are only to extend the provisions of the original Act for doing business in copra and potatoes under this licensing system. Now under cover of this representation Government want to extend the Act to any article. We might sympathize with Government if only they will not do violence to the language. According to them a commercial crop is a commercial crop. As Mr. Suryanarayana Rao pointed out Government want to include under this Act anything in the world. It includes food crop. The only thing they should do for it is to notify it in the *gazette*. They may notify even chairs. (Laughter.) For a chair is made of bamboo.

4-45
p.m.

[Dr. V. K. John] [25th January 1949]

"Now, Sir, under this Bill extensive powers are sought by Government. This is a small amending Bill. The Hon. Minister has introduced it without explaining the scope and extent of application of the original Act as well as of this amending Bill. Sir, how serious is the encroachment on the business conducted in this Province the Government are making by seeking power to include any article under the Madras Commercial Crops Markets Act by means of notification? Not only potatoes and copra, but anything they like they can include. I say this is against principle and I vehemently protest against this kind of bringing in an amending Bill seeking to bring under Government control Government patronage and Government power almost any business that could be done in this Province. This Bill seeks to amend the Madras Commercial Crops Markets Act. I ask how many members of this House do understand the provisions of this Act?

"Another thing also I have to say. Any fee that Government like may be levied by this amending Bill. The original Act provides a fee which is mentioned in the schedule that is passed by the legislature. Now the present Bill speaks of the fee specified in the notification to be published by Government. That means, fees can be levied without the assent of the legislature. Sir, this is taking arbitrary powers. Are we here to give a free hand to Government? Why should the legislature exist then? They could as well say, hereafter the Government can do anything they like. Sir, in my speech on various control Bills, I said Government have taken power without limit. I say so here also. I strongly protest against this amending Bill."

* THE HON. SRI K. MADHAVA MENON :—"Sir, I want to correct one misunderstanding. Mr. Suryanarayana Rao asked, 'how can potatoes be called a commercial crop?' I say in the production stage potatoes cannot be called a commercial crop. It is only a food crop. But Ootacamund cannot eat all the potatoes produced there. They have to be sent to other places to be sold; it is at this stage it becomes a commercial crop. I may say also the request to include potato in this Act came from the producers of potato so that they may be saved from the tyranny of commercial agents and middlemen and they may get all the profit themselves. If the aim is to enable Government to earn a profit out of it, I am sure the hon. Minister for Food will not allow it. Similarly also is the case with groundnut. It is also treated as food crop first and then as a commercial crop."

"I may tell Dr. John that I am guilty of not explaining the provisions of this amending Bill in my opening speech. The original Act applies to cotton, groundnut and tobacco. The provisions of that Act will apply with all their implications to all articles which are brought under it. I thought members would be conversant with those provisions. Now, Dr. John was very vehement

[25th January 1949] [Sri K. Madhava Menon]

that no sensible man would do anything or ask for licence and such things. I do not want to discuss upon the sense of persons in this matter. But I may tell Dr. John that we have under the Act market committees established at Tiruppur for cotton, in Nandyal for cotton and groundnut and in two or three places in South Arcot for groundnut. In all these places the request came from the ryots. Government do not get a pie out of this. The cess is collected and is the property of the market committee for providing godowns, supply manure and all other help they can to the cultivators. The money belongs to the market committee. Government have no patronage, have no appointments to make in this. The Director of Agriculture is an ex-officio member of this committee. So it is not as if Government take so much power to destroy business or trade."

"Mr. Suryanarayana Rao asked what was the necessity for including coconut in the Madras Commercial Crops Markets Act. The Indian Central Coconut Committee has been insisting upon us that we should include coconut also in this Act. The last letter we received from them is this:

The Indian Central Coconut Committee at its meeting held on the 23rd April 1947 considered the question of organizing regulated markets for copra and decided that a recommendation be made to the Provincial Governments indicating the desirability of introducing legislation for the establishment of regulated markets for copra. In conveying to you the above decision of the committee I am directed to request that you will be so good as to inform this office of the steps that you propose to take on the basis of the committee's recommendation.'

Sir, persistent demands were made by the representatives of growers in the other House that potatoes, copra and coconut and other articles should be included, but Government have not yet decided with regard to some of them. In the case of potato, considerable difficulty was experienced regarding marketing, and as the growers were pressing Government it has to be included in this Act. But as Government has no power without legislation this amending Bill is brought forward. Mr. Suryanarayana Rao objected to copra being included in this Act as it is not a produce but a product. May I say what applies to jaggery (vellam) applies to copra. Jaggery is not a produce; it is a product. The same objection Mr. Bhashyam raised in the Lower House, and he asked me whether I meant produce or product. I explained to him the difference between the word produce and product. So, Sir, there is nothing sinister in this legislation. This is really intended to help growers. There is nothing of patronage or power taken by Government in this. For these reasons I request the Bill may be taken into consideration."

THE HON. DR. T. S. S. RAJAN :—"Sir, for the information of hon. Members of the House I may say, at a conference held here

[Dr. T. S. S. Rajan] [25th January 1949]

in Madras of all the potato growers from the various parts of the Province that they decided that they must ask Government to help them to market potatoes and also levy a cess so that the proceeds of the cess may be devoted to the improvement of potato crop by investigating into the diseases of that crop. I happened to be the chairman of that conference and I explained to them the position of Government. So it is not fair to say that this is a food question. Potatoes are still there and we can lay our hands on it when we want; so there is no case for confusion of issues."

The motion was put to vote and carried.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

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

'that the Bill be passed into law.'"

The motion was put and carried.

5 p.m. VIII.—THE MADRAS ESSENTIAL ARTICLES CONTROL AND REQUISITIONING (TEMPORARY POWERS) AMENDMENT BILL, 1948 (L.A. BILL NO. 2 OF 1949).

THE HON. DR. T. S. S. RAJAN :—" Mr. President, Sir, I move—

'that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill 1948 (L.A. Bill No. 2 of 1949) as passed by the Legislative Assembly be taken into consideration at once.'

Section 9 (1) of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946, provides for the continuance in force of certain orders made under the Defence of India Rules and published in the Official Gazette. The expression 'Official Gazette' means only the Gazette of India or the Gazette of the Province and does not include a District Gazette. Certain orders were made under the Defence of India Rules by District Collectors and were published only in the District Gazettes. Doubts have arisen whether these orders can be regarded as having been continued in force by section 9 (1). The Bill seeks to amend that section with retrospective effect from the commencement of the main Act so as to make the validity of those orders beyond doubt.

"Control on eggs has now been removed. Therefore the Bill seeks to omit the entry relating to 'Eggs' in the Schedule to the main Act."

MR. PRESIDENT :—" The question is—

'that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1948 (L.A. Bill No. 2 of 1949) as passed by the Legislative Assembly be taken into consideration at once.'"

* Printed as Appendix V on page 917 infra.

25th January 1949]

DR. V. K. JOHN :—" This Bill is a warning to the Government that they must be very careful in drafting the Bills that they introduce in the Legislature."

The motion was carried.

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

THE HON. DR. T. S. S. RAJAN :—" I move—

'that the Bill be passed into law.'"

MR. PRESIDENT :—" The question is—

'that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1948 (L.A. Bill No. 2 of 1949) be passed into law.'"

The motion was carried.

IX.—THE MADRAS AGRICULTURISTS' RELIEF (AMENDMENT) BILL, 1949 (L.A. BILL NO. 3 OF 1949).

MR. PRESIDENT :—" This is a very small Bill."

SRI R. SURYANARAYANA RAO :—" This is not a very small Bill, Sir."

MR. PRESIDENT :—" To-morrow is a non-official day. I want the few hours of sitting to-morrow to be devoted to non-official work. If the hon. Members co-operate with me, we can finish this Bill."

THE HON. SRI K. MADHAVA MENON :—" Sir, this is a non-controversial Bill and it was welcomed by the Members in the other House. I move—

'that the Madras Agriculturists' Relief (Amendment) Bill, 1949 (L.A. Bill No. 3 of 1949) as passed by the Legislative Assembly be taken into consideration at once.'

When we moved a comprehensive list of amendments to the Agriculturists Relief Act, this was really an omission. Section 13 of the Madras Agriculturists Relief Act, 1938, provides for the scaling down of all interest due on any debt incurred by an agriculturist after the commencement of that Act, so as not to exceed a sum calculated at 6½ per cent per annum simple interest. This rate has subsequently been altered by the Government into 5½ per cent. As the definition of 'debt' in section 3 of the Act does not include rent, the interest on arrears of rents due from an agriculturist cannot be scaled down. The courts have awarded decrees at the contract rate of interest on arrears of rent, which is in some cases as much as 24 to 48 per cent. The Bill seeks to extend the rate of interest applicable to debts to the arrears of rent also."

* Printed as Appendix VI on pages 917-918 infra.

[25th January 1949]

MR. PRESIDENT:—"The question is—
that the Madras Agriculturists' Relief (Amendment) Bill, 1949 (L.A. Bill No. 3 of 1949) as passed by the Legislative Assembly be taken into consideration at once."

DR. V. K. JOHN:—"I am glad that the Hon. Minister confessed that this was an omission in the comprehensive list of amendments to the Act. I give the same warning as that I gave in respect of the previous Bill. The Government should be very careful in drafting the Bills. They should not allow such omissions to occur, and then bring in an amendment and waste the time of the Legislature."

THE HON. SRI K. MADHAVA MENON:—"If the hon. the Leader of the Opposition had pointed out the omission at the time of moving the comprehensive amendments, I would have made the correction."

The motion was carried.

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

THE HON. SRI K. MADHAVA MENON:—"I move—
'that the Bill be passed into law.'"

MR. PRESIDENT:—"The question is—
'that the Madras Agriculturists' Relief (Amendment) Bill, 1949 (L.A. Bill No. 3 of 1949) be passed into law.'"

The motion was carried.

The House then adjourned to meet again at 3 p.m. the next day.

X.—PAPERS LAID ON THE TABLE OF THE HOUSE.

Bill as passed by the Assembly and received therefrom in the Council:—

1. The Madras City Police and Gaming (Amendment) Bill, 1948 (L.A. Bill No. 10 of 1948).

2. The Madras Commercial Crops Markets (Amendment) Bill, 1948 (L.A. Bill No. 1 of 1949).

3. The Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Bill, 1948 (L.A. Bill No. 2 of 1949).

4. The Madras Agriculturists Relief (Amendment) Bill, 1949 (L.A. Bill No. 3 of 1949).

5. The Madras Municipal and Local Boards (Amendment) Bill (L.A. Bill No. 4 of 1949).

25th January 1949]

APPENDIX I.

[This answer to starred question No. 195 asked by Sri N. Sankara Reddi (on behalf of Sri B. Bhima Rao) at the meeting of the Legislative Council held on the 25th January 1949, page 886 supra.]

1. Minimum price for sugarcane at Hospet Factory area:—

Season.		RS. A. P.
(a) 1938-39	Co. 200 and other Coimbatore varieties.	9 8 0
	Local sugarcane	9 0 0
	Ratoon cane of any Coimbatore variety	8 8 0
(b) 1939-40	All varieties	12 0 0
(c) 1940-41	When sugar price is Rs. 330 per ton ..	12 2 4
	Do. " 325	11 14 9
	Do. " 320	11 11 2
	Do. " 315	11 7 7
	Do. " 310	11 4 0
	Do. " 305	11 0 5
	Do. " 300	10 12 10
	Do. " 295	10 9 3
	Do. " 290	10 5 8
	Do. " 285	10 2 0
	Do. " 280	9 14 5
	Do. " 275	9 10 9
	Do. " 270	9 7 2
	Do. " 265	9 3 7
	Do. " 260	9 0 0
	Do. " 255	8 12 4
	Do. " 250	8 8 10
	Do. " 245	8 5 2
	Do. " 240	8 1 8
	Do. " 235	7 14 0
	Do. " 230	7 10 5
	Do. " 225	7 6 10
	Do. " 220 and below.	7 4 0
	Foreign variety.	Local variety.
	RS. A. P.	RS. A. P.
(d) 1941-42	When sugar price is below Rs. 180 per ton.	8 0 0
	When sugar price is Rs. 180 per ton.	8 1 7.2
	Do. 181	8 2 4.8
	Do. 182	8 3 2.4
	Do. 183	8 4 0
	Do. 184	8 4 9.6
	Do. 185	8 5 7.2

[25th January 1949.]

Season.

Foreign variety.			Local variety.		
RS.	A.	P.	RS.	A.	P.

When sugar price is Rs. 186 per ton.

Do.	187	8 7 2.4	8 5 10.8
Do.	188	8 8 0	8 7 4
Do.	189	8 8 9.6	8 8 0.6
Do.	190	8 9 7.2	8 8 9.2
Do.	191	8 10 4.8	8 9 5.8
Do.	192	8 11 2.4	8 10 2.4
Do.	193	8 12 0	8 10 11
Do.	194	8 12 9.6	8 11 7.6
Do.	195	8 13 7.2	8 12 4.2
Do.	196	8 14 4.8	8 13 0.8
Do.	197	8 15 2.4	8 13 9.4
Do.	198	9 0 0	8 14 6
Do.	199	9 0 9.6	8 15 2.6
Do.	200	9 1 7.2	8 15 11.2

(e) 1942-43 When sugar price is Rs. 320 and below per ton.

Do.	321	16 0 9.6	15 6 8.6
Do.	322	16 1 7.2	15 7 5.2
Do.	323	16 2 4.8	15 8 1.8
Do.	324	16 3 2.4	15 8 10.4
Do.	325	16 4 0	15 9 7
Do.	326	16 4 9.6	15 10 3.6
Do.	327	16 5 7.2	15 11 0.2
Do.	328	16 6 4.8	15 11 8.8
Do.	329	16 7 2.4	15 12 5.4
Do.	330	16 8 0	15 13 2
Do.	331	16 8 9.6	15 13 10.6
Do.	332	16 9 7.2	15 14 7.2
Do.	333	16 10 4.8	15 15 3.8
Do.	334	16 11 2.4	16 0 0.4
Do.	335	16 12 0.0	16 0 9
Do.	336	16 12 9.6	16 1 5.6
Do.	337	16 13 7.2	16 2 2.2
Do.	338	16 14 4.8	16 2 10.8
Do.	339	16 15 2.4	16 3 7.4
Do.	340	17 0 0	16 4 4

		RS.	A.	P.
(f) 1943-44	Coimbatore and foreign varieties.	18	0	0
	Local varieties	17	0	0
(g) 1944-45	..	21	0	0 per ton.
(h) 1945-46	..	26	0	0 "
(i) 1946-47	..	34	0	0 "
(j) 1947-48	..	54	0	0 "
		52	0	0 for registered cane.

[25th January 1949.]

2. The average wholesale price of white sugar (collected from the fortnightly publications in the *Fort St. George Gazette*) per ton (in rupees) in the Madras market was as follows:—

	RS.
1938	250
1939	314
1940	317
1941	288
1942	364
1943	450
1944	482
1945	519
1946	540
1947	663
1948 (up to September end).	1,083

APPENDIX II.

[Vide item IV at page 887 supra.]

A Bill further to amend the Madras City Police Act, 1888, and the Madras Gaming Act, 1930.

(As passed by the Assembly.)

Madras Act
III of 1888.
Madras Act
III of 1930.

WHEREAS it is expedient further to amend the Madras City Police Act, 1888, and the Madras Gaming Act, 1930, for the purposes hereinafter appearing; It is hereby enacted as follows:—

(1) This Act may be called the Madras City Police and Gaming (Amendment) Act, 1949.

(2) This section and sections 3 and 5 shall come into force at once, and sections 2 and 4 on such date as the Provincial Government may, by notification in the *Fort St. George Gazette*, appoint.

Madras Act
III of 1930.

2. In the Madras City Police Act, 1888, in section 3, for the definition of "Gaming," the following definition shall be substituted, namely:—

"Gaming" does not include a lottery but includes wagering or betting.

Explanation:—For the purposes of this definition, wagering or betting shall be deemed to comprise the collection or raising of bets; the receipt or distribution of win-ning or prize, in money or otherwise, in respect of any wager or bet, or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution."

Short title
and com-
mencement.

Amendment
of section 3,
Madras
Act II of
1888.
"Gaming."

[25th January 1949]

Insertion of
new section
49-A in
Madras Act
III of 1888.

3. In the same Act, after section 49, the following section shall be inserted, namely:—

Prohibition
of publi-
cations rela-
ting to
horse-races.

"49-A. (1) Whoever makes, prints or otherwise produces, publishes, sells, distributes or keeps for sale or distribution any book, leaflet or other document containing news of acceptances for horse-races or purporting to give tips or any information which is likely to aid or facilitate wagering or betting on horse-races, shall be punishable with fine which may extend to five hundred rupees or with imprisonment which may extend to one month or with both:

Provided that nothing contained in this sub-section, in so far as it relates to horse-races outside the Province of Madras, shall apply to any newspaper:

Provided further that in regard to horse-races within the Province of Madras,—

(i) any newspaper, or

(ii) any publication which is issued by or under the authority of any race-club empowered in this behalf by the Provincial Government and which is distributed solely within the precincts of such race-club or any race-course connected therewith,

may contain such information as may be permitted by rules made by the Provincial Government under sub-section (2).

Explanation.—For the purposes of this sub-section, "newspaper" means any periodical work which contains public news or comments on public news and is published at intervals not exceeding one week, not being a work solely or mainly concerned with races.

(2) The Provincial Government may, by notification in the Fort St. George Gazette, make rules for the purpose of carrying into effect the provisions of sub-section (1).

Amendment
of Section 3,
Madras
Act III of
1930.

4. In the Madras Gaming Act, 1930, in section 3, for the definition of "gaming" the following definition shall be substituted, namely:—

"gaming" does not include a lottery but includes wagering or betting.

Explanation.—For the purposes of this definition, wagering or betting shall be deemed to comprise the collection or soliciting of bets, the receipt or distribution of winnings or prizes in money or otherwise, in respect of any wager or bet, or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution."

[25th January 1949]

5. In the same Act, after section 11-A, the following section shall be inserted, namely:—

Insertion of
new section
11-B in
Madras Act
III of 1930.

"11 B. (1) Whoever makes, prints or otherwise produces, publishes, sells, distributes or keeps for sale or distribution any book, leaflet or other document containing news of acceptances for horse-races or purporting to give tips or any information which is likely to aid or facilitate wagering or betting on horse-races, shall be punishable with fine which may extend to five hundred rupees or with imprisonment which may extend to one month or with both:

Provided that nothing contained in this sub-section, in so far as it relates to horse-races outside the Province of Madras, shall apply to any newspaper:

Provided further that, in regard to horse-races within the Province of Madras,—

(i) any newspaper, or

(ii) any publication which is issued by or under the authority of any race-club empowered in this behalf by the Provincial Government and which is distributed solely within the precincts of such race-club or any race-course connected therewith,

may contain such information as may be permitted by rules made by the Provincial Government under sub-section (2).

Explanation.—For the purposes of this sub-section, "newspaper" means any periodical work which contains public news or comments on public news and is published at intervals not exceeding one week, not being a work solely or mainly concerned with races.

(2) The Provincial Government may, by notification in the Fort St. George Gazette, make rules for the purpose of carrying into effect the provisions of sub-section (1).

APPENDIX III.

[Vide item VI at page 903 supra.]

A Bill further to amend the Madras City Municipal Act, 1919, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921,

(As passed by the Assembly.)

Madras Act
of 1919.

Madras Act
of 1922.

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1919, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, for the purpose hereinafter appearing; It is hereby enacted as follows:

1. This Act may be called the Madras Municipal and Local Boards (Amendment) Act, 1949.

Short title.

[25th January 1949]

Amendment
of section
53-A.

2. In the Madras City Municipal Act, 1919, in section 53-A, sub-section (1)—

Madras Act
IV of 1919.

(i) for the words "the Crown," the words "India and to the Constitution of India" shall be substituted;

Madras Act
IV of 1919.

(ii) in the form of oath or affirmation of allegiance, for the words "His Majesty the King Emperor of India, His heirs and successors," the words "India and to the Constitution of India as by law established" shall be substituted.

Amendment
of Madras
Act II of
1922.

3. In the Madras District Municipalities and Local Boards (Amendment) Act, 1921, in section 2, sub-section (1), and in section 4, sub-section (1)—

Madras Act
II of 1922.

(i) for the words "the Crown," the words "India and to the Constitution of India" shall be substituted;

(ii) in the form of oath or affirmation of allegiance, for the words "His Majesty the King Emperor of India, His heirs and successors," the words "India and to the Constitution of India as by law established" shall be substituted.

APPENDIX IV.

[Vide item VII at page 904 supra.]

A Bill further to amend the Madras Commercial Crops Markets Act, 1933.

(As passed by the Assembly.)

WHEREAS it is expedient further to amend the Madras Commercial Crops Markets Act, 1933, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Madras Act
XX of 1933.

Short title.

1. This Act may be called the Madras Commercial Crops Markets (Amendment) Act, 1949.

Amendment
of Madras
Act XX of
1933.

2. In the Madras Commercial Crops Markets Act, 1933—

Madras Act
XX of 1933.

(i) in section 2, in the definition of "commercial crops", after the words "means cotton, groundnut or tobacco", the words "and includes any other crop or product, notified by the Provincial Government in the Fort St. George Gazette as a commercial crop for the purposes of this Act" shall be added;

(ii) in the proviso to section 11, sub-section (1), after the words "shall levy fees at the rates specified in the Schedule to this Act", the words "or in the case of any crop or product notified by the Provincial Government as a commercial crop for the purposes of this Act, at the rates specified in this behalf in such notification" shall be added.

[25th January 1949]

APPENDIX V.

[Vide item VIII at page 908 supra.]

A Bill to amend the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946.

(As passed by the Assembly.)

WHEREAS it is expedient to amend the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946, for the purposes hereinafter appearing; It is hereby enacted as follows:—

as Act
of 1946.

1. This act may be called the Madras Essential Articles Control and Requisitioning (Temporary Powers) Amendment Act, 1949.

2. (1) The section 9, sub-section (1) of the Madras Essential Articles Control and Requisitioning (Temporary Powers) Act, 1946 (hereinafter referred to as the said Act), the following Explanation shall be added, namely:—

Amendment
of section 9,
Madras Act
XIV of 1946.

"Explanation.—In this sub-section, 'Official Gazette' means, and shall be deemed always to have meant, the Gazette of India, the Fort St. George Gazette, or any District Gazette published in the Province of Madras."

(2) The amendment made by sub-section (1) shall be deemed to have taken effect from the commencement of the said Act.

3. In the schedule to the said Act, the entry "(4) Eggs" shall be omitted.

Amendment
of Schedule
to Madras
Act XIV of
1946.

APPENDIX VI.

[Vide item IX at page 909 supra.]

A Bill further to amend the Madras Agriculturists' Relief Act, 1938.

(As passed by the Assembly.)

WHEREAS it is expedient further to amend the Madras Agriculturists Relief Act, 1938, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Madras Act
of 1938.

1. This Act may be called the Madras Agriculturists Relief (Amendment) Act, 1949.

[25th January 1949]

Insertion of
new section
17-A in
Madras Act
IV of 1938.

2. After section 17 of the Madras Agriculturists' Relief Act, 1938, the following section shall be inserted, namely :— Madras IV of 19

Scaling
down of
interest on
arrears of
rent.

“ 17-A. In any suit or proceeding before a civil or revenue court involving a claim for arrears of rent payable by an agriculturist, including a claim to set off such arrears, whatever be the period to which the arrears relate, the Court shall scale down all interest, if any, due on such arrears so as not to exceed a sum calculated at $5\frac{1}{2}$ per cent per annum simple interest, notwithstanding anything to the contrary contained in any contract or custom :

Provided that the Provincial Government may, by notification in the Official Gazette, alter and fix any other rate of interest from time to time.

Explanation.—For the purposes of this section, the definition of ‘ agriculturist ’ in section 3 (ii) shall be read as if—

(i) in proviso (A) to that section, for the expression ‘ financial years ending 31st March 1938, ’ the expression ‘ financial years ending on the 31st March immediately preceding the date of institution of the suit or proceeding ’ were substituted ; and

(ii) in provisos (B) and (C) to that section, for the words and figures ‘ immediately preceding the 1st October 1937 ’, the words and figures ‘ ending on the 31st March or the 30th September (whichever is later) immediately preceding the date of institution of the suit or proceeding ’ were substituted.”

Amendment
made by
section 2 to
have retros-
pective
effect.

3. The amendment made by this Act shall apply to

(i) all suits and proceedings instituted after the commencement of this Act ;

(ii) all suits and proceedings instituted before the commencement of this Act, in which no decree or order has been passed, or in which the decree or order passed has not become final, before such commencement ; and

(iii) all suits and proceedings in which the decree or order passed has not been executed or satisfied in full before the commencement of this Act :

Provided that no creditor shall be required to refund any sum which has been paid to or realized by him, before the commencement of this Act.

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MADRAS LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

WEDNESDAY, 26TH JANUARY 1949

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THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 26th January 1949.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Appointment of Tahsildars and Collectors.

* 185 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the procedure followed in regard to selection of Deputy Tahsildars, Tahsildars and Deputy Collectors;

(b) whether appeals against orders of authorities competent to make the selection are provided, and if so, to whom;

(c) whether there have been instances when directions have been issued by the Government to competent authorities in regard to selection of certain individuals; and

(d) whether rules governing selection have been altered recently?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. Sri Kala Venkata Rao) :—“(a) *Deputy Tahsildars.*—Appointment to this category is by recruitment (i) by transfer from the members of the Madras Secretariat Service, or (ii) from the members of the Madras Ministerial Service employed in the Revenue Department including the office of the Board of Revenue and the Revenue Settlement Parties. A list of approved candidates for recruitment as Deputy Tahsildars from the members of the Madras Secretariat Service and from members of the Madras Ministerial Service employed in the offices of the Board of Revenue and the Collector of Madras is prepared by the Board of Revenue for the Province as a whole and candidates therefrom are allotted by the Board of Revenue to particular districts in accordance with the rules. For other districts, lists of approved candidates are prepared by the Board of Revenue separately for each district. The lists are prepared annually on a competitive basis from amongst the candidates of the particular unit concerned, possessing the required qualifications.

Tahsildars.—Appointment to this category is (i) by promotion from Deputy Tahsildars, or (ii) by recruitment by transfer from among persons who have served for a period of not less than two years on duty as Superintendents in the Secretariat or in the office of the Board of Revenue. Such appointments

* Question from the list of 22nd January 1949.

[26th January 1949]

are made only on grounds of merit and ability; seniority is considered in addition, only where merit and ability are approximately equal. A list of approved candidates for such appointment from category (i) is prepared by the Board of Revenue separately for each district. Candidates selected from category (ii) are allotted by the Board to particular districts in accordance with rules.

Deputy Collectors.—(1) Appointments are made partly (i) by direct recruitment and partly (ii) by promotion from the grade of Tahsildars.

(2) The Government inform the Commission every year, the number of candidates to be recruited directly and the communities to which they should belong. The Commission holds a competitive examination, selects the required number of candidates and informs the Government giving particulars of the selected candidates. The Government, if they approve of the selection, appoint the candidates and post them for training in the districts in consultation with the Board of Revenue.

As regards category (2), every year, according to a programme of dates, the Board calls for proposals from the Collectors for inclusion of Tahsildars in the Deputy Collectors' approved list. The Board examines them and makes its own recommendations. It classifies the candidates into three categories, viz.:—

- (1) Those fit for inclusion in the list,
- (2) those not yet fit for inclusion but who may continue to be reported on, and
- (3) those unfit for inclusion and who need not be reported on further.

The Board submits its proposals to the Government through the Madras Public Service Commission. On receipt of the proposals with the remarks of the Commission, the Government examine them and make final selections.

(b) The posts of Deputy Tahsildars and Tahsildars are selection categories and appointments thereto are made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal. As such, no person can of right, claim appointment to these posts. Non-selection to the posts of Deputy Tahsildars and Tahsildars is not a punishment and hence no right of appeal has been provided for under the rules. However, occasionally petitions received from persons who appear, *prima facie* to have been aggrieved by the Board's selections, are duly examined by the Government and appropriate orders passed. The Government, it may be added, do not ordinarily interfere with the decisions of the Board.

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Selection for appointment, as Deputy Collector is made on grounds of merit and ability and there is no appeal against such selection.

(c) Yes. As the authority which finally selects Deputy Collectors is the Government, the Government refer those cases, in which they consider that the Board should review their recommendations, back to them, and pass final orders on their revised proposals received through the Madras Public Service Commission. Even in the case of Deputy Tahsildars and Tahsildars, whenever the Government consider it necessary to issue directions to the Board to revise their orders, the Government gives an opportunity to the Board to adduce arguments, if any, against the proposed direction.

(d) *Deputy Tahsildars and Tahsildars.*—During the war and up to 1st April 1948 certain concessions were given in the matter of appointment as Deputy Tahsildars and Tahsildars in view of the large number of posts in the cadre of Deputy Tahsildars and Tahsildars created in connexion with the war and the conditions resulting therefrom and also of the paucity of duly qualified and suitable candidates for appointment to those posts. But these concessions have since been withdrawn with effect from 1st April 1948 as such conditions no longer exist. The rules governing the selection to the posts of Deputy Tahsildars and Tahsildars have not been otherwise altered recently.

Deputy Collectors.—Yes. The attention of the hon. Member is invited to Revenue Department Notification No. 689, dated 30th July 1948, published at page 754 of Part I of the *Fort St. George Gazette*, dated 10th August 1948.

SRI R. SURYANARAYANA RAO:—“Sir, with reference to answer to (a) in regard to appointment of Deputy Tahsildars and Tahsildars, may I know if the members of the Madras Ministerial Service employed in the Revenue Department are eligible to Madras Secretariat Service also, as members of the Madras Secretariat Service are eligible for appointment as Deputy Tahsildars and Tahsildars?”

THE HON. DR. T. S. S. RAJAN:—“That is a Secretariat procedure. I don't know. I will get the information for the hon. Member and give a private answer. Or if the hon. Member wants it to be given here I shall take the next opportunity to give.”

SRI R. SURYANARAYANA RAO:—“May I know, Sir, with regard to the appointment of Deputy Collectors by direct recruitment, what is the nature of competitive examination held?”

THE HON. DR. T. S. S. RAJAN:—“It is not the commission that is setting the examination. I should like to know whether the examination is conducted by the Public Service Commission.”

[26th January 1949]

SRI R. SURYANARAYANA RAO :—" May I know whether the Government have under consideration any proposal to submit lists of Deputy Tahsildars and Tahsildars also to the Public Service Commission, as they do in the case of Deputy Collectors? "

THE HON. DR. T. S. S. RAJAN :—" At present there is no such proposal."

SRI R. SURYANARAYANA RAO :—" With reference to answer (b), may I know whether Government consider that non-selection to the posts of deputy tahsildars and tahsildars and deputy collectors is not considered as punishment and those that are not elected be given an opportunity to seek redress? "

THE HON. DR. T. S. S. RAJAN :—" If it is considered as punishment, I am sure, if they want, an opportunity will be given to them."

SRI R. SURYANARAYANA RAO :—" What is the remedy they have, unless the remedy of an appeal to Government is not available to them? "

THE HON. DR. T. S. S. RAJAN :—" Any time it is available to them. But when the Services Commission gets hold of the position it is the Services Commission that deals with it and not Government. When once we refer the matter to the Commission, it is the Commission that will give the necessary guide in the matter."

SRI R. SURYANARAYANA RAO :—" With regard to deputy collectors, don't they occupy the same status as the I.A.S. and I.C.S. officers as far as their function is concerned; if so, is the communal rule applicable to I.A.S. officers as they are applied to deputy collectors? "

THE HON. DR. T. S. S. RAJAN :—" Whatever be the particular position they occupy, the grade is entirely different. They cannot be compared to I.A.S. or I.C.S. officers. In all cases deputy collectors are really under the control of Government, though they get selected to the post by a special period of time and by certificates necessary to make them fit to be eligible to be selected, and out of that list Government make the selection. I.A.S. and I.C.S. officers do not come under this category."

SRI R. SURYANARAYANA RAO :—" Is it not a fact, Sir, that communal rule was not applicable to deputy collectors till 10th July 1948? "

THE HON. DR. T. S. S. RAJAN :—" Communal rule has always been there for the last twenty years, though it was sometimes followed and sometimes not followed. When there was an emergency appointment to be made it was made without reference to communal rule."

[* 191 Q. was answered on 25th January 1949.]

[26th January 1949]

* 191 Q.—SRI R. SURYANARAYANA RAO :—" Sir, with reference to the various classes of people engaged in cloth trade, from the reply given by the Hon. Minister, I see, there are four kinds of people: representative buyers, wholesale consignees and wholesalers and retailers. And what is the margin for each of these is also given, Sir. May I know, Sir, what made the Government feel the need for having representative buyers in addition to wholesale consignees, wholesalers and retailers? "

THE HON. SRI H. SITARAMA REDDI :—" I have explained in the reply in detail the need for each class of people. Representative buyers move goods from surplus area and wholesale consignees aid to expedite the receipt of goods from the surplus area to various districts. Wholesale consignees are appointed at the rate of one for each district, though in the case of bigger districts and in special cases there are two such dealers. Representative buyers are forty-six in number and they move bales from surplus areas like Bombay, Ahmedabad, Baroda and Sholapur."

SRI R. SURYANARAYANA RAO :—" May I ask, Sir,—I am here drawing the pointed attention of the Hon. Minister to the fact that the more the number of people between the consumer and the mills, the greater is the burden on the consumer. In regard to local cloth there are no representative buyers and wholesale consignees and so the margin of profit allowed is less than that in the case of goods from surplus areas outside the Presidency? "

THE HON. SRI H. SITARAMA REDDI :—" Government are having only the minimum number of middlemen in this matter. The number has been fixed consistent with the speedy movement of goods from the surplus areas and quick distribution among consumers. That aspect of the question also cannot be forgotten. If there is long delay in removing goods, though it may be a matter of half a per cent profit to the wholesale consignee it may not be conducive to the people who consume the goods. So in the interests of the consumer the whole thing has been arranged with the minimum number that is possible to be employed. We examined the whole question in detail, and with reference to past experience it has been found that we cannot avoid these people in the trade."

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" In view of the fact that the number of bales for each wholesale consignee is allotted by the Provincial Textile Commissioner, is it not possible for the representative buyers themselves to despatch the goods to the individual wholesalers in the districts, just as the mills had been doing before control came into existence? "

THE HON. SRI H. SITARAMA REDDI :—" That is exactly what we originally proposed to do. But it was found there was some difficulty in representative buyers doing so, because the quantity varies from one consignee to another, and it

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was thought easier to move in wagon loads if there are wholesale consignees. It will mean quicker arrival at destination also. And that is why a new set of people has been brought into the picture. Now an attempt is being made to combine the duties of the wholesale consignee and the representative buyer and the Provincial Textile Commissioner is examining how the two can be integrated."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Is there any proposal, Sir, to integrate the wholesaler and the retailer? "

THE HON. SRI H. SITARAMA REDDI :—" That is one of the aspects that is being examined with a view to see that the number of people who are thrown out of employment in the textile trade is minimized by the Provincial Textile Commissioner in consultation with various trade interests. I have not received his final proposals. I believe if it is necessary, if it is possible and if it is useful in the interests of the consuming public that aspect will be taken up also."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Is it not a fact, Sir, that certain persons have been appointed as wholesalers-cum-retailers? "

THE HON. SRI H. SITARAMA REDDI :—" I am not quite certain. If the hon. Member knows that, I have nothing more to add to his information." (Laughter.)

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" May I know, Sir, whether it is not a fact that handloom cloths are included in the control policy regarding textiles, and if so, why there is no reference to handloom cloth in the statement placed on the table of the House? "

THE HON. SRI H. SITARAMA REDDI :—" Sir, the question of control is only in respect of mill cloth. Anybody can take out a licence to sell handloom cloth. Export of it to other provinces is also allowed. So there is no question of control with regard to it on the lines of control in respect of mill cloth."

3-15 P.M. K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Is it a fact that there is accumulation of a large quantity of handloom cloth in the Province on account of restrictions on export? "

THE HON. SRI H. SITARAMA REDDI :—" Yes."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Have the Madras Government addressed the Government of India to relax the restrictions on export to Pakistan and other countries in order to alleviate the suffering of handloom weavers and traders? "

THE HON. SRI H. SITARAMA REDDI :—" We have addressed the Government of India pointing out the various types of cloth manufactured in this Province, the hardships caused to the weavers and traders by restrictions on export and

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how they could be remedied. We hope that something will be done in this matter by the Government of India as early as possible."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Have this Government received any concrete proposal from the Government of India so far? "

THE HON. SRI H. SITARAMA REDDI :—" There is no question of the Central Government making any concrete proposals to the Provincial Government. Export to other countries is a subject which is dealt with by the Central Government. This Government have made the necessary representations. I hope the Central Government will formulate their plan very soon to help the suffering people."

SRI N. VENKATACHALAMAJI :—" Is it a fact that the wholesalers are not distributing equitably to the retailers? "

THE HON. SRI H. SITARAMA REDDI :—" I have not heard any such complaint. If my hon. Friend has any complaint with him, I should like him to pass it on to me so that I may make an enquiry."

SRI N. VENKATACHALAMAJI :—" Is it not a fact that unstamped cloth is cheaper than stamped cloth? "

THE HON. SRI H. SITARAMA REDDI :—" I am glad that there is cheaper cloth available, as it is for the good of the consumers."

SRI R. SURYANARAYANA RAO :—" May I know whether the Government have issued instructions to the Collectors that in the selection of licensees, they should give preference to former licensees with a clean record? "

THE HON. SRI H. SITARAMA REDDI :—" Yes."

SRI R. SURYANARAYANA RAO :—" May I know whether the Government have received any complaint that old licensees with a good record have not been chosen in some cases, while those who have never been in the trade have been chosen? "

THE HON. SRI H. SITARAMA REDDI :—" There have been some complaints to that effect. We call for reports from the Collectors and examine the complaints in the light of such reports. We are trying to redress the grievance as far as possible and see that there is a just and equitable distribution of licences by the Collectors."

Population of this Province.

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

(a) what is the estimated population of this Province for the mid-year in 1945, 1946, 1947 and 1948;

(b) the percentage increase in each year;

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(c) whether the Government have taken the increasing population into consideration in planning food production, house-building and cloth production;

(d) (i) whether, in any district, the birth-rate was below the death-rate, in any of the above years, (ii) if so, the particulars, and (iii) the reasons; and

(e) whether the Government have taken any, and what steps for the next census?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier):—(a) & (b) A census of the population is taken once in ten years by the Government of India, and the last census was taken in 1941. No mid-year estimates of population for the years 1945, 1946, 1947 and 1948 can be given with any degree of accuracy. For purposes of the estimate of the population in connexion with the registration of voters on the basis of adult franchise, it has been assumed as usual, that there will be *approximately* an increase of population, *each year*, at the rate of 1 per cent of the population in 1941. Based on this method of calculation, the following are the figures for the respective years:—

Mid-year of 1945	...	...	...	51,947,285
Mid-year of 1946	...	...	...	52,446,778
Mid-year of 1947	...	...	...	52,946,271
Mid-year of 1948	...	...	...	53,445,764

The figures given above are the estimates for the Madras Presidency including Pudukkottai and Banganapalle and excluding Sandur—a small area with a population of about 16,000.

(c) The answer is in the affirmative, except in respect of cloth production which is controlled by the Government of India.

(d) (i) Yes, only in Tanjore district in 1945. The figures for 1948 are not yet available.

(ii) Tanjore district—1945—The registered rates were—

Birth-rate	...	...	...	...	24.43
Death-rate	...	...	...	...	26.97

(iii) Increased deaths from smallpox, fevers and respiratory diseases.

(e) Census is a Central subject. The next census is due only in 1951. The Government of India will take the necessary steps in this regard in time. This Government have numbered all the houses in the Province as a preliminary step in connexion with the preparation of electoral rolls, and this numbering will also serve the purposes of the census."

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SRI S. B. ADITYAN:—"In calculating the figures given in the answer, may I know whether the influx of refugees from Malaya and Burma has been taken into account?"

THE HON. DR. T. S. S. RAJAN:—"The refugees have not been taken into account. But I am sure their number is not so large as to make any great variation in the figures."

SRI S. B. ADITYAN:—"Is it a fact that the population of this Province is increasing at a greater pace than that at which houses are being built?"

THE HON. DR. T. S. S. RAJAN:—"It is quite possible. We have not got sufficient houses even as it is. With a higher rate of increase, the position will become more acute."

DR. V. K. JOHN:—"Has food control resulted in birth control?"

THE HON. DR. T. S. S. RAJAN:—"Birth control depends upon so many factors and certainly food is one of them. I need not go into the other factors now."

MR. PRESIDENT:—"I think it is generally accepted that food control results in more births."

SRI S. B. ADITYAN:—"In Tanjore district, the death-rate is higher than the birth-rate. May I know what steps the Government have taken to check this trend?"

THE HON. DR. T. S. S. RAJAN:—"The increased death-rate is due to epidemics like cholera and particularly small-pox. The Government are taking the usual measures for improving public health and for combating epidemics. We do not see what else can be done in the matter."

Communal rotation in the appointments in services.

* 197 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Premier be pleased to state with reference to answer to unstarred question No. 8 answered on the 13th August 1948—

(a) the service or services in respect of which communal rotation is in force in regard to (i) initial recruitment and (ii) promotions;

(b) whether the Government are insisting on the observance of communal representation in regard to promotion from non-gazetted rank to gazetted rank in any or all the services; and

(c) whether the Government have recently ordered the application of communal representation in regard to appointment of members of the Madras Executive Service (Deputy Collectors)?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier):—"The attention of the hon. Member is invited to general rule 19 of the Madras Provincial and Subordinate Services which was placed on the table of the House in answer to Legislative Council Question No. 32 on 13th August 1948. General rule 19 (a) is known as 'Communal rotation' rule and general rule 19 (b) is known as

[26th January 1949]

Communal proportion' rule. A statement^a is now placed on the table of the House showing the services and posts to which recruitment is made on a communal basis.

"(c) The rule prescribing recruitment to the Madras Civil Service (Executive Branch) on communal basis has been in force for the past more than twenty years."

Payment of dearness allowance to teachers in aided institutions.

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

(a) whether the Government have ordered the managements of aided institutions to pay dearness allowance to teachers employed under them from 1st January 1948;

(b) if the answer to (a) is in the affirmative, what steps the Government propose to take against recalcitrant managements; and

(c) whether the Government have offered to assist the managements with special grants if their finances did not permit payment of dearness allowance at the rates fixed.

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. the Minister for Education):—“(a) & (b) It is presumed that the hon. Member refers to secondary schools in the question. The Director of Public Instruction has issued instructions to aided school managements to pay the teachers under their employment, dearness allowance at Government rates. With a view to get this done, the Government have instructed the Director of Public Instruction to investigate into the financial position of managements of schools which are not paying the allowance at Government rates and to direct them to pay the allowance at these rates if their financial position will permit.

(c) The Government are giving special grants to the managements which do not pay dearness allowance at Government rates equal to half the difference between the maximum amount of allowance payable and the amount actually paid by the management subject to the condition that the managements should disburse to the staff the amount of allowance due out of the special grant. This system is extended from year to year.”

SRI R. SURYANARAYANA RAO:—“May I know whether the system of giving special grants is followed this year?”

THE HON. SRI K. MADHAVA MENON:—“Yes.”

SRI R. SURYANARAYANA RAO:—“The Government information about the number of aided managements which are not yet paying dearness allowance at Government rates, in spite of the fact that special grants are given?”

THE HON. SRI K. MADHAVA MENON:—“Yes, Sir.”

^a Printed as Appendix I on pages 960-961 infra.

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SRI R. SURYANARAYANA RAO:—“Are the Government satisfied that all aided school managements are paying dearness allowance to the teachers at Government rates?”

THE HON. SRI K. MADHAVA MENON:—“No, Sir. Dearness allowance at Government rate is not paid in 40 aided schools, 38 boys' schools and 2 girls' schools.”

SRI R. SURYANARAYANA RAO:—“Will the Government consider the desirability of making an extra grant in addition to the special grant to managements which are not able to give dearness allowance at Government rates even after the receipt of the special grant?”

THE HON. SRI K. MADHAVA MENON:—“The question shall be examined.”

Procurement and distribution of manures to ryots.

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

(a) what quantity of groundnut cake, chemical fertilizers and green-manure seeds were distributed in exchange for paddy bonus coupons and sold to ryots without coupons;

(b) the quantities of groundnut cake, chemical fertilizers and green-manure seeds procured for distribution and the cost to Government on account of the same;

(c) the quantities of chemical fertilizers received out of the pool and locally purchased and the rates of purchase and sale of these manures; and

(d) what the sources of supply of chemical manures are?

THE HON. SRI K. MADHAVA MENON:—“(a) to (c) A statement^a is placed on the table of the House. (d) The Government of India are allotting chemical fertilizers to all provinces from the Central Pool. Allocations for India are made by the International Emergency Food Council, Washington. The consignments are from places like Belgium, Canada and the United Kingdom. Locally, sulphate of ammonia is obtained from Messrs. The Fertilizers and Chemicals, Travancore, Limited, Alway.”

Encouragements for the growth of foodgrains in the Province.

* 200 Q.—SRI P. VERRABHADRASWAMI: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the Government propose to put restrictions on tobacco, jute and sugarcane crops to see that more foodgrains are grown in the Province; and

(b) whether there is any proposal to increase the prices of foodgrains for the purpose of encouraging more production of foodgrains, or reduce the price of commercial crops for discouraging production of tobacco and jute?

^a Printed as Appendix II on pages 962-963 infra.

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

" (b) The Government have already increased the procurement price of foodgrains for 1948-49 taking into account the increase in the cost of other commodities as well as in the cost of cultivation which has taken place since last year. The recommendations made by the Krishnamachari Committee for the stabilization of prices at levels remunerative to the producer not only of foodcrops but of commercial crops also, have been examined but are held in abeyance in view of the reimposition of controls."

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

II.—MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT :—“ I have to announce to the House that I have received the following message from the Hon. Speaker of the Madras Legislative Assembly, dated the 26th January 1949 :—

In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras Vexatious Litigation (Prevention) Bill, 1949 (L.A. Bill No. 8 of 1949), as passed by the Assembly on the 26th January 1949, and signed by me, in the concurrence of the members of the Council, and

III. ADJOURNMENT MOTION RE MADRAS GOVERNMENT BUS
TRANSPORT STRIKE.

MR. PRESIDENT :—“ I have received notice of a motion for the adjournment of the business of the House from the Hon. Leader of the Opposition, Dr. V. K. John, to discuss a definite matter of urgent public importance, namely, the present bus strike in the City of Madras. May I know whether the Government have anything to say on this?”

THE HON. DR. T. S. S. RAJAN :—“The Government have no objection to the motion and it may be taken up at 4 p.m.”

MR. PRESIDENT: "The Government have no objection. So I propose to take it up at 4-30 p.m. or earlier if the business on the agenda is finished before that time."

DR. V. K. JOHN :—" Rule 40 of the Council Rules says that the motion will be taken up at 4 p.m. the same day. The motion can be taken up at 4 p.m. and the discussion on it concluded at 5 p.m."

MR. PRESIDENT:—There is the other rule that the Council shall ordinarily commence at 11 a.m. and on that assumption 4 p.m. is fixed as the hour for taking up an adjournment motion. But to-day the House met only at 3 p.m. Some time must be allowed for transacting the other business. So we will take up the motion at 4-30 p.m. or earlier if the two Bills on the agenda are disposed of before that time.

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IV.—NON-OFFICIAL BUSINESS.

(1) THE MADRAS ANIMAL SACRIFICES ABOLITION BILL, 1947
(L.C. BILL NO. 2 OF 1947)

* SRI S. B. ADITYAN :—“ Mr. President, Sir, I beg to move— 3-30 p.m.

'that the Madras Animal Sacrifices Abolition Bill, 1947 (L.C. Bill No. 2 of 1947, be taken into consideration at once'.

" Sir, in the first place I beg to point out that this Bill is of a limited character in its scope as well as in its objects. The aim of the Bill is to prevent the killing or maiming of animals in the precincts of temples. It does not aim at preventing killing of animals in all places. I knew that in certain other provinces Bills have been introduced to prevent the killing of certain animals, particularly cows, in any place at any time. It is not with a similar object that this Bill is introduced. Nor is this Bill to prevent cruelty to animals. I believe in 1890 an Act has been put on the Statute Book which prevents cruelty to animals.

Sir, the object of this Bill, as I said, is to put an end to the practice of killing or maiming or cutting of animals inside the precincts of temples. At the present time, Sir, all forms of cruelty to all kinds of animals, chiefly goats, pigs and buffaloes are committed in various places in the Presidency. The animals sacrificed are of various ages. Even before they are born, they are sacrificed in temples. Sir, in places like Mayuram, Devakottai and Palani-cottah, the stomach of a pregnant goat is cut open and the young animal even before it is born is taken out and offered to the Goddess as sacrifice. In Tiruchirapalli in the Kumbhakottam, Kail, young goats of two or three months of age are killed and their blood is sucked by the poojari. Sir, there are various other forms of cruelty perpetrated in various other places. For instance, in the district of Nellore, the buffalo is put into a pit and people kill it by spearing it, and in a place in the Tirunelveli district, an iron spike is fixed on the ground and pigs are carried to a height and thrown on the spike. In Vriddhachalam in the South Arcot district, the goat is laid on the ground and its neck is cut with a chisel. In another place in the Vizagapatnam district, the pig is kept in a standing position and a spear is driven through its body from one end to another and in a place near Tuticorin, hundreds of sheep are allowed to run and people club the sheep to death. All these things are done in the name of religion. Sir, the Bill is, I submit, one of the reforms that is long overdue. It could not have been brought earlier, because while the British Government were in power, it was their declared policy not to interfere in anything, even remotely connected with religion. In the Travancore State, they have stopped the practice of sacrificing animals in temples and apparently no ill-effects have attended that reform in that State. Public opinion has very much come round and there is a demand throughout the Province for the immediate stopping of this practice and the only opposition that can possibly come is from the poojari and the priests of these temples. They are the only group of

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people who stand to gain by continuing this practice. Some of them are given the flesh of the sheep or the animals which are sacrificed and in some places, the poojaris are in receipt of an endowment or certain emoluments from the temples.

"Sir, ever since 1937 when the Congress Government came into power, this practice has been steadily declining and has been voluntarily stopped in many places. Much good work in this field has also been done by the South India Humanitarian League and if I may tell one instance to the House, in 1937, in Palamcottah the propagandists of the League went and organized a move for stopping the practice of sacrificing animals in the temple there. The opposition in that area was very severe and the League therefore appealed to Mahatma Gandhi and Pandit Jawaharlal Nehru who was then the President of the Congress. Mahatma Gandhi sent a message through the Humanitarian League in these words:— 'Sacrificing of animals in the name of religion is the remnant of barbarism.' Pandit Nehru sent a telegram to the League in the following terms: 'I am grieved to learn that it is proposed to offer animal sacrifices in temples. I think that such sacrifices are barbarous and degrade the name of religion. I trust that the authorities of the temples will pay heed to the sentiments of culture in this matter and refrain from such sacrifices.' It was largely as a result of these messages that the animal sacrifice was stopped in that year, 1937, in Palamcottah. Following that, in several other places, this practice has been put an end to. I would mention in particular that as from 1939, no sacrifice has been made in the temple at Tiruvottiyur and in 1943, the practice was stopped at the Tilla Makali temple in Chidambaram and in the temple of Tiruppuliyur and from 1946 it was stopped in the temple of Sankarapayinarkoil. In the Andhra districts also this practice has been stopped at Kavali and Tenali.

"Sir, this Bill was published in the gazette some long time ago and since then the Secretary to the Legislature has received a number of memoranda in support of this Bill from various municipalities and panchayat boards and also from various Sanghams and individuals. I believe that over 200 such representations have been received and if the number of signatories is taken into account, over thousand persons have signed and sent memoranda supporting this Bill.

"Sir, in this connection I would like to relate an incident which happened in the life of Mahatma Gandhi and he has himself related his experience in his autobiography. He, with a friend of his, went to the Kali temple in Calcutta and he says as follows:—

We reached the Kali temple. The sight of the blood which was flowing like a river penetrated our eyes and our hearts. I felt a great commotion in my mind for I had a feeling of indignation. I spoke to a friend about this cruel method of worship but he said, 'the goats do not feel the pain. They are made to dance to the music of the drums.'

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insensible by the din or noise of the drums." I am unable to accept this. If the goats had the power of speech, they would have told a different story. I felt that it was necessary to root out this evil custom. I feel from the bottom of my heart that the life of the goat was not one bit less precious than the life of a man. I would not agree to the taking the life of a calf to support the life of a man; the more helpless the animal, the more is our duty to protect it. I pray to God that the poor animals be saved from this cruel habit and the temples be purified thereby. It is indeed surprising that our country, which is noted for its good sense, selflessness and piety has suffered this cruel custom for so long a time.

"Sir, with these words I move this Bill, the object of which is to stop this cruel custom so that this Province need not any more suffer this custom which has been condemned by public opinion and by our leaders.

"Sir, one amendment has been given notice of, namely, to include birds also along with animals and I accept that amendment. I move, Sir, that this Bill be taken into consideration at once."

"SRI D. MANJAYA HEGDE:— "Mr. President, Sir, I beg to second the motion. This Bill is long overdue. Ever since the Congress Government took up office, it must have been their duty to have introduced such a measure and it is surprising to me why this Government who are very sympathetic towards the poor and the oppressed and who have brought forward so many measures to relieve their distress, have not taken up that attitude towards dumb animals which are sacrificed for no purpose in the name of God and religion, and brought in a measure like this earlier. Sir, God is the creator of all living beings and it certainly would not please Him to see His own creatures being sacrificed for His pleasure and so, what right have we, human beings, to kill such dumb animals to satisfy that very God? So, Sir, I think in the name of religion, of which we know very little, we should not allow all these barbarous acts which are condemned by all wise people. We have just now heard what Mahatma Gandhi has said about the sacrifice of animals in temples."

"SRI R. SURYANARAYANA RAO:— "Mr. President, Sir, 2-45 p.m.
if I venture to speak on this Bill and offer a few criticisms it is not because that I am not in favour of the objects and reasons which have prompted my hon. Friend, Mr. Adityan, to bring forward this Bill; but because I want to draw attention to certain defects in drafting, which I trust my hon. Friend will agree to remedy. Sir, I have been reading the Hansard

"THE PRESIDENT:— "Cannot the hon. Member suggest the amendments when we take up the clauses?"

"SRI R. SURYANARAYANA RAO:— "I am only saying this, Sir, because he may have some reasons

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MR. PRESIDENT :—“ If the hon. Member accepts the principle of the motion, he may suggest the amendments when the clauses are moved.”

* SRI R. SURYANARAYANA RAO :—“ Then I shall say just a few words in support of the measure, Sir. I was reading the discussion in the Houses of Parliament on the clause relating to capital punishment in the Criminal Justice Bill. It was discussed by the great lions in both the Houses of Parliament. Being one of those who are against capital punishment, I wondered what feelings would be evoked in us if we were allowed to see a man being taken to the gallows. To my mind the way in which capital punishment is carried out is as abhorrent as the descriptions which my hon. Friend Mr. Adityan gave in respect of the practices that are followed in sacrificing animals. But the point for our consideration is whether this practice is to be put a stop to and whether the passing of this Bill alone will enable us to do so, or whether a more intensified work of the kind which the South India Humanitarian League is carrying on would be helpful in achieving our object. Sir, my friend says in clause 7—I am not going to move an amendment, Sir—that no person being in possession of any land or building forming part of the precincts of a temple shall willingly allow any sacrifice to be performed on such land or in such building. I do not know how we can find out whether a person willingly allowed or unwillingly allowed. Who is to bear the onus of proof, Sir? I wish to say that the mere fact that this offering has been made within the temple or a building forming part of the precincts of the temple which is under the supervision and control of the person concerned should be considered enough proof to say that the sacrifice has happened and it is for the person to prove that it has happened without his knowledge. I do not know why the word ‘willingly’ is used.

Again in clause 8 (c) it is said : ‘ Any person found guilty of an offence under section 7 shall be punished with simple imprisonment which may extend to three months and fine which may extend to three hundred rupees.’ Under clause 7, Mr. Adityan prescribes simple imprisonment which may extend to three months and fine. I do not know, Sir, why he is anxious that it should be ‘and’ and not ‘or’. I am simply raising these points, Sir, and if Mr. Adityan has some arguments in favour of the wording that he has used, I am not going to move any amendment. I would like to know why Mr. Adityan is anxious that it should be ‘and’ and not ‘or’ as it is in the case of offences under clauses 5 and 6 of the Bill.

“ Then, Sir, there is a small drafting amendment which Mr. Adityan himself may accept without anybody moving it in regard to the definition of the word ‘sacrifice’. It is said ‘sacrifice’ means the killing or maiming of any animal for the purpose of, or with the view of, propitiating. I would put ‘with the intention of’ instead of ‘with the view of’. That would read better.

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“ Mr. Adityan has quoted great men in support of the principle underlying this Bill, Sir, and we are very glad he got the opportunity of sponsoring a reform which perhaps is long overdue and which owing to your kindness he has been enabled to get through to-day. With these words, Sir, I support the motion.”

* SRI D. KRISHNAMURTHI :—“ Mr. President, Sir, I want to oppose the Bill, not because I do not agree with the principle of the Bill, but because this House is not the proper place for bringing in reforms in matters purely religious. Of course it is a wellknown fact that the sastras declare that the killing of a sacrificial goat is necessary in yagnas and yagnas are being performed in various temples and goats and fowls are being killed for this purpose. Even in municipal slaughter-houses, goats are killed only after the performance of Bismilla and no pious Muslim will eat a goat which has been killed without pronouncing this formula. Goats and fowls are being killed before mosques and various other places on several occasions. It is certainly offending to our sense of humanity and kindness to tolerate them in a mass scale. But my submission is that this House is not the place to legislate and put a stop to it. It must be left to the institutions concerned to bring round people so that such offensive sacrifices are not resorted to in public. This legislation preventing or prohibiting sacrifices that have been enjoined by sastras or agamas or which have been the practice from time immemorial will, I am sure, work as a serious hardship to the religious sensibilities of the people. There will also be a lot of complications in the working of the Act. It may give room or it may be useful in the hands of some people to oppress some people who may think that it is a legitimate and right thing to do. We know that in all Mariamman temples (what is called Ammavaru in Telugu) on the New Year's day a number of people perform their vows or during the times of cholera and smallpox or for some such other reasons. I do not say that the Amman by receiving a gift of the small fowl or goat will eradicate these diseases. But the faith of the people is purely a matter of individual opinion and practice. If this Bill is viewed purely from the standpoint of humanity, then the slaughter-houses also will have to be closed and the fish markets will have to be closed and meat-eating ought to be prohibited. There is a school of medical opinion, Sir, that meat-eating is not absolutely necessary for human existence. Opinions differ. Whether it is given to a secular Legislative Council like this to legislate preventing animal sacrifices of any kind in temples and religious institutions is a question which we have to consider. I submit, Sir, that this will create a lot of difficulties and hardships. We will be transgressing into regions into which we are not entitled to go, especially in South India, where people are known to be very religious. But, Sir, we can invoke the aid of the Hindu Religious Endowments Board, and the South India Humanitarian League to do propaganda and try to stop the sacrifices in individual cases or institutions where the killing is done in any offensive manner. I do not see any reason or necessity

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for rushing through a Bill of this type thereby making it very difficult for people to enjoy what they consider to be their religious privileges which have been handed down to them from father to son from time immemorial. I oppose the Bill, Sir, on principle alone."

* DR. V. K. JOHN :—" I support the principle underlying the Bill, Sir. I do not agree with Mr. Krishnamurti that this House cannot go into a matter like this. In fact, law is the opinion of the people about their ideas of right and wrong and law grows. Old order changeth yielding place to new. Perhaps some centuries back, the Hindus believed in animal sacrifices. To-day the educated and cultured people and the advanced opinion in the Hindu society and outside the Hindu society believe that animal sacrifices are not necessary."

MR. PRESIDENT :—" Some people believe in human sacrifices also."

* DR. V. K. JOHN :—" Sir, the duty of the Members of the Legislature is to find out what public opinion is and advanced opinion is. Among the Hindus, I believe, advanced and cultured opinion is that there should not be any sacrifices in the temples. I give my hearty support to the Bill and compliment Mr. Adityan on bringing it and at the same time express the regret—or repeat the regret expressed by the Secorder of the Bill—that the Popular Government did not bring it."

MR. PRESIDENT :—" They want to give you the credit for it."

* THE HON. SRI K. MADHAVA MENON :—" Mr. President, Sir, the Government do not oppose the Bill. I want to mention only one or two points. Mr. Suryanarayana Rao said that it would have been better work for a humanitarian league and the opinion also was shared by Mr. Krishnamurti. Now there is a matter pending in South Kanara. In a particular place there, a particular community has been doing a sort of buffalo sacrifice every year. It has been very vehemently opposed by other sections of the people for the last so many years but it was continued. This year also the buffalo which was to be sacrificed was marched off with all paraphernalia and the other party opposed it and there was the likelihood of a breach of the peace and an order under section 144 was passed by the Magistrate prohibiting any sacrifice for a particular period. The moment that period was over the party again took out the procession with the buffalo and again section 144 was invoked. I have been praying for the passing of this Bill, Sir, that at least in that place there may not be a breach of the peace immediately. In spite of the humanitarian league and other work there will be a breach of the peace if the animal sacrifice is continued. The Government may place whole platoons of their special police fully armed but if the sacrifice is not prohibited by legislation there will be a breach of the peace and it will be very difficult to handle such cases. That is the position."

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" Then, Sir, Mr. Krishnamurti was referring to religious sentiments, etc. As you were pleased to observe, Sir, our Puranas and Sastras allow for the sacrifice of a person but in these days will we allow a human being to be sacrificed? I am also a religiously-minded Hindu, Sir, and I am sure we are habituated to think that whatever we like the Gods also will like. And some people who are accustomed to take meat contribute it to the Gods also. That is the position. In most of the temples where these sacrifices are carried out it is the custom that the remaining portion will be given back to the person making the sacrifice. If that is abolished and if no portion will be given back I may say that 99 per cent or 100 per cent of the sacrifices will stop."

" The person who does the sacrifice in places in Malabar gets 4 p.m. the head of the bird and the body goes to the owner who offers the bird for sacrifice. Therefore, there is always the struggle between the person who cuts the bird and the person who offers the bird as to which place the person should cut so that he may take a larger portion of the head. In the case of goats also, there is the struggle between the owner of the goat and the man who cuts the goat as to where he should cut. I was feeling, Sir, that if there is a law that the sacrificed animal or bird will not go back to the persons who cut the animal or bird and the persons who offer them for sacrifice, that itself will suffice to stop the sacrifice, and no other law is necessary. Sir, it is only making or attempting to make Gods human."

* THE HON. DR. T. S. S. RAJAN :—" Sir, I support the Bill wholeheartedly. But I am yet in doubt whether such a Bill is necessary or whether on passing this Bill we are going to effect the reform which is so desirable. My personal experience is that people do not wait for law to be told that these sacrifices cannot be made. People have been making sacrifices for a very long time. Nobody ever thought about it. The various forms it has taken is an indication of the debased nature of the society in which we live. I know of one instance in a village where buffaloes are sacrificed. The sacrifice there is not by merely killing the animal. But the people bring a buffalo with all the ceremonies, and attract as much of the crowd as possible to the place of sacrifice. The animal that is brought there is a very healthy one. The pleasure in the sacrifice is not so much in killing the animal. But every fellow who is there takes a spear and pierces the animal with all his might. The animal has got to be killed only in that way. The torture that is undergone by the animal for hours together is most inhuman that I have ever witnessed. But, Sir, it is nothing strange or unique. Sacrifice of buffaloes is going on everywhere. Slaughter of buffaloes is permitted and hundreds of them are being slaughtered. In fact the Agriculture Department will be justified in supporting this law in the interests of agriculture. The sacrifice of buffaloes—innocent animals—should not at all be tolerated. It is not mere animals that I am referring to. I refer to the killing

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of birds also. I know the activities of the Humanitarian League. They have become so soft in their propaganda that they have become ineffective. A mere wish does not reform people. In a big city like Tiruchirappalli sacrifice of hundreds of goats has been going on openly and publicly every year. The Government provide police bandobust for that sacrifice. Some person cuts the goat and places it before the altar. Some bestial fellow goes and drinks the blood of the goat in a most awful manner. We have been encouraging those things. Side by side, I know the activities of the Humanitarian League. For the last so many years, they have not been doing any effective work. I do not believe that this law is going to effectively stop the sacrifices. People must be educated well. It is a common superstition that Gods are pleased with the sacrifice. It is a superstition which is going on much to the degradation of the Hindu community. Things have come to such a stage that people believe that we cannot stop the sacrifices, because that would rouse the anger of the Gods. Such curious beliefs have developed, and it is high time that such beliefs are dispelled. This Bill, although it becomes law, will not help very much. But legally, it gives sanction to preach that the law prevents the sacrifice. It is only in that way I can support the Bill, although I am convinced that the Bill is a good one."

MR. PRESIDENT :—" Are you replying to the debate? "

SRI S. B. ADITYAN :—" Sir, my Hon. Friends, Mr. Madhava Menon and Dr. Rajan, have answered well already. I do not propose to answer now."

MR. PRESIDENT :—" The question is—

'that the Madras Animal Sacrifices Abolition Bill, 1947 (L.C. Bill No. 2 of 1947), be taken into consideration.' "

The motion was put and carried.

Clause 1.

* THE HON. SRI K. MADHAVA MENON :—" Sir, I move—
'For the words "animal sacrifices" occurring in the long title, preamble and clause (1), substitute the words "animal and bird sacrifices."'

Legal pandits have doubted whether the term 'animal' includes birds also. The definition given to 'animals' in the Prevention of Cruelty to Animals Act is, animal means domestic or captured animals. Legal pandits have distinguished between feathered and other animals. But, by way of abundant caution we have brought forward this amendment."

MR. PRESIDENT :—" You are not moving it as a member of the Government? "

* THE HON. SRI K. MADHAVA MENON :—" Sir, this is a Government amendment. The amendment is brought forward after a decision by the whole Cabinet."

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THE HON. DR. T. S. S. RAJAN :—" I second the amendment, Sir."

SRI S. B. ADITYAN :—" I accept the amendment, Sir."

The amendment was put and carried.

Clause 1, as amended, was put and carried.

Clause 2.

Clause 2 was put and carried.

Clause 3.

Clause 3 was put and carried.

Clause 4.

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

'In clause 4 (ii), after the words "any animal", insert the words "or bird".'

Sir, it is only a consequential amendment to the one already accepted by the House."

SRI S. B. ADITYAN :—" I accept the amendment, Sir."

MR. SRI S. B. ADITYAN :—" Mr. Suryanarayana Rao has raised the point that the word 'intention' would be a better and legal word than 'view' in sub-clause (ii). Instead of the word 'view' can I put in the word 'intention' now? "

MR. PRESIDENT :—" The Hon. Minister can put that in his amendment."

* THE HON. SRI K. MADHAVA MENON :—" Sir, I move—
'For the word "view" in sub-clause (ii), the word "intention" be substituted.'

Both the amendments were then put and carried.

Clause 4, as amended, was put and carried.

Clause 5.

* THE HON. SRI K. MADHAVA MENON :—" Sir, I move—
'In clause 5, after the words "any animal", insert the words "or bird".'

MR. PRESIDENT :—" I feel there is a snag in this clause. The clause reads "No person shall sacrifice any animal inside any temple or its precincts." The definition of precincts given in clause 4 is lands and buildings ordinarily used for sacrifice. Suppose the sacrifice is made a few yards away from the usual place; how can the Government prevent the sacrifice? "

SRI S. B. ADITYAN :—" I talked about this point with others, Sir. The term 'precincts' in relation to a temple

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includes all lands and buildings near a temple, whether belonging to the temple or not, ordinarily used for purposes connected with the worship of the temple, and in particular shall include the mandapams, prakarams, frontyards and backyards of the temple by whatever name called, and also the ground on which the temple car ordinarily stands."

MR. PRESIDENT:—"How can the Government prevent the sacrifice legally if it is made in a different place from the ordinary place used for the sacrifice."

DR. V. K. JOHN:—"It may be somebody doing an act with the object of committing an offence."

MR. PRESIDENT:—"It is not committing an offence. Clause 5 says 'No person shall sacrifice any animal inside any temple or its precincts'. I say that the sacrifice need not be in the temple or its precincts."

* THE HON. SRI K. MADHAVA MENON:—"Sir, the latter portion of the definition of 'precincts' says '... and in particular shall include the mandapams, prakarams, frontyards and backyards of the temple by whatever name called, and also the ground on which the temple car ordinarily stands'."

MR. PRESIDENT:—"As you know, these sacrifices take place in open places. There are places where ordinarily sacrifices are made. But if the sacrifice is not made in the ordinary place . . ."

DR. V. K. JOHN:—"We can say 'or any other place', Sir."

* THE HON. SRI K. MADHAVA MENON:—"Sir, it will be very dangerous to say 'or any other place', because it will include sacrifices made inside houses also."

MR. PRESIDENT:—"It should be 'inside any temple or its precincts or with the intention of propitiating any deity'. The Hon. Minister can think over it and bring in an amendment."

SRI S. B. ADITYAN:—"Sir, I accept the amendment. It is not the intention of the Bill to prevent any sacrifice being made in houses."

MR. PRESIDENT:—"I hope you have understood me aright. The man takes it to the place where he has to sacrifice if. He does not get into the enclosure where usually sacrifices are made. But he goes about ten yards away, and in the full view of the deity makes the sacrifice. Under the Bill you cannot punish him."

SRI T. PURUSHOTHAM:—"Sir, sacrifices for propitiating the deity are made in the streets, and this Bill does not provide for punishment in those cases."

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MR. PRESIDENT:—"I think the definition of 'precincts' must be looked into by the Hon. Minister."

The amendment was put and carried.

Clause 5, as amended, was put and carried.

Clause 6 was put and carried.

Clause 7.

MRS. MONA HENSMAN:—"Is it not that we accept Mr. Suryanarayana Rao's amendment that we shall allow no sacrifice to go on anywhere whether it is outside the precincts of the temple or inside?"

MR. PRESIDENT:—"Does the hon. Member refer to clause 7? We shall leave that matter to some other amendment to be put down at a later date, as I have said already. We shall leave that matter for the present."

Clause 7 was put and carried.

Clause 8.

SRI R. SURYANARAYANA RAO:—"With your permission, Sir, I move—

That in clause 8 (c), for the word "and," the word "or" be substituted so that the clause may read:—

"Any person found guilty of an offence under section 7 shall be punished with simple imprisonment which may extend to three months or fine which may extend to three hundred rupees."

SRI S. B. ADITYAN:—"I have no objection to accept the amendment."

THE HON. SRI K. MADHAVA MENON:—"Simple imprisonment which may extend to three months or fine or both may be the wording, Sir. I suggest the words 'or both' be added to the amendment of Sri R. Suryanarayana Rao."

SRI R. SURYANARAYANA RAO:—"We have no objection."

MR. PRESIDENT:—"I now put the amendments to the vote of the House. The amendments are that in clause 8 (c), for the word 'and' the word 'or' be substituted and the words 'or both' be added at the end."

The amendments were put and carried.

Clause 8 as amended was put and carried.

Clause 9 was put and carried.

The Preamble was put and carried.

SRI S. B. ADITYAN:—"I now move, Sir—

'That the Bill be passed into law'.

[Sri S. B. Adityan] [26th January 1949]

"I thank the hon. Members and I thank you, Sir, for affording me the opportunity for bringing in this Bill to-day and passing it so expeditiously. Sir, it may be that some amendments may be required in future for this Bill, but I might mention that clauses 5, 6 and 7 are intended against three kinds of persons—first of all, the person who sacrifices, secondly the person who acts as the 'pujari' and thirdly the person who permits the thing to be done. That is the scope of the Bill and if necessary, no doubt, some amendments may be brought to the Bill in future. I thank you, Sir."

MR. PRESIDENT:—"The question is—

'that the Bill to abolish animal sacrifices in connexion with Hindu temples be passed into law.'

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

(2) THE MADRAS WAKF BILL, 1947 (L.C. BILL NO. 3 OF 1947).

* ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"I move, Sir—

'that the Madras Wakf Bill, 1947, be taken into consideration immediately'.

"Sir, the wakfs (endowments) are mismanaged and the money misappropriated. Wakf properties in many cases are alienated and sold and sometimes held by trespassers on account of which there is wasteful litigation. No accounts are maintained by Muthawallis; wakf property has come to be treated as personal and private property. The Bill seeks to establish a Board more or less on the lines of the Hindu Religious Endowments Board, subject to the supervision of the Provincial Government, and to remedy the defects, that are prevalent. It provides for the registration of wakfs. Muthawallis are obliged to maintain accounts. The Wakf Al-ul-aulad is also brought under the control of the proposed Board. The Board is authorized to appoint and remove Muthawallis. The Dargahs and Mukhbiras are also brought under the supervision and control of the Board. Procedure in respect of judicial proceedings is also provided for in this Bill. The Bill does not interfere with the succession of the Muthawallis except in the case of the Prince of Arcot's endowments which are controlled by a separate Act of 1923, which shuts out the jurisdiction of the courts and bars all suits against the Muthawallis and hence that Act is sought to be repealed, and the management of these wakfs is sought to be vested in a representative body.

"I do not think, Sir, there is time now to explain in greater detail the aims and objects of this Bill. Therefore, I simply now move, for the consideration of this Bill and request the Government to view this measure with sympathy."

DR. SYED TAJUDDIN:—"I second it, Sir."

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* THE HON. DR. T. S. S. RAJAN:—"Sir, this is a measure which concerns an influential community, particularly on matters of religion. Of course, the arguments in these days is that being a secular State, Government must not interfere with these religious endowments. That argument has come up very much in the forefront on account of the framing of the Constitution Act in Delhi. The same argument has been brought against the Government in the consideration of the new Religious Endowments Bill which we are trying to introduce immediately. Therefore, the reason is more with regard to the Wakf Bill which has been introduced just now. In taking the responsibility for the matter, I should like the Bill to be thrown open for public opinion, public opinion particularly from persons concerned in the management of the wakfs and the religious institutions there. Therefore, Sir, I am prepared to accept the Bill provided it is circulated for public opinion. After going through the representations, Government will be in a position to consider the matter and to say whether the Bill can be sponsored by the Government. With that proviso, Sir, I am prepared to accept the motion."

MR. PRESIDENT:—"The question is—

'that the Madras Wakf Bill 1947 (L.A. Bill No. 3 of 1947), be circulated for the purpose of eliciting public opinion thereon.'

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"I am prepared to accept it, Sir."

The motion was put and carried.

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"May I know whether there is any time-limit under the rules by which public opinion should be got?"

MR. PRESIDENT:—"There is no time-limit mentioned here. Rule 76 of the Council Rules merely says:

'Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried and the Bill is circulated in accordance with that direction and opinions are received thereon, the member in charge if he wishes to proceed with his Bill thereafter, must move that the Bill be preferred to a Select Committee; unless the President, in the exercise of his power to suspend this rule, allows a motion to be made that the Bill be taken into consideration.'

DR. V. K. JOHN:—"The practice is to fix a date."

MR. PRESIDENT:—"We will do it in the notification and say that information will be received up to such and such a date. What time does the hon. the Mover think will be enough?"

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Three months, Sir."

THE HON. DR. T. S. S. RAJAN:—"I think six months are necessary. There is no use hurrying a matter like this. It must have six months."

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SRI R. SURYANARAYANA RAO :—“ The Bill was published in the Gazette long ago. Such representations as the people have had to make could have been made already. I think, Sir, six months means that the Bill will never come before this Council at all.”

THE HON. DR. T. S. S. RAJAN :—“ I do not agree there. This measure should have public support. As far as we are concerned, we want that public opinion should be got on this Bill. Hindus being in a majority in this House and in this Province, I want to make it clear that in passing such a measure, we should give sufficient time. Therefore, even if it is published immediately, it may require some time in getting the replies and in consolidating them. Therefore, six months' time is absolutely necessary.”

MR. PRESIDENT :—“ Even if the hon. the Mover says, three months, it practically means that it cannot come before the House before August or September because the House will be prorogued after March and it will perhaps meet again only in August or September. Therefore, I think that six months' time may be put in there.”

THE HON. SRI K. MADHAVA MENON :—“ Six months after the publication.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ I suppose after six months, it will be placed before this House. I only request the Government to publish the Bill as early as possible so that it may come up before the House at least after six months.”

THE HON. DR. T. S. S. RAJAN :—“ It will be published immediately.”

SRI R. SURYANARAYANA RAO :—“ May I take it, Sir, that the other non-official business on the agenda will be carried to the next non-official day? ”

MR. PRESIDENT :—“ Yes.”

III.—ADJOURNMENT MOTION *RE* MADRAS GOVERNMENT BUS TRANSPORT STRIKE—*cont.*

* DR. V. K. JOHN :—“ Mr. President, Sir, I rise to condemn and condemn strongly the bus strike which is on in the City of Madras, a strike, Sir, without notice, a strike accompanied by hooliganism, a strike which is not really against the Government who are the employers but against the travelling public of this City. Sir, in condemning the bus strike, I feel sure that I voice the opinion of every Member of this House. The public have suffered inconvenience, trouble and unnecessary expenditure and many of them have also been hurt. Employees of public utility services in which the public are interested and by which the public are served should not rush in for strikes. Sir, I want to make it clear that in condemning and in condemning strongly this strike, I do not want to create the impression that I am against providing for adequate remuneration, wages and facilities

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or amenities to the workers—the conductors, the drivers and others engaged in transport. They ought to be adequately paid and they should be looked after very well. They can make a representation if they are not adequately paid. If they had made such a representation, Government would certainly go into it. But, Sir, this strike has been started by people who do not want to make any representations. I understand that the bus service in the City is run by very sympathetic officers, officers against whom no charge can legitimately be made by the public or by the employees. They could have made representations to those Government officers and even if the workers could not get their grievances redressed by them, they could have gone to the Minister. I know the Hon. Mr. Gopala Reddi would have solved this matter to the satisfaction of the workers. Even if the Government did not agree, Sir, the Legislature was in session. They could have made representations to the Assembly or the Council, or to a large number of Members of the Assembly and Council that they have grievances, and those grievances should be attended to. Sir, we cannot allow strikes in public utility services with equanimity. Such strikes are strikes not against the employer, but against the public. To-day, Sir, I read in the papers that the postal workers are contemplating a strike. Sometime back, we had a railway strike, and the non-gazetted officers' strike. Government in my opinion ought to put down all these strikes with all the strength in their power. I personally think that there is not one member of the public in the City of Madras other than the strikers, let alone the travelling public, who sympathises with the strike that has been on, without notice, and so suddenly, and also accompanied by hooliganism. Persons who have talked to me on this matter, unanimously condemn this strike. And I am glad, Sir, that the Government are firm and are doing their duty, and I compliment them on the steps they have taken and also I pay a very high compliment to the Police for keeping order, although we have had so many hooligan elements stoning passengers on buses, which is very reprehensible. After all, there can be a peaceful strike. How can men travelling in buses be stoned? How can women ~~and children~~ travelling in the buses be stoned for no fault of their own? I do not think there is any man in the Province of Madras who would approve of what the strikers are doing. I suggest to Government that they must train up an adequate number of policemen, and other government servants to take over the jobs in times of strikes. They must see to it, that in recruiting men to the public utility services, like the transport services, or the railway service, or the postal service, only proper persons, and not doubtful characters or troublesome elements are recruited. I would suggest to Government that it is high time for them to see the history and character of every person employed in the transport service in the City, and see that all bad and troublesome elements are removed from the service, by a legal termination of their services. I am always keen, and I have always been keen that the Government should set an example to others in attending to

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their services. Government servants must be the most contented servants, must be adequately paid, and very well looked after. That is the duty of the Government. It is equally the duty of the employees to see and particularly of those in the public utility services that they do not cause any inconvenience or trouble or any loss to the public at large. The present strike is not so much against the Government as against the public. I very strongly condemn it."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Mr. President, Sir, I endorse every word that has been said by the hon. Leader of the Opposition, the leader of our party. Nobody in this town can feel happy over the situation that has been created. Sir, yet we have to look at the other side of the question. We appeal to the Government, while condemning the strike and the atrocities that are committed, and the acts of hooliganism that the strikers have indulged in, to see to it that at least some of the demands of the employees are met; we should have to look to the genesis and the root causes of the strikes. If people in Government service are discontented, if the servants employed under an organization are discontented, the only course left to the employees is to strike, to get a redressal of their grievances. If representations fail—and I know, Sir, representations are made to every sympathetic people—that is the only next course left to them. I can quite understand the difficulties of Government also. The Finance Minister, as the Leader of the Opposition has said, is a very good and sympathetic gentleman. We know his difficulties. We know, he is not able, on account of the poor finances of the Province, to meet all the demands. In spite of that, there is the other aspect, as I said. Nobody looks to the difficulties of the Government. The man who is suffering looks to his own difficulties. As I pointed out, with regard to the increase in bus fares, it is the passengers that travel, that feel the pinch of the shoe. It is they who feel that their income cannot cope with the increased cost of living, with the increased bus fares. Therefore, Sir, there are two aspects to every question. One aspect is that there should be a condemnation, no doubt, all-round condemnation; unqualified condemnation of all acts of hooliganism that are being perpetrated by the strikers. On the other side, I would appeal to the Government to be sympathetic, to meet some of the demands at least of the strikers, and not to be vindictive, but to take back those people who are willing to come back, if they come back just like repentant persons. No doubt, Government may feel it a weakness on their part. But I feel, Sir, that on occasions like this, when you pardon your own employees, it is really an act of generosity, and not one of weakness. It is a matter of strong courage to pardon people. Pardoning people is not a weakness; on the other hand, it requires a great amount of moral courage. It requires a great amount of human sympathy and human feeling to pardon people. The strikers mostly are misguided and ignorant and illiterate people. They only look to their

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sufferings. They feel that they cannot have the necessities of life. Therefore they go on strike. While condemning this strike, I would appeal to the Government to consider the cases of those people, and not to be vindictive, but pardon them and take them back if they come back. With these words, I second the motion that has been moved by the Leader of the Opposition."

* SRI R. SURYANARAYANA RAO:—"Mr. President, Sir, I am sure, the House is grateful to the Leader of the Opposition; and even the Government must be grateful to him for giving this opportunity of examining the trouble that has arisen in the bus transport service in the City. I remember, Sir, there was a similar transport strike in the year 1941 when the bus transport service in the City was run by Messrs. Simpson & Co., I think. Bus transport came to a standstill, and at that time, the whole country was being governed by Defence of India Act, and the Rules framed under the Act. When I was approached on that occasion by the present leaders, who have been arrested and put in jail, I moved the Government and found that there was some lacuna in the rules at that time, which prevented them from appointing an Arbitration Tribunal. The strike continued for a good length of time, and in the end, it finally fizzled out. But now the transport service is a Government concern. And any grievances of the transport employees should have been brought to the notice of Government either directly or through their representatives in the Legislature. Instead of doing that, the workers have taken the law into their own hands, and have not observed the procedure laid down in the Industrial Disputes Act, of giving proper notice to the Government and giving them time to examine the points at issue and redressing them to the extent possible, or rejecting them, if the Government could not meet any of or all their demands. The present method adopted by the bus strikers amounts to coercing the Government, and compelling them to yield to their demands. What those demands are, even we the legislators are not aware of. The method they have adopted to achieve their purpose, is a totally wrong one, and they should be made aware of it. If we had dispersed without expressing our opinion on the strike, we would have failed in our duty to the workers themselves, for they know not that they lack public sympathy. Sir, it is we, the passengers, who have a right to strike. As my hon. Friend, Mr. Farookhi said, bus fares have been increased . . ."

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

SRI R. SURYANARAYANA RAO:—"The bus fares have been increased. Various new bus stops have been set up, and it is the passengers who have legitimate grievances and have a right to strike, and make the bus transport come to a standstill. Instead, Sir, these strikers for whose sake, the fares have been increased in order to meet their growing demands,—I am sure the Hon. Finance Minister wants to find sufficient funds—have struck

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work without sympathizing with the bus passengers and trying to be conciliatory to them. Some of us have had a very bitter experience of the insolent behaviour of these bus workers. We have complained in this House, at the time the bus fares were discussed, of the behaviour of the bus workers towards the passengers, which is anything but civil. Sir, the House may remember that some time ago there was also a lightning strike because a conductor who insulted a lady passenger, was punished. I am quoting this instance to show with what standards the bus workers want us to judge them and how they want the public and the Government also to put up with their incivilities and rude behaviour.

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"Sir, this is all from the point of view of the bus passengers. But if the bus workers have a real grievance, why did they not take the steps which the Industrial Disputes Act provides for them—make their representations, give notice to the Government and allow all the procedure to be gone through just as the postal workers and the railway workers are doing? Whether the strike is a weapon which should or should not be used, when it should be used and when it should not be used, are matters for the workers to decide after taking consultation among themselves and considering all points of view. Recently, three days ago, they struck work for an hour just at the time when people working in offices had to go to their work. That was a very bad moment. They thought they were trying to enlist the sympathy of the public; on the other hand they do not know they have lost the sympathy of the public; because they inconvenienced them at a time when they needed transport most. Therefore, Sir, I am afraid that the counsels the transport workers have received from outside or inside their group are bad counsels and they should be made to realize it. As I said, in 1941 when there was a strike, the City went without bus transport for a number of days, but this time, because it is a Government concern, the Government have been able to rally round them all the forces under their command and have been running a service, though it may be a skeleton service. It is our duty to stand by the Government and tell the bus transport workers that the methods they have adopted in trying to get their grievances redressed do not have our sympathy and support. We beg of them, though they may not listen to our advice, to get back to work, make representations in proper form and await results. If even then they do not feel satisfied, if they feel that all their grievances are legitimate and should be redressed, they are at perfect liberty to use the last weapon which any worker would like to use in order to get his grievances redressed.

"Sir, my hon. Friend, Mr. Abdul Latif Farookhi, requested the Government to consider their reasonable demands and try to satisfy them. I am sure the Government are willing to do so and perhaps would have been more willing to do so if they had

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not struck work and caused all this inconvenience and trouble to the public and to Government. Anyhow, Sir, I appeal to the Government not to be vindictive and if the transport workers express regret for their past conduct and desire to come back to work and work properly and be of good behaviour, to take them back and give them an assurance that any legitimate grievances they have would be gone into and redressed. That would be my suggestion to the Government.

"Sir, it is true that this strike has been a great strain on the Government and their officers. At a moment's notice they had to mobilize all their forces in order that the public may not be inconvenienced. We are grateful to the Government for the timely action they have taken, so that the workers in the City who have to come from very long distances are not inconvenienced as they were in 1941. But at the same time, Sir, I would plead with the workers that the course they have adopted is wrong, that they should get back to work unconditionally and trust the Government to deal with their legitimate grievances by representing them in a legitimate manner and not be misguided by counsels which they may receive from quarters which are more bent on making mischief than on getting the grievances redressed. Sir, there are certain sections of public opinion in this country who revel in chaos, who do not like to see things set right in a proper and legitimate manner and who would like to use extreme methods in order to achieve their purpose. I hope the bus transport workers have not come under their influence. If they have, we be unto them and this country. I hope that this strike is not symptomatic of the struggle between the forces which promote disorder and the forces which stand for order. I hope they have not come under such influences. The evidence for it will be found in the workers coming back to work and trying to have their grievances redressed in a legitimate manner. Sir, in any attempt to settle the strike, I am sure the Government will have the support of every citizen in this Province and in any measures they adopt to put down hooliganism, they will also receive equal support. It is simply unimaginable that the workers should have thrown stones at passengers while buses were in motion and caused serious injuries to some of them. Are the passengers to be blamed for making use of the transport which was provided for them and for which they pay? Why should passengers be stoned by these workers? Was it a method by which they expected to enlist public sympathy in their favour? On the other hand, every stone thrown at a passenger bus is a stone thrown at their cause and the more they indulge in hooliganism the more they will lose the sympathy of the public. I hope, Sir, that better counsels will prevail, that the workers will go back to work and that the Government will be generous enough to those who have been misled, because I am sure all the workers are not for a strike, but a few who, as I said, revel in creating disorder, and have overpowered the many who would like to go back to work if

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proper protection is afforded to them. I would request the Government to deal with them gently and see that the transport system is reintroduced, and the hooligan element responsible for these unfortunate happenings is dealt with sternly."

* SRI S. B. ADITYAN :—" Sir, I hope that the present strike will open the eyes of the Government to the wrong decision they have taken in taking the ownership of the buses. I felt at that time and I say now that it was not a wise step on the part of the Government to have taken over the buses plying in the City. It is now evident that the Government is a party to the dispute. If the Government had left the buses with the private operators and merely controlled their operation by laying down conditions regarding the number of buses for a route, the fares to be charged and so on, they could have ensured good service and at the same time, in a moment like this, the Government would be in a position to hold the scales even between the workers and the management. But the Government are now in the unfortunate position of being both a party to the dispute and a judge. The claim of the workers instead of being against the operators is now against the Government. Who is to settle the dispute except the Government themselves?"

" Sir, it is said that the workers asked for more. I ask in all humility, what is wrong in that. I would on the other hand be surprised if any worker does not ask for more. I would be surprised if any human being does not want to better his conditions. It is the urge to better oneself that is at the bottom of all progress. We in this country pay Rs. 80 to Rs. 90 for a transport worker, but in England they pay Rs. 400 on an average for a bus transport worker and in America they pay Rs. 800 a month. I agree to some extent that the conditions are different. I have been repeatedly telling the public and the Government that the object of the Government should be to better the lot of the average citizen and the average worker. Sir, the worker will ask for more and the Government should have expected the worker to ask for more."

" Sir, instead of sinking a crore of rupees in taking over the bus transport, if my hon. Friend Mr. Gopala Reddi had handed the money over to his Colleague, Mr. Sitarama Reddi, he would have put that money in a cement factory or a paper factory or a glass factory (The Hon. Sri B. Gopala Reddi: If the workers there also strike, what will happen?). The Government need not take up the whole of the cement industry. They may use the money to encourage the industry by taking shares in it. Sir, opinion not only in this country but everywhere in the world is turning away from State ownership to State control. Sir, there can never be nationalization of an industry unless there is nationalization of labour also. It should not all be on one side. If you want to nationalize an industry, you must nationalize the labour in that industry at the same time. You should not leave them to form their own organizations and unions but must insist on discipline among labour as in the case of the army."

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" Unless you do that, it will be impossible to nationalize an industry. Sir, I do say that in future a crisis of this kind will be avoided if the Government will follow the policy now pursued by the Central Government. The Central Government have recently enunciated the policy that they would not take over an industry which is existing and instead of putting money into an existing industry, they would put it to encourage new industries so that there may be new employment. I ask the Government to follow that policy so that they may not again be in a false position of having nationalized an industry without nationalizing labour. I hope, Sir, that they will avoid being in the position of a party and the judge and they will also pay more attention to State control instead of State ownership."

* SRI M. NARAYANA MENON :—" Mr. President, when a strike occurs, it is the duty of every one of us to examine it with a critical eye. The strike, according to me, may be the symptom of a disease or it may be the expression of a grievance. If it is found out that it is the symptom of a disease, it is necessary to see whether there are any persons or any organization or any organism behind the strikers inducing them to such activities. If it is the expression of a mere grievance, it can be easily found out by the Government by examining their position and of those who are employed under the Government. The Government know how much they have spent on this Transport and what the profit is. Then strike a balance and see what is the amount invested and what is the amount honourably spent and what is the actual gain. And if there is too much gain, there is no harm in giving these people something more because in these days, money has no value and has no purchasing power and these people labouring from morning to evening must certainly get a little more than what they are getting now. But if the Government find, after examining the accounts that they have not gained anything substantially, they can explain their position and tell them that there is no reason for grievance. This will give satisfaction to the workers. So much for the expression of a grievance."

" Sir, if it is the symptom of a disease, we must find out what is that disease. I refer to the Communists. Communism is gaining ground in China, Burma and other places and it may be that this strike is due to communism entering into the field. All of us must have read in the papers that recently in Calcutta there was a students' strike and I see in the papers that it is due to Communist activities. In this case also it may be due to their activities. If it is so, then certainly we have to stop it here. Government ought not to be weak but they ought to be strong and if you think of appeasing these people and if they are induced by these Communists, then certainly you are inviting Communism and not really combating it. The cancer is at the root and it must be removed. If you resort to appeasement, you are breeding it and not removing it. If you submit, you are sure to pay for it and you will surely feel as Chiang-kai-Shek felt a few days ago that he committed the

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greatest wrong of his life when ten years ago when the war was going on, he did not strike this Communism then and there. He did not do it. This expression of opinion by Chiang-kai-Shek may probably be uttered by our Government later on if they do not give up their appeasement policy. You must examine their condition and you must show them that you are there not to appease them but to do justice and fairness to them. How can you do justice and fairness to these people? If the Government are just and if they refer to such methods, the workers will be satisfied. Otherwise, they will not be satisfied. If you give them one-half of their claim, they will claim the other half also after some time. It will never end. At the same time I request the Government to be just and fair to them. How will you do it? The Government want more money. The workers want more money. How are you going to settle the dispute. The Government being a party to the dispute cannot be the judge. Let there be a Tribunal independent of the Government. It must be a statutory tribunal specially constituted for the purpose of settling the disputes between the employers and the employees. If it is a dispute between an ordinary employer and his employees, the Government may appoint a Tribunal.

"Sir, it is said that the law permits strikes. Of course, the law says that persons employed in the service can show their grievance by a strike. You cannot blame them. You must change the law. The law must be altered in such a manner as to prevent strikes and provide for placing grievances of those people before a Tribunal. So, I would suggest that every Labour Association may submit to the Government their grievance at least once a year. The Government must examine them. So also the Government can call upon the ordinary employers and employees to place all the facts before a tribunal and let that tribunal decide them. That must be done and it may be renewed at the end of every year because circumstances may change. After all circumstances dictate the change.

"Now so far as this strike is concerned, I have said what the Government should do in the matter. They must examine the whole thing and see whether there is any real grievance. If the Government are satisfied that the strike is not due to any grievance and that it is due to something else, then this must be considered very carefully. As I have said, if it is due to the expression of any grievance, the Government can entertain them. But if it is due to the symptom of a disease, then there should be no appeasement of these people. This is what I have to say with regard to this question."

* THE HON. SRI B. GOPALA REDDI:—"Sir, I am indeed grateful for the strong support given by the Hon. Leader of the Opposition and other members of this House in the action we have taken against the Motor Transport workers who are constantly being misguided by outside agencies who style themselves as friends of the workers. Sir, I could have understood them, had they utilized the services of the Labour Department. They could have

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represented their grievances to the Labour Commissioner and to the Labour Minister, if they had thought that the Transport Minister was not a friend of theirs. But I find to my great surprise, Sir, that they have made no attempt to approach either the Labour Officer or the Labour Commissioner or the Labour Minister but repeatedly they were indulging in a sort of bullying tactics. Sir, I will presently read a statement comprising the history of the psychology of these people. Ever since we have nationalized the Motor Transport in the City, they have been adopting these tactics so many times and at last we had to tell them that the Government can certainly allow the law to take its own course. We have some time ago declared the Bus Service as an Essential Service and they ought to have known the consequences of an Essential Service going on strike and it was made plain to them that it is illegal for them to strike and the law will not permit them to go on strike. In spite of the various press communiqués and the advices given by the Transport Officer, they were adamant and they were bent upon creating trouble for themselves and for the Government. Sir, I can understand strike in a general manner. I know their grievances and I know they ask for more and more money. As Mr. Adityan has said, there is nothing wrong to ask for more money. I can understand it. But I never understood why they had staged that one-hour strike at a time when everybody wants to get to the office—9-30 to 10-30 a.m., a very crucial moment, and they had dislocated the traffic of the buses to a considerable extent. They have asked five requests, and we have conceded all of them, plus a sixth one whereby they get subsistence allowance during the suspension period. All the five demands were granted to them without their asking though they vaguely represented them. Still they were bent upon staging the strike on the 20th of this month. So, Sir, as I said before, it is a curious psychology with which they are working and the Government thought that the law must be permitted to take its course without showing any undue generosity to them.

"Sir, I shall read for the benefit of the hon. Members so that they may be well-acquainted with the situation, the catalogue of strike notices they have given to the Government ever since the whole thing was nationalized.

"On 27th April 1948, a lightning strike was organized by the conductors of the State Transport Service on the ground that one of the conductors was dismissed by the Transport Department for his rude and high-handed behaviour to a lady passenger. A strong line of action was adopted, a notice was put up declaring that the strike was illegal and that the conductors who refused to work would be removed from service. The General Secretary of the Union, Mr. Sitarana Naidu, then advised them to call off the strike at 7-30 p.m.

"On the 29th April 1948 the Government enforced on private operators the award of the Industrial Tribunal which was appointed to report on the conditions of service of motor transport workers in

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this Province. Though the award was not intended to be applied to the Government Bus Service and was not binding on the Government, the question as to how far the recommendations of the tribunal should be implemented by the Government in respect of State Transport workers was engaging the attention of the Government.

5-15 p.m. "In the meantime, the Government Transport Workers' Union called for a strike by the Transport workers from 28th July 1948 in case certain demands made by the Union were not met before the 27th July 1948. The principal demands made by the Union were that the Award of the Industrial Tribunal about the conditions of labour in the Motor Transport Services and the Motor Transport Workshops in the Madras Presidency should be applied for the Government Bus Service, that the remaining workers retrenched by the private operators on account of nationalization of City Transport should be employed immediately, that the Union should be allowed a seat on the Departmental Committee which takes disciplinary action against employees for dishonesty, misconduct, etc., that all punishments awarded since May 1st, should be cancelled, etc.

"The Government examined the demands made by the Union and revised the terms of employment of workers in the Government Bus Service in keeping with the recommendations of the Industrial Tribunal and also of the general conditions of service in other Government departments. The concessions granted to the workers as a result of such liberalization by way of increased scales of pay, increased batta, etc., involve an additional expenditure to Government of more than 3 lakhs per annum. The decision of the Government was announced by a Press Note on the 23rd July 1948 and another Press Note was issued the same day warning the workers that if in spite of the above decision of Government on the merits of the serial demands by the workers, any of them still decided to engage in an illegal strike, Government would be compelled to adopt firm measures against the strikers and their instigators and to take steps to afford adequate protection to loyal workers and to maintain the Bus Service in order to prevent grave inconvenience and annoyance to the public. The strike contemplated by the workers on the 24th July 1948 was, however, called off by the Union.

"As soon as the Government Orders regarding the increased scales of pay, etc., were issued in September 1948 the Government Transport Workers' Union sent again a strike notice to the Transport Commissioner intimating that the workers would go on strike from 9th October 1948 as a number of their grievances still remained unredressed and that the Award of the Industrial Tribunal was not implemented in its entirety in the case of the Government Transport workers. The points raised by the Union were discussed in the Conference of departmental officials held, with me as Chairman, on the 7th October 1948. The main issues raised by the Union were ordered to be examined. In the meantime the strike

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which was scheduled to take place on the 9th October 1948 was postponed to the 24th October 1948. On 16th October 1948 the Union, however, sent me a letter through the Transport Commissioner unconditionally withdrawing the notice of strike given for the 24th October 1948, promising full co-operation with the Government and requesting that the Government might sanction the following five concessions asked by the Union in supersession of their previous demands :—

(1) that the workers displaced from private employment on account of nationalization should be absorbed to the maximum extent possible in the Bus Service; the workshop and the Chrome-pet Factory;

(2) that drivers and conductors displaced from the South Indian Bus Transport, the Sri Rama Vilas Service and the Civil Supplies Transport Unit should be absorbed likewise;

(3) that the benefit of the revised scales of pay and allowances sanctioned in September 1948 should also be extended to workers who were in service on 1st May 1948, even though they were discharged before the date of issue of the Government Order, i.e., 15th September 1948;

(4) that the benefit of higher starting pay (Rs. 46 per mensem) should also be allowed to drivers recruited after 1st May 1948;

(5) that an eight-hour duty for all workers should be introduced.

"The Union also promised to make every effort to maintain industrial peace among the employees of the Transport Department and to co-operate with the Government in their policy of nationalization of Motor Transport. When the concessions asked for by the Union were being examined, the Union sent a strike notice to the Transport Commissioner on 7th January 1949 intimating that the Transport workers would observe a token hartal between 9-30 a.m. and 10-30 a.m. on the 20th January 1949. It may be mentioned here that the usual 14 days' notice prescribed under the Industrial Disputes Act was not given in this case. The five concessions suggested by the Union were accepted by the Government and orders were issued on the 19th January 1949. A copy of the Government Order was also communicated to the Union by the Transport Commissioner on the same date. A Press Note was also issued on the 19th January 1949 announcing the Government's decisions and warning the workers and the Union that they might seek redress of their legitimate grievances, if any, by legal and constitutional methods and that Government would be compelled to take firm action against those workers and their instigators who disregarded the warning and acted in a manner prejudicial to public order and the proper maintenance of essential public services. The Secretary of the Union was also sent for and told by the Transport Officer in person about the contents of the Government Order and the Press Note. Despite the fact that the concessions asked for by the Union were conceded—and as I said, a sixth concession

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which was not asked for by them, was also given along with the five demands—the Transport workers staged a token strike during the peak hours from 9-30 a.m. to 10-30 a.m. on the 20th January 1949 as originally programmed by the Union. Sir, here I ask what was the justification for the workers to stage that token or symbolic strike after all the five demands asked for by them were conceded by the Government? There was absolutely no justification for the token strike by the Transport workers, but the Union maintained that a number of grievances still remained unredressed and that the Government Transport authorities were adopting “unreasonable methods”. When notwithstanding all the concessions granted to them and the warning against any illegal direct action, they went on strike, the Government felt that unless this tendency towards what might be considered “blackmailing the Government and causing inconvenience to the public” was checked, things might deteriorate from bad to worse.

“So, Sir, that is the story of the labour leaders: and the Government were compelled to arrest three inspectors and three drivers who made themselves a nuisance, as it were, to the Transport Department. Sir, I know the inconvenience caused to the public and I am sorry for that. I express the feeling here, that we did not want this strike, we did not do anything to see that the workers were put to great inconvenience and even when demand after demand was conceded by the Government, these labour leaders were causing inconvenience to the public.

“Sir, I am glad that public opinion is not at all with them. I can say that from the press reports, from the press people and also from the reports of those friends who generally go by the Bus service. And the main-in-the-street, whom the Leader of the Opposition is always championing, is not also with the workers in this matter, because it is made clear, as I said, that the workers were not adopting the proper attitude towards the passengers they were serving and the aggregate effect of it was that the public generally did not sympathize with the demands of the workers. As I have already explained in great detail, at every turn Government went out of the way, though it cost them quite a bit to see that their demands were met, so that they could proclaim to the world and the future Government that the Transport Department is a success and is working very well in this province. I wish also to say that its successful working is due to the fact that our departmental officers are also giving their best to see that the nationalization scheme is made a success and Government also get some money out of it, and the public also get the benefit of the nationalization of transport. But, yet at every turn they were doing this.

“I am glad to say that the further extension of nationalization of Bus Transport throughout the province is not due to want of finance or anything else but it is because of the unreasonable attitude adopted by the workers. It is a great pity that when every district is looking forward to nationalization of Transport—especially

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there has been a persistent demand from Chingleput, Cuddapah and Chittoor to extend nationalization of Transport to those districts immediately so that they could get rid of the present operators and drivers and conductors—I am unable to give them any promise of further expansion of the scheme because the attitude of the labour leaders here in the City was not at all helpful. So, we had to cry halt for the time being before we thought of nationalization and further extending it throughout the districts.

“Sir, I once again express my great grief that the public were put to a lot of inconvenience, but I may assure them that it became inevitable. I am also thankful to the Leader of the Opposition and other hon. Members for expressing their views on the matter and for giving their unqualified support to what the Government is doing in this matter. I am sure the workers also will read the speeches of these leaders in to-morrow's papers, revise their attitude and get back to their work without any condition. I trust that the Transport department will certainly view with sympathy any reasonable demands which they might make. Sir, I am very thankful to the Hon. Leader of the Opposition for the speech he has made and also to the other hon. Members who have given their unqualified support to the Government.”

MR. PRESIDENT :—“The Hon. Minister may tell the House what the position to-day is.”

THE HON. SRI B. GOPALA REDDI :—“Sir, yesterday, in spite of the strike, we started with 100 buses in the morning and ended with 150 buses in the evening and this morning we began with 150 buses and it might have gone up to 200 by now. The normal number of buses running in the City is about 210 and so it is no more a skeleton service now but a complete service and I hope that from to-morrow normal service will be restored.

“Sir, I must also express my appreciation of the good work done by the Police. They have immediately stepped in and taken charge of the vehicles—they have come from the mufassal also—and rendered all possible help in the matter of transporting the passengers who were waiting at the bus-stands. So, the position to-day is almost normal and from to-morrow or the day after the position will certainly improve and there will not be any inconvenience caused to the public.

“I, therefore, request the hon. Leader of the Opposition not to press his motion. After all it is not like the usual adjournment motions which are given notice of for censuring the Government for this or that, but it is only an opportunity that he sought to express his own view on the matter and support the Government in what they are doing. I request the hon. Leader of the Opposition not to press for a division.”

DR. V. K. JOHN :—“Sir, one word by way of reply. I must thank hon. Members who spoke supporting the motion which I made, that is, condemning unreservedly the present strike. Sir,

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the object of the motion was, as my hon. Friend, Mr. Suryanarayana Rao, said and I want to repeat it, first to convince the strikers that public sympathy is not with them, that this House does not sympathise with them and secondly our sympathies are with the travelling public. As we are all aware the public have been put to a lot of inconvenience as a result of the strike and some of them suffered even physical injury.

"I am glad this motion has given an opportunity to the Hon. Minister to explain to this House and through this House to the public the real position in regard to the matter. I was surprised to hear from the statement of the Hon. Minister of the various threats of strikes for months past and I am inclined to agree with Mr. Narayana Menon that this appears to be an expression of disease rather than of grievances, because if it were grievances, all the grievances were met. Though they threatened many times to strike all their demands were satisfied and as stated by the Hon. Minister something more also was given. They went on strike, a strike accompanied by hooliganism. I brought this motion because during the last two days dozens of people talked to me on this matter and some of them with great feeling said that there should not have been this strike, and I have never heard one man sympathising with the strikers. And everyone who paid any attention to this matter was merely condemning this strike and not one supported it. I, therefore, thought that the view of the public as gathered by me and of my friends who also expressed the same view, should be expressed in this House when it is sitting. You know, Sir, that I have been perhaps the greatest critic of the Government on the floor of this House and outside this House, but the Opposition is not an irresponsible Opposition.

5.30
p.m.

"If the Opposition were to criticise the Government on the strike of the transport workers, not one person in the City or perhaps outside would have agreed with the Opposition. Without any exception people who have talked to me have condemned the strike and some of them with great feeling. There is no sympathy for the strikers. I should, therefore, want the strikers to know that public opinion is not with them and they do not have the support of the public in the strike and I want the public also to know that we are with them and we sympathise with them in the inconvenience that they endured during the period of the strike and I want also to see that the Government is not faced with a similar situation in the future. I am very pleased that very good steps had been taken and good arrangements had been made so that two or three days after the strike began the situation has almost become normal and that too in spite of the fact that the strikers have not returned to duty. I must in this connexion pay a high compliment not only to the Government but also to the Police in having not only kept law and order but also in having assisted the Government to restore the bus service to almost normal conditions. After all the responsibility of the Government is to keep law and order and I hope that in any strike, whether it be of bus services, here or elsewhere or the

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strike of workmen employed by private agencies, Government will see to it that the public are not hurt. In this case it is very very regrettable that the strikers should have indulged in hooliganism and hurt the travelling public who had nothing to do with their employment. I am very glad that the Government have been able to restore bus traffic to normal. I do not think there is any question of dividing the House but I want the public to know the unanimous opinion of the House that we condemn the strike and if you so please, you may put the motion to the House."

MR. PRESIDENT:—"The motion is talked out."

"About the meeting of the House next, what is the sense of the House. Would you like to adjourn *sine die* or to fix a date? The position is that the other House is meeting on the 4th February and there are some small Bills ready including the Bill of the Hon. Minister for Industries for the setting up of a Finance Corporation. Then there is also the Hindu Religious Endowments Bill which is likely to come up here for the purpose of setting up a Joint Select Committee. If that House is meeting on the 4th February, I was wondering if this House might not sit on the 7th February."

AN HON. MEMBER:—"Can we not meet on the 4th itself?"

MR. PRESIDENT:—"There will be no meaning in meeting on that date."

THE HON. DR. T. S. S. RAJAN:—"We want to have a Joint Select Committee of both Houses on the Hindu Religious Endowments Bill and by the 7th the motion will be ready for this House."

MR. PRESIDENT:—"It may take two or three days there and even if the motion is passed earlier, we should like to have some notice. We may be able to take it up on the 7th and after our concurrence has been obtained it may go back on the 8th or 9th February. I think, therefore, that the 7th February will be suitable."

THE HON. DR. T. S. S. RAJAN:—"Then we continue till the business on hand is finished."

MR. PRESIDENT:—"If the Joint Select Committee is appointed, the Committee will sit and we shall be meeting only on the 26th February 1949."

THE HON. SRI B. GOPALA REDDI:—"Will it be on the morning of the 7th, Sir?"

MR. PRESIDENT:—"Yes."

"I would like to hear any suggestion that the hon. Members might like to make."

"I take it that the House will meet on the 7th February 1949. That is on Monday."

The House adjourned to meet at 11 a.m. on 7th February 1949.

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APPENDIX I.

[Vide answer to starred question No. 197 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 26th January 1949, page 928 supra.]

Statement showing the method of recruitment and the application of communal representation rule to the Provincial and Subordinate Services.

Name of the service.	Method of recruitment.	Communal representation rule which applies.
(1)	(2)	(3)
A. Provincial Services.		
The Madras Agricultural Service.	Direct Recruitment	Communal proportion.
The Madras Civil Service (Executive Branch).	Recruitment by transfer and by direct recruitment.	Communal rotation.
The Madras Commercial Taxes Service.	Do.	Do.
The Madras Co-operative Service.	Direct recruitment	Communal proportion.
The Madras District Board Engineering Service.	Recruitment from Local Fund Assistant Engineers.	Do.
The Madras Educational Service.	Direct recruitment	Communal rotation.
The Madras Engineering Service.	Do.	Do.
The Madras Forest Service	Direct recruitment or recruitment by transfer.	Communal proportion.
The Madras Industries Service.	Do.	Do.
The Madras Medical Service	Direct recruitment	Communal rotation.
The Madras Police Service	Direct recruitment or recruitment by transfer.	Communal proportion.
The Madras Public Health Service.	Do.	Do.
The Madras Registration Service.	Do.	Do.
The Madras Survey and Land Records Service.	Recruitment by transfer or by direct recruitment.	Communal rotation.
The Madras Veterinary Service.	Do.	Communal proportion.
The Madras Subordinate Civil Judicial Service.	Direct recruitment or recruitment by transfer.	Communal rotation.
B. Subordinate Services.		
The Madras Agricultural Subordinate Service.	Direct recruitment	Communal rotation.
The Madras Commercial Taxes Subordinate Service.	Recruitment by transfer and by direct recruitment.	Do.

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Name of the service.	Method of recruitment.	Communal representation rule which applies.
(1)	(2)	(3)
B. Subordinate Services—cont.		
The Madras Co-operative Subordinate Service.	Direct recruitment of Co-operative Sub-Registrars.	Communal proportion.
	Junior Inspector: Direct recruitment or by transfer.	Do.
The Madras Educational Subordinate Service.	Promotion, direct recruitment and recruitment by transfer.	Communal rotation.
The Madras Electrical Subordinate Service.	Direct recruitment or transfer from any other service.	Do.
The Madras Engineering Subordinate Service.	Direct recruitment or recruitment by transfer.	Do.
The Madras Excise Subordinate Service.	Recruitment by transfer.	Do.
The Madras Forest Subordinate Service.	Direct recruitment	Do.
The Madras Industries Subordinate Service.	Direct recruitment, promotion or for special reasons recruitment by transfer.	Do.
The Madras Local Fund Audit Subordinate Service.	Direct recruitment or recruitment by transfer.	Communal proportion.
The Madras Medical Subordinate Service.	Direct recruitment or for special reasons recruitment by transfer.	Communal rotation.
The Madras Ministerial Service.	Direct recruitment	Do.
The Madras Public Health Subordinate Service.	Promotion or direct recruitment.	Do.
The Madras Port Subordinate Service.	Direct recruitment	Do.
The Madras Police Subordinate Service.	Sub-Inspectors — Promotion, direct recruitment or recruitment by transfer.	Do.
	Sergeants; Promotion or direct recruitment.	Communal proportion.
The Madras Registration Subordinate Service.	Recruitment by transfer or direct recruitment.	Communal rotation.
The Madras Revenue Subordinate Service.	Recruitment by transfer.	Do.
The Madras Secretariat Service.	Direct recruitment	Communal proportion.
The Madras Survey and Land Records Subordinate Service.	Recruitment by transfer or direct recruitment.	Communal rotation.
The Madras Veterinary Subordinate Service (now the Animal Husbandry Subordinate Service).	Direct recruitment	Do.
The Madras Judicial Ministerial Service.	Promotion, direct recruitment or for special reasons recruitment by transfer.	Do.

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APPENDIX II.

[Vide answer to starred question No. 199 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 26th January 1949, page 929 supra.]

(a) The quantity of manures given in exchange for paddy bonus coupons up to June 1948 excluding figures from Kurnool, Nellore, South Arcot, Salem and Tanjore districts for the month of June 1948 is as follows:—

- | | |
|--------------------------|-----------------------|
| (i) Groundnut cake | 48,963 tons 1,498 lb. |
| (ii) Chemical manures | 7,115 tons 1,989 lb. |
| (iii) Green manure seeds | 387 tons 1,190 lb. |

The quantity of manures sold to ryots without coupons from January to June 1948 is as follows:—

- | | |
|----------------------|-----------------------|
| (1) Groundnut cake | 15,026 tons 1,974 lb. |
| (2) Chemical manures | 3,537 tons 641 lb. |

(b) The quantity of groundnut cake purchased during the first half-year of 1948 was 45,333 tons.

Sixty per cent of the production of groundnut cake in power driven mills was purchased at Rs. 99 per ton in the districts of North and South Vizagapatnam, East and West Godavari, Krishna, Guntur, Kurnool, Bellary, Anantapur and Cuddapah, at Rs. 113 in the districts of Nellore, Chingleput and Madras; and in the other districts at Rs. 118 per ton loose ex-mill delivery. Groundnut cake was sold at Rs. 9-4-0 per bag of 160 lb. nett including gunny in the districts of North and South Vizagapatnam, East and West Godavari, Krishna, Guntur, Kurnool, Bellary, Anantapur and Cuddapah and at Rs. 10 in the remaining districts without loss to Government. The sale prices work out to Rs. 129-8-0 and Rs. 140 per ton respectively

Chemical manures.

The total quantity of chemical fertilizers allotted for this Province by the Government of India during the fertilizer year 1947-48 is as follows:—

	TONS.
(1) Ammonium sulphate	45,500
plus	3,000 (special quota)
Total	48,500
(2) Ammonium phosphate	1,500
(3) Ammonium nitrate	1,410
(4) Di-ammonium phosphate	1,250
Grand total	52,660

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In addition to the imported fertilizer, an additional quantity of 400 tons of sulphate of ammonia was received from Messrs. The Fertilizers & Chemicals (Travancore) Limited, Alwaye, under the agreement with that firm.

The cost of the imported stuff and that obtained from Messrs. The Fertilisers and Chemicals (Travancore), Limited, are as follows:—

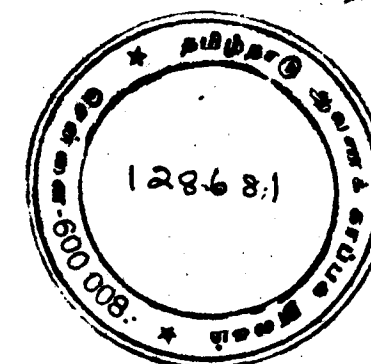
The cost varies from period to period as noted below:—

	Imported stuff per ton.	Factory stuff per ton.
(1) Ammonium sulphate	Rs. 265 from 1st April 1947 to 3rd February 1948; Rs. 271 from 4th February to 1st April 1948; Rs. 290 from 1st April 1948 to 30th September 1948.	Rs. 320 up to 30th September 1948.
(2) Ammonium phosphate	Rs. 290 up to 3rd February 1948. Phosphate Rs. 308 from 4th February 1948.	
(3) Ammonium nitrate	Rs. 345 up to 3rd February 1948; Rs. 371 from 4th February 1948.	
(4) Di-ammonium phosphate	Rs. 872 per ton.	

These fertilizers are sold to the ryots without any loss to Government in the transaction, i.e., on no loss no profit basis.

(c) The quantities and cost of chemical fertilizers supplied from the pool till 30th September 1948 are as follow:—

	TONS.	Cost. RS.
(1) Ammonium sulphate	42,081	1,22,03,490
(2) Ammonium phosphate	1,470	4,52,760
(3) Ammonium nitrate	1,410	5,04,780
(4) Di-ammonium phosphate	692	6,03,424
(5) Ammonium sulphate from factories.	5,400	17,28,000



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