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MADRAS LEGISLATIVE COUNCIL
DEBATES.

OFFICIAL REPORT

THURSDAY 24TH MARCH, 1949

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VOLUME XX—No. 9

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1949**

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 24th March 1949.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Extent of cultivation of the land reserved for the criminal tribes at Siddhapuram.

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

(a) the extent of land reserved for the Criminal Tribes Settlement at Siddhapuram, Kurnool district;

(b) whether it is a fact that the land in question is under a huge tank and could be irrigated by the waters of the tank; and

(c) what extent is actually cultivated by the members of the settlement and what extent is allowed to be fallow and waste from year to year?

THE HON. SRI K. MADHAVA MENON :—“(a) three thousand and three hundred acres.

“(b) No. Only a portion of the settlement land can be irrigated by the waters of the tank.

“(c) Area cultivated including land just reclaimed for cultivation is 917 acres and the total extent of land unreclaimed is 2,105 acres.”

SRI R. SURYANARAYANA RAO :—“May I know what steps are being taken to reclaim the other portion of such a large extent that remains unreclaimed?”

THE HON. SRI K. MADHAVA MENON :—“They are being reclaimed as and when settlers are coming in.”

SRI N. SANKARA REDDI :—“May I ask, Sir, when will the whole land be cultivated by the settlers?”

THE HON. SRI K. MADHAVA MENON :—“I cannot give the exact date. The idea is to give the land to criminal tribes who are released from jail or who are now released under the Repeal of the Criminal Tribes Act. The lands will be given to them for cultivation. A few number of settlers only have come. As and when settlers are coming in, we will reclaim the whole land.”

SRI N. SANKARA REDDI :—“If no settlers are coming in at all, may I ask, Sir, what the Government are going to do with the land?”

I Questions and Answers

II Ministry from the Assembly

III Discussion on the Budget for the year 1948-49

IV Papers laid on the table of the House

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THE HON. SRI K. MADHAVA MENON :—“ Even if the entire area is reclaimed, the water from the tank will not be sufficient to irrigate the whole area. If settlers are not coming in, Government will think of inducing other people to settle in that area.”

SRI N. SANKARA REDDI :—“ Cannot dry cultivation be done in that area so that something may be produced? ”

THE HON. SRI K. MADHAVA MENON :—“ Even in the reclaimed area, some portions are for dry cultivation. As much area as can be cultivated by the settlers, is being cultivated. About 53.4 acres of dry land have been reclaimed.”

SRI N. SANKARA REDDI :—“ Am I to understand, Sir, that the Government are going to allow it to remain a waste if no settlers are coming in to cultivate it? ”

THE HON. SRI K. MADHAVA MENON :—“ It is not a question of keeping it as a waste. It is easy to assign away lands to some people. Then there will be no lands if settlers come in. These are the areas intended to be given to settlers. We do not want to give these lands to others, who may reclaim the land now.”

SRI N. SANKARA REDDI :—“ Cannot the Government reserve some of this land to be given to political sufferers? ”

THE HON. SRI K. MADHAVA MENON :—“ As far as I know there has been no application from any political sufferer for this area. If any political sufferer want this area, I shall certainly consider the question of assigning this land.”

Purchase of the Madras Electric Tramways.

* 265 Q.—SRI S. B. ADITYAN : Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government have accorded sanction to the Corporation of Madras to purchase the Madras Electric Tramways from the Madras Electric Tramway Company, Limited; and

(b) if so, (i) the price and (ii) the time when the purchase would be completed?

THE HON. SRI K. CHANDRAMOULI :—“ (a) No.

“ (b) Does not arise.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Will the Government consider the question of nationalization of Tramways, Sir? ”

THE HON. SRI K. CHANDRAMOULI :—“ It is not under the consideration of Government, Sir.”

[24th March 1949]

Fixation of reduced rent in zamin areas.

* 267 Q.—SRI B. BHIMA RAO (on behalf of Dr. A. Lakshmanaswami Mudaliyar) : Will the Hon. the Minister for Industries be pleased to state with reference to the fixation of reduced rates of rent under the Madras Estates Land (Reduction of Rent) Act—

(a) whether any general principles were followed, and if so, what these principles were;

(b) whether the Government have issued any instructions to the Special Officer in regard to the method to be adopted before fixing the reduced rent in zamin areas;

(c) whether it is a fact that the rates fixed in many of the zamin areas are at considerable variance with the rates existing for ryotwari lands in the immediate vicinity; and

(d) whether it is a fact that these rates are lower than the rates for the ryotwari areas in adjacent villages with common conditions and facilities for irrigation?

THE HON. SRI H. SITARAMA REDDI :—“ (a) & (b) The Madras Estates Land (Reduction of Rent) Act, 1947, itself lays down the principles on which reduction should be based and the procedure that should be followed by the Special Officer, the Board of Revenue and the Government in the matter of reduction of rents in estates. The provisions of the Act are being strictly adhered to by the Special Officer and the Government.

“ (c) & (d) The Government have no reason to think that the circumstances will generally be as suggested by the hon. Member.”

SRI B. BHIMA RAO :—“ Is it not a fact, Sir, that in some zamin villages of Chingleput district, the assessment has been reduced to one-half of the rates prevailing in the adjoining ryotwari areas? ”

THE HON. SRI H. SITARAMA REDDI :—“ I do not know which village the hon. Member is referring to. If he calls my attention to a particular village, I shall examine it and say specifically what has been done in that particular village.”

SRI B. BHIMA RAO :—“ I want to elicit information in regard to some villages, namely, Nerumbur, Pallakanni . . . ”

MR. PRESIDENT :—“ I am afraid the hon. Member cannot expect the Hon. Minister to answer such questions off-hand. If any such cases are there, they should be brought to his notice separately.”

SRI B. BHIMA RAO :—“ I shall ask my friend to put a separate question.”

[24th March 1949]

Levy of tax on vacant areas within municipalities.

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

(a) whether the Government have directed municipalities to levy tax on vacant lands within their jurisdiction;

(b) under what provision of the District Municipalities Act, if any, this assessment is being made;

(c) whether the municipalities have been asked to prepare a fresh list of vacant lands before resorting to assessment;

(d) whether the Government have received representations from owners of land that some built-up lands are being assessed as vacant lands resulting in double taxation;

(e) whether the rate of assessment is dependent on the value of land, its location, contour, etc.;

(f) whether a uniform rate throughout the Province has been prescribed;

(g) whether each municipality is allowed to levy assessment within certain limits; and

(h) whether the municipal council is the competent authority to prescribe the rate of taxation?

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

“(b) Sections 81 (3) (a) and 81-A (1) of the Madras District Municipalities Act, 1920.

“(c) No.

“(d) Yes, in the case of one municipality.

“(e) The amount of assessment will be dependent on the value of the land, location, etc., if the tax is levied on the basis of capital value but on extent, if the tax is levied on the basis of extent.

“(f) Uniform maximum rates have been prescribed by the Government for all municipalities, but rates less than the maximum rates are levied in some municipalities.

“(g) Yes, but as the rates of the taxes on vacant lands fixed by several municipal councils were inadequate, Government have themselves fixed the rates in the case of several municipalities, in exercise of the power conferred on them by section 81-A (1) of the Act.

“(h) Yes, but where under section 81-A of the Act, Government fix the rates, the council is bound to accept the rates fixed by Government.”

SRI R. SURYANARAYANA RAO :—“May I know, Sir, in respect of how many municipalities the Government are forced to prescribe the rates?”

THE HON. SRI K. CHANDRAMOULI :—“A separate question may be put.”

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SRI R. SURYANARAYANA RAO :—“May I know, with reference to answer to clause (c) whether the Government are not aware that when vacant lands have to be assessed, the municipalities should assess only the existing vacant lands and not the vacant lands that are found in a list prepared some years ago?”

THE HON. SRI K. CHANDRAMOULI :—“In municipalities, wherever there are vacant lands, they are expected to be taxed.”

SRI R. SURYANARAYANA RAO :—“Have not the Government received representations that in certain municipalities, lands on which houses have been built, are being treated as vacant lands, and taxation is being imposed?”

THE HON. SRI K. CHANDRAMOULI :—“That has not been brought to the notice of the Government.”

Steps taken to promote Hindi or Hindustani.

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

(a) whether in view of Hindi or Hindustani becoming the Rashtrabhasha or the State language of India, any steps are taken to promote the said languages, and if so, what steps; and

(b) whether any aid is being given by the Government to the Hindi Prachar Sabha?

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

“(a) With a view to encourage the study of Hindustani, the Government have directed that provision should be made for the teaching of the language.

“(b) Aid is given to Hindustani Vidyalyas under the control of the Dakshina Bharat Hindustani Prachar Sabha and others.”

SRI M. NARAYANA RAO :—“What is the subsidy, Sir?”

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

“The amount is given in the Supplementary Estimates that are coming before the House to-day. It is Rs. 34,400. Of course, I speak subject to correction.”

SRI M. NARAYANA RAO :—“What is the purpose of the aid, Sir?”

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

“To train Hindustani Pracharaks.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“What are the scripts that are encouraged, Sir?”

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

“Hindustani implies both the scripts. Generally, more attention is paid to Devanagari script.”

[24th March 1949]

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ May I ask, Sir, whether munshis and teachers teaching through the Persian script have been ordered to be displaced by teachers trained in Hindustani Prachar Sabhas? ”

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

“ Yes, Sir, because they know the Devanagari script also, and they will be able to teach in both the scripts.”

SRI R. SURYANARAYANA RAO :—“ Are the teachers trained under the auspices of the Dakshina Bharat Hindustani Prachar Sabha required to know both the scripts? ”

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

“ Yes, Sir; I believe so.”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ Is it not difficult for students to be compelled to learn through Hindustani from teachers whose mother-tongue is Urdu? ”

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

“ The medium of instruction is not Hindustani. But the language is Hindustani. They are not learning through another language.”

SRI M. NARAYANA RAO :—“ Do the Government intend to make it compulsory for Government servants? ”

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

“ That is another matter to be referred to the Public Department.”

SRI R. SURYANARAYANA RAO :—“ How many teachers are being trained in this Hindustani Prachar Sabha? ”

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

“ I am unable to say that, Sir.”

Appointment of officers in districts brought under prohibition from 2nd October 1948.

2.45 p.m. * 270 Q.—SRI P. VEERABHADRASWAMI: Will the Hon. the Minister for Firka Development be pleased to state—

(a) how many officers, in the several grades, have been appointed in the districts in which prohibition is introduced from 2nd October 1948; and

(b) whether the Government have received applications from political sufferers in these districts for appointments in the prohibition staff, and if so, how many?

THE HON. DR. S. GURUBATHAM :—“ (a) The number of officers appointed is given below :—

(i) Prohibition Enforcement Branch—

Deputy Commissioner of Prohibition	...	1
District Prohibition Officers	...	9
Deputy Prohibition Officers	...	25
Assistant Prohibition Officers	...	10
Sub-Inspectors	...	227
Petty Officers	...	21
Guards	...	2,358

[24th March 1949]

(ii) Prohibition Amelioration branch

Special Development Officers	...	9
Assistant Development Officers	...	18
Peons	...	27
Rural Welfare Officers	...	10
Stenographers	...	9

“ (b) There is no direct recruitment to the posts of Deputy Commissioners of Prohibition, District Prohibition Officers, Deputy Prohibition Officers, Assistant Prohibition Officers, Special Development Officers and Assistant Development Officers as appointments to these posts are made by transfer from the Excise department and the Co-operative department. Appointments to the remaining posts are made partly by direct recruitment. As no special preference is shown to political sufferers for appointments to these posts, the applicants were not asked to specify whether they were political sufferers or not and the Government have therefore no information whether some of the applicants were political sufferers.”

Seasonal conditions in the Ceded districts.

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

(a) whether the seasonal conditions in Bellary, Anantapur, Kurnool and Cuddapah districts have not been satisfactory;

(b) whether the Government have received reports from the Collectors of those districts under the provisions of the Famine Code; and

(c) whether the Government will place the reports on the table of the House?

THE HON. SRI H. SITARAMA REDDI :—“ (a) to (c) Seasonal conditions in the districts of Cuddapah, Kurnool, Bellary and Anantapur are not quite satisfactory. The Collectors have, however, reported that the conditions there are not so bad as to justify the opening of test works under the provisions of the Famine Code. The Government do not consider it necessary to place copies of the Collectors' reports on the table of the House.”

SRI R. SURYANARAYANA RAO :—“ May I know whether there are any other districts in the Province where seasonal conditions are bad? ”

THE HON. SRI H. SITARAMA REDDI :—“ I think there are a few. But I do not remember what they are.”

SRI N. SANKARA REDDI :—“ In spite of bad seasonal conditions, is procurement going on in the districts? ”

THE HON. SRI H. SITARAMA REDDI :—“ That is a matter which must be referred to the Food Department as it is quite probable that procurement may be going on in places where foodgrains could be procured.”

[24th March 1949]

SRI G. VENKATA REDDI : " In view of the fact that conditions in the Ceded districts are not satisfactory, will the Government be pleased to open or cause to be opened test works? "

THE HON. SRI H. SITARAMA REDDI : " As I have already said, the Collectors who were consulted in the matter have reported that the conditions are not so unsatisfactory as to necessitate the opening of test works or expansion works. The Collector of Cuddapah has, however, suggested the taking up of some road works not under the Famine Code but to relieve such unemployment as may possibly be caused in the coming months. "

SRI R. SURYANARAYANA RAO : " In view of the fact that there is a feeling that the conditions in certain parts of these four districts of Anantapur, Bellary, Cuddapah and Kurnool are not satisfactory, why not the Government think it necessary to place the reports of the Collectors on the table of the House in order to remove misgivings? "

THE HON. SRI H. SITARAMA REDDI : " We have given the House all the necessary information. "

Production of Khadi and various developments made in certain firkas in 1947-48.

* 272 Q.—SRI P. VEERABHADRASWAMI : Will the Hon. the Minister for Firka Development be pleased to state

(a) the total quantity of Khadi produced in 1947-48 in Pendurti, Gara and Madugula firkas;

(b) whether there was any surplus Khadi and whether it was sold outside these firkas;

(c) the total cost of Khadi sold;

(d) whether any reading rooms have been started in the villages in these firkas and if so, where;

(e) whether any new wells have been sunk in the villages in these firkas, and if so, in what villages;

(f) the amount spent for wells in these three firkas;

(g) whether any roads have been laid in these firkas, and if so, the length of these roads and the amounts spent on them;

(h) whether any new schools have been started in these villages, and if so, when;

(i) the total strength of these new schools; and

(j) whether any of these schools are basic schools?

THE HON. DR. S. GURUBATHAM : " (a) to (c) The Intensive Khadi scheme is not in force in any of these three firkas and hence particulars of khadi produced and sold are not available. In Gara firka, very fine Khadi is produced. As it is costly it is mainly exported to places outside the firka and even outside the Provinces.

[24th March 1949]

" (d)

Pendurti firka.	Gara firka.	Madugula firka.
Reading centres were started in—	Central library at Srikurman with branch libraries at the following centres was started—	No.
1 Pendurti.	1 Amolu.	
2 Rampuram.	2 Booravalli.	
3 Pinnagadi.	3 Vomaravalli.	
4 Pedagadi.	4 Calingapatnam.	
5 Narava.	5 Kornl.	
6 Gorapalli.		
7 Juttada.		
8 Pulagalipalem.		
9 Gurampalem.		
10 Chintala Agra-haram.		

" (e) Wells have been sunk in the following villages:—

Pendurti firka.	Gara firka.	Madugula firka.
		No.
1 Pallinarayanapuram.	1 Tandalapeta.	
2 Cheemalapalli.	2 Machilesam.	
3 Jangalasaalem.	3 Gonti.	
4 Boddunaidupalem.	4 Jaffarbada.	
5 Akkireddipalem.	5 Kuchimvanipeta.	
6 Duvvapalem.	6 Komaravanipeta.	
7 Karakavanipalem.	7 Tangullapeta.	
8 Gangammapeta.	8 Amadalapadu.	
9 Kotinavanipalem.	9 Perlavanipeta.	
10 Porlupalem.	10 Mogadarapadu.	
11 Padmanabhapuram.		

" (f)

Rs. 12,445-0-0 Rs. 5,873-0-0 Does not arise.

" (g)

No.	No.	
Eight works sanctioned.	Ten works sanctioned.	One earthen road from Sundurupatti village connecting Minimuluru earthen road, measuring 2 furlongs and
	Work is in progress.	One earthen road starting from the officer's quarters at Paderu and leading to Gudivada villa e, measuring one furlong, were laid by the villagers themselves without any aid.

" (h) New schools have been opened at the following places on the dates noted against each:—

		No.
Chintala Agraharam, 1st September 1948.	Machilesam of Calingapatnam, 11th December 1948.	
Rampuram, 1st October 1948.	Gangallapeta, 28th April 1948.	
Pelagadi, 12th October 1948.	Duvvapeta, 28th September 1948.	
Vepagunta, 5th November 1948.		
Gorapalli, 5th November 1948.		

[24th March 1949]

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ May I ask, Sir, whether munshis and teachers teaching through the Persian script have been ordered to be displaced by teachers trained in Hindustani Prachar Sabhas? ”

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THE HON. SRI H. SITARAMA REDDI :—“ We have given the House all the necessary information.”

Production of Khadi and various developments made in certain firkas in 1947-48.

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(a) the total quantity of Khadi produced in 1947-48 in Pendurti, Gara and Madugula firkas;

(b) whether there was any surplus Khadi and whether it was sold outside these firkas;

(c) the total cost of Khadi sold;

(d) whether any reading rooms have been started in the villages in these firkas and if so, where;

(e) whether any new wells have been sunk in the villages in these firkas, and if so, in what villages;

(f) the amount spent for wells in these three firkas;

(g) whether any roads have been laid in these firkas, and if so, the length of these roads and the amounts spent on them;

(h) whether any new schools, have been started in these villages, and if so, when;

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[24th March 1949]

“(d)

Pendurti firka.

Reading centres were started in—

- 1 Pendurti.
- 2 Rampuram.
- 3 Pinagadi.
- 4 Pedagadi.
- 5 Narava.
- 6 Gorapalli.
- 7 Juttada.
- 8 Pulagalipalem.
- 9 Gurampalem.
- 10 Chintala Agra-haram.

Gara firka.

Central library at Sri-kurmam with branch libraries at the following centres was started—

- 1 Amoolu.
- 2 Booravalli.
- 3 Vomaravalli.
- 4 Calingapatnam
- 5 Kornu.

Madugula firka.

No.

“(e) Wells have been sunk in the following villages :—

Pendurti firka.

- 1 Pallinarayanapuram.
- 2 Cheemalapalli.
- 3 Jangalaalem.
- 4 Boddunaidupalem.
- 5 Akkireddipalem.
- 6 Duvvapalem.
- 7 Karakavanipalem.
- 8 Gangammapeta.
- 9 Kotiavanipalem.
- 10 Porlupalem.
- 11 Padmanabhapuram.

Gara firka.

- 1 Tandalapeta.
- 2 Machilesam.
- 3 Gonti.
- 4 Juffarbada.
- 5 Kuchamvanipeta.
- 6 Komaravanipeta.
- 7 Tangullapeta.
- 8 Amadalapadu.
- 9 Perlavanipeta.
- 10 Mogadarapadu.

Madugula firka.

No.

“(f)

Rs. 12,445-0-0 Rs. 5,873-0-0 Does not arise.

“(g)

No. No.
Eight works sanctioned. Ten works sanctioned.

Work is in progress.

One earthen road from Sundurupatti village connecting Minimularu earthen road, measuring 2 furlongs and

One earthen road starting from the officer's quarters at Paderu and leading to Gudivada villa e, measuring one furlong, were laid by the villagers themselves without any aid.

“(h) New schools have been opened at the following places on the dates noted against each :—

		No.
Chintala Agraharam, 1st September 1948.	Machilesam of Calinga-patnam, 11th December 1948.	
Rampuram, 1st October 1948.	Gangallapeta, 28th April 1948.	
Pe lagadi, 12th October 1948.	Duvvapeta, 26th September 1948.	
Vepagunta, 5th November 1948.		
Gorapalli, 5th November 1948.		

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(i)		Pendurti firka.	Gara firka.	Madugula firka.
Chinnala	Agra-		Machikesam ..	125
haram	..	70	Gangallapeta ..	60
Rampuram	..	85	Duvvapeta ..	50
Pedagadi	..	50		
Vopagunta	..	35		
Gorapalli	..	55		
		335		235

(j)		Does not arise."
The schools at Ram-	None of these schools	
puram and Pedagadi	are basic schools. But	
only are basic	the previously exist-	
schools.	ing Board Higher	
	Elementary schools	
	at Calingapatnam	
	and Ampolu were	
	converted into basic	
	primary schools.	

Fees charged by doctors from patients.

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

(a) whether the Government have fixed the maximum and minimum scales of fees to be charged by officers of the rank of (1) District Medical Officers and (2) Assistant Surgeons, when patients go to them for private consultation;

(b) whether the Government will lay on the table of the House the Memorandum or Government Order prescribing such fees;

(c) whether the aforesaid officers could charge such fees when the patients go to them in hospital during office hours; and

(d) whether they could levy any fees for taking radiographs, when the patients are suspected to have T.B. or any other lung affections; and if so, what is the fee prescribed therefor is?

THE HON. SRI A. B. SHETTY:—“(a) No scale of fees has been prescribed by Government.

“(b) Does not arise.

“(c) Medical Officers cannot charge fees for the medical attendance of patients in the hospital.

“(d) Fee is charged for taking radiographs of patients when income is Rs. 75 and above and the amount realized is credited to Government. The following are the rates of fees:—

Income of patient or head of his or her family.	Rate of fees for taking radiographs of patients with T.B. or lung affection.
	RS.
Up to Rs. 99	5
From Rs. 100 to Rs. 199 ..	10
From Rs. 200 to Rs. 349 ..	12
From Rs. 350 to Rs. 499 ..	15
From Rs. 500 to Rs. 749 ..	20
From Rs. 750 and upwards ..	25

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SRI B. BHIMA RAO:—“May I know whether any Member of the Indian Medical Service who is in charge of a District Headquarters Hospital is entitled to charge any fee and, if so, how much, for private consultation?”

THE HON. SRI A. B. SHETTY:—“The medical practitioner will have to settle the fees with his patient privately. He is not fettered by any rules in regard to this matter.”

SRI S. B. ADITYAN:—“With reference to the answer to clause (d) of the question, may I know whether any concession is given in the case of T.B. patients?”

THE HON. SRI A. B. SHETTY:—“In the case of T.B. patients, frequent X-ray screenings are necessary when A.P. is being done. So, a flat rate of Rs. 15 a month has been fixed. It is a concession rate.”

SRI R. SURYANARAYANA RAO:—“Is the Hon. Minister aware that, what is known as the ‘chit system’, is prevailing in the hospitals in the City?”

THE HON. SRI A. B. SHETTY:—“I have heard about this allegation. But no specific instance has been brought to my notice.”

SRI B. BHIMA RAO:—“Is any Member of the Indian Medical Service entitled to charge Rs. 32 for private consultation?”

THE HON. SRI A. B. SHETTY:—“I have already said that the maximum and minimum fees have not been fixed.”

MR. PRESIDENT:—“I thought that the Hon. Minister would ask the hon. Member whether *his* maximum and minimum fees have been fixed.”

Additional Rent Controllers appointed in the City of Madras.

* 274 Q.—SRI H. M. JAGANNATHAM: Will the Hon. the Minister for Firka Development be pleased to state—

(a) the number of additional rent controllers who have been appointed in the City of Madras;

(b) whether it is a fact that a retired officer is proposed to be retained ousting a permanent officer of the Judicial Department; and

(c) how long will these additional posts be continued?

THE HON. DR. S. GURUBATHAM:—“(a) Three. Of these, one post was abolished with effect from 1st January 1949.

“(b) No. There is no question of ousting a permanent officer of the Judicial Department as no such officer is serving as Additional Rent Controller.

“(c) They will be continued as long as there is work for them.”

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Inoculation with B.C.G. vaccine.

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

(a) whether there is any proposal to inoculate students of all schools in Madras City or elsewhere with B.C.G. vaccine for tuberculosis;

(b) if so, whether the proposal has been approved by the Government; and

(c) whether the Government are aware of the statement published in the Press (*Indian Express*, dated 15th February 1949), by certain prominent doctors that B.C.G. vaccination is a dangerous experiment?

THE HON. SRI A. R. SHETTY:—“(a) & (b) Yes. The Government have approved a scheme for vaccination with B.C.G. in the City of Madras on a voluntary basis.

“(c) Yes, there was a statement by two doctors of Madras City.”

MR. PRESIDENT:—“No supplementaries. It is extraordinary.”

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

II.—MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—“I want to announce a message received from the Hon. Speaker, Madras Legislative Assembly, dated the 23rd March 1949—

“In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Industrial Disputes (Madras Amendment) Bill, 1949 (L.A. Bill No. 12 of 1949) as passed by the Assembly on the 23rd March 1949, and signed by me for the concurrence of the Council.”

III.—DISCUSSION ON THE SUPPLEMENTARY STATEMENTS OF EXPENDITURE FOR THE YEAR 1948-49.

* SRI R. SURYANARAYANA RAO:—“Mr. President, Sir, I am one of those who always welcome supplementary estimates. There is more than one reason for it.”

MR. PRESIDENT:—“The hon. Member has a supplementary chance to criticize the Government.”

* SRI R. SURYANARAYANA RAO:—“That is one of the reasons. But the notes furnished on the various items are much more exhaustive and informative. When we discuss the main Budget, we are given at the end of the Budget Memorandum the various schemes included in the Budget. But why they are included and what is the necessity for providing for those items are not very clear to us as in the supplementary budget estimates. Here on every item a note appears as to why the Government feel it necessary to ask for this new service, why they want more money in

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regard to a particular service and so on. So, it enables us to concentrate our attention on certain essential points, instead of wondering through a mess of figures, as we do when we discuss the main Budget. The total demand, according to the Hon. Minister for Finance, is about 10 crores and odd. But the actual amount will be much more, as a ~~total~~ sum of Rs. 100 is the demand in respect of many items. My only criticism is even on the 16th March 1949, could not the Government know what the probable expenditure would be before 31st March in respect of many items for which the demand is only Rs. 100? It should be possible for a Government with such large personnel working under them to assess approximately the probable expenditure before the end of the year.

“Another point I find is that a token demand of Rs. 100 is asked for in respect of many items, knowing full well that no expenditure will be incurred before the 31st March and it looks as though such a demand is put forward only to obtain the approval of the Legislature for some new service or for some new scheme which the Government wish to promote. May I ask—though it would be to my disadvantage for the reasons I have already given—could not those items have been made part of the regular Budget for 1949-50? Sir, the expenditure, as I said, is more than ten crores. I do not know whether the Hon. Minister for Finance has taken into account the probable expenditure in 1949 when he presented the revised estimates along with the Budget. As otherwise, I am sure the accounts for 1948-49 will show a greater deficit than 366 lakhs. While I am grateful to the Hon. Minister for Finance for coming forward, even in respect of new services for which no expenditure may be incurred during the year, to the Legislature for their sanction, may I ask why he should have waited for the fag-end of the year to come forward with such a large number of schemes most of which must have matured long ago and in respect of which expenditure must have been incurred? Could he not have divided these supplementary estimates into two or three, one in September, another in December and another at the end of March? That would have enabled the Legislature to approve or disapprove (of course, we have no power to disapprove) or to criticize any new scheme that the Government might have thought of introducing and on which the Legislature might have had some useful observations to make.

“I now come to the grants. The progress of rent reduction, I must say, has been very slow. We do not know how many estates have been covered and how many estates have yet to be covered. But meanwhile, no rent collection is going on in the estates which have not been covered by this Rent Reduction Act. Are Government able to get their peshkash at least even if the zamindar does not get rents? Sir, I was one of those who felt at the time that this rent reduction could have been taken up along with the main topic of the abolition of zamindaris. But what I am not able to understand is the complacency with which the Government are looking on. The Zamindari Abolition Bill has not received the assent of the Governor-General. They do not propose to give effect to it even during 1949-50 perhaps, as no provision has been made for compensation. The rent reduction is

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going on at a slow pace. What about the collection of rents due to those people who were till now known as zamindars? What about the collection of peshkash due to Government? What about the maintenance of irrigation and other works in these zamin areas? A lot of confusion has been created by these Acts. Why should the Government have taken up the abolition of zamindaris when the Government of India warned them that they should not embark on this reform unless they were able to find the amount required for compensation from their own current revenues? In this connexion, I put a short notice question to the Hon. Minister for Industries who is now in charge of Land Revenue. He has not been pleased to accept it as a short notice question. However, we are thankful to the Premier of West Bengal who has given out the summary of the communications which that Government along with other Provincial Governments received. What do they say, Sir?

“Now, for the edification of my hon. Friend, I would like to point out what the Central Government say in regard to zamindari abolition. They advised, looking purely from the financial angle, the abolition of zamindaris was hardly likely to augment provincial revenues for the next 30 to 40 years. On the contrary, some Provinces might have deficits for the next few years. The amount of compensation of all the Provinces would be to the tune of 350 crores. It would be impossible for the Central Government or the Provincial Government to raise the required amount through the issue of loans in the market immediately. The Government of India accordingly stressed that, in order to avoid financial and legal difficulties, if the scheme was to be proceeded with, the money invariably should be met from current revenues and paid in cash and not from provincial reserves and it would be advisable to go slow in the matter by a trial in selected localities. Sir, I am not against the zamindari abolition and all that I want is that, if a reform of that gigantic nature has to be undertaken, all the preparations must be ready beforehand.”

MR. PRESIDENT:—“I would like to know how many hon. Members want to take part in the discussion, so that I may prescribe a time-limit.”

(About eight hon. Members expressed their willingness to speak.)

MR. PRESIDENT:—“Unless hon. Members are prepared to sit after 5 o'clock, I would prescribe 15 minutes for each speaker.”

SRI R. SURYANARAYANA RAO:—“May I know how many minutes have been allotted to me?”

MR. PRESIDENT:—“I do not know when the hon. Member began.”

THE HON. SRI K. MADHAVA MENON:—“About 5 minutes to three.”

MR. PRESIDENT:—“The hon. Member can have 10 more minutes.”

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SRI R. SURYANARAYANA RAO:—“Large amounts have been spent in training survey parties for the survey of zamindari areas. Certainly we wish to proceed with the survey of unsurveyed zamindari and mita lands by making use of the survey staff on which they have spent a large amount. Are they going to disband this trained staff because the Zamindari Abolition Bill has not received assent. I plead this because the necessity for the survey of unsurveyed zamindari and mita areas has often been brought to the notice of the Government by the Central Land Mortgage Bank who found it difficult to advance loans because large extents of land are unsurveyed. So, Sir, I would like the Government to make use of the survey staff for this purpose and, if they have no power at present to enter on lands, they may even make legislation empowering them not only to enter on lands, but have them surveyed without waiting for the Zamindari Abolition Bill to be put on the Statute Book.

“Next, Sir, I come to the Prohibition Staff College. Now, this Prohibition Staff College trains petty officers and all kind of officers. I would like to know, if to-morrow, as we wish the Government to do, this enforcement of prohibition is handed over to the Police department, whether the officers who are being trained in this college will be absorbed by the Police department? If not, Sir, is it not a sheer waste of money in training them and also creating unemployment among those who sought training with a view to better their prospects. In arranging for this training, the Government ought to have arranged it in such a manner that all those trained in such a staff college could be absorbed by the Police department when they take over the enforcement of prohibition. This is a matter to which I referred pointedly while discussing the Budget.

“Then, Sir, I come to Grant IX. This ‘Hanuman’ has been a mystery. I have put a question about it, but I have not so far received any answer. But, I find that the answer is provided in the supplementary estimates. I do not know whether it is still in commission or not and whether any of the Hon. Ministers have ventured to travel by it in spite of the accident which the Hon. Premier and the Food Minister had. (The Hon. Sri B. Gopala Reddi: ‘Only on the 13th instant I returned from Vizag. in that plane.’) Sir, my Hon. Friend says that he returned from Vizag. only a few days ago. But, I would like him to go to Delhi in that plane and return. Now, Sir, having acquired this Hanuman, if they do not find it useful or air-worthy, why not they dispose it of, instead of maintaining and spending such a large amount of recurring expenditure. I do not know why the Hon. Ministers did not go to Tuticorin by that plane the other day, but they got a plane from the Mysore Government. (The Hon. Sri B. Gopala Reddi: ‘It was on reciprocal basis.’) I do not know whether ‘Hanuman’ is being used at all.”

THE HON. SRI B. GOPALA REDDI:—“It is being used, Sir.”

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SRI R. SURYANARAYANA RAO :—“ All these explanations of the Hon. Minister do not satisfy the public about the matter. If you do not find it air-worthy, dispose it of. If you think it is not possible to make use of it, say, you have purchased it, it was in very good condition at the time of purchase, but now you find it unsuitable and you want to dispose of it. After all, even in the purchase of cars, some are unlucky, some are lucky. My Hon. Friend, the Minister for Industries, is always unlucky in the cars he gets. Therefore, Sir, there is nothing wrong in saying, when we purchased it it was good, but now we do not find it useful and so we want to dispose of it.

“ Now, Sir, I come to Grant XIII. I read what the Hon. Minister for Jails announced in the other House, namely, that he has an idea of appointing a Committee to go into the Jail administration. May I plead, Sir, let him include all the Acts which are administered by the Inspector-General of Prisons in the terms of reference to the Committee, namely, the Children's Act, the Probation Act, Immoral Traffic Act, and such similar Acts, so that a comprehensive legislation to deal with not only prisons, but also for dealing with delinquent children, may be enacted, as they have recently done in England.

“ I find, Sir, that the staff for anti-blackmarketing work which has been in existence for some time, is being renewed. May I ask, why not the local police be asked to do this work? If the local police have got other work, you may strengthen the police to attend to this work and especially after the threatened Blackmarketing Bill becomes law, can this staff sitting at Madras manage all this? It is only the local police that have to check blackmarketing and if the local police are not sufficiently manned, let it be strengthened in order to prevent blackmarketing operations.

“ Sir, I now come to my favourite subject, namely, Education.”

MR. PRESIDENT :—“ There is only one more minute for the hon. Member to finish.”

SRI R. SURYANARAYANA RAO :—“ I would request you to give me four more minutes at least, because this is a very important subject, Sir.”

MR. PRESIDENT :—“ I do not know whether any hon. Member will oblige by him speaking only for 10 minutes.”

SRI R. SURYANARAYANA RAO :—“ I now come to the question of grants to colleges. Let us take the Loyola College, for instance. Building grants to this College have been brought under Post-war Development Schemes but there are also certain other schemes, such as grants to the Andhra University which have been put under ordinary revenue account. But, Sir, what is the criterion on which a scheme is to be brought under the Post-war Development Schemes? I ask this particularly because, when an aided college applied for a building grant, the Hon. Minister said

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that he could not give more than Rs. 50,000, whereas in the case of the Loyola College the grants have been included under the Post-war Development Schemes. Of course, I do not grudge giving anything to the Loyola College, but my point is, why not all the schemes be brought under the Post-war Development Schemes, including grants to Universities, grants for building an auditorium and other things, instead of only a few items. I would like to know, what is the criterion that is adopted in regard to this, because, I know the Government first refused the grant to the Loyola College for the same purpose and now they are going to give the grant by bringing it under the Post-war Development Scheme. Now, take the case of the Bellary College. Only Rs. 50,000 was sanctioned for the building. If the Hon. Minister for Education had brought it under Post-war Development, the Government of India would not have objected to the starting of the college at Bellary by the Government and it would have come under the Post-war Development Scheme. Now, Sir, what prevents him from doing that, because Bellary needs a college.

“ Then, Sir, I have to speak a little about the status and emoluments of teachers. The Hon. Minister is thinking of giving grants to meet the cost of dearness allowance to College teachers. But, how is he going to ensure the managements of aided colleges discharge their obligations and pay the staff at prescribed rates. In the case of High Schools and Elementary Schools, the Hon. Minister has asked the Director of Public Instruction to examine and see whether any school is not giving the dearness allowance that has been sanctioned, even though its funds permitted. I have an instance in this connexion. Only the day before yesterday, I got a letter from a very respectable citizen of Chidambaram saying that the Pachaiyappa's High School, Chidambaram, refused to give the dearness allowance laid down by the Government. Sir, Pachaiyappa's charities are not poor like many other charities and I do not know why that kind of thing is permitted even now. Here, I must say, the educational authorities are doing their best to impress upon the Trustees that they should pay.

“ Then, Sir, I have brought to the notice of the Government the miserable plight, I mean, the salaries that are given to Assistant Lecturers in the Salem Municipal College. They are lower than the salary paid to B.A., L.Ts. in the ordinary schools. I brought this to the notice of the Secretary, because I did not want to trouble the Hon. Minister with many letters as I have already annoyed him enough and so I thought I could annoy more his permanent Secretary. The Salem College asked for permission to increase the emoluments of their lecturers, but they have not yet been given the permission.

“ Coming to building grants again, in regard to Elementary Schools, the maximum for a Higher Elementary School is Rs. 7,000 and that for a Lower Elementary School is Rs. 4,000. The amount which was given to private managements during 1948-49 for building grants was Rs. 58,088, of which the St. Joseph's College Higher Elementary School alone gets

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Rs. 24,000. Do you mean to say, Sir, that the Hon. Minister will be satisfied with the other Rs. 25,000 to meet the requirements of the whole Presidency? Why was this exception made in the case of the St. Joseph's Higher Elementary School alone? If you make a rule, you should observe it. Is that school located in a backward area or is it serving the backward communities? Then, why do you lay down these rules? That is why I suggest that you treat such proposals as Post-war Development Schemes, so that he will be given by the Government of India half the actual expenditure incurred in maintaining these grants.

“Only one word more, Sir. I would like the Hon. Minister to consider again the question of setting up a Universities Grants Committee. Even now it is not too late to retrace his steps because certain Universities get more grants even though they have funds at their disposal and certain Universities are denied grants. I do not know the basis on which these grants are made to Universities. The Annamalai University has got 95 lakhs of rupees as investment funds and still the Hon. Minister has provided grants for that University this year and also next year. But what about the other Universities who cannot invest funds like that. Therefore, I would like him to examine again this aspect of it and perhaps the appointment of a Universities Grants Committee will prevent these anomalies. With these words, I close my speech.”

* SRI B. BHIMA RAO :—“Sir, I would like to follow up the point that has now been raised by my hon. Friend, Mr. Suryanarayana Rao. This point was also raised at the meeting of the Madras University Senate yesterday. Sir, I must say that our own University has not been treated properly in the matter of grants. The other day the Hon. Minister had stated that the University had made no application for grants. But the Vice-Chancellor of the Madras University who is unfortunately absent to-day told me at that meeting that the Madras University did make an application for a grant of about Rs. 10 lakhs on the 5th January 1949 and he has also instructed me to urge in this House that the same generous treatment as is given to the Annamalai University for instance, may also be accorded to the Madras University. I hope the Hon. Minister for Education will do justice in the matter.

“Sir, I come to another point which my hon. Friend has adverted to in a different manner. On page 21 of the Supplementary Statement of Demands, I find a number of token grants of Rs. 100 and on pages 22 and 23 I find some items with regard to the opening of certain Government colleges. This gives me a ray of hope that a Government College may also be started at Bellary. I pleaded the same thing at the Senate meeting yesterday and I again plead before this House. I am glad to note that the Hon. Minister for Education promised the deputationists from Bellary when they waited on him on the 12th of this month, that he would view the matter sympathetically. There is need for a college there as the only college, the Vira Saiva College, is to be closed down soon. On a former occasion, for the same reason I appealed to the

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Hon. Mr. Gopala Reddi and Hon. Mr. Avinashilingam Chettiyar to open a Government College there. There are several buildings available there which can be commandeered by the Government and as far as the equipment is concerned, we can take it over from the Vira Saiva College for whom liberal grants were made by the Government for the purchase of this equipment. As for the teaching staff, it is enough if we have four or five Professors or Assistant Professors which at the most, may not cost more than Rs. 15,000 for the whole year. Therefore, when I say that Government should start a college at Bellary it must not be understood that I am against the starting of a college in any district. Since there will be no college in Bellary after the abolition of the Vira Saiva College, I make this appeal.

“Sir, with regard to the acquisition of the *Hanuman* aeroplane, I must think it is a white elephant. If at all I made any criticism on this point, it must be taken only as domestic criticism.”

THE HON. SRI B. GOPALA REDDI :—“Oh, it is a dove!”

MR. PRESIDENT :—“We only know this. It is named *Hanuman*. It is known as a dove and the hon. Member calls it an elephant!”

SRI B. BHIMA RAO :—“Sir, the Government have invested 5½ lakhs of rupees on this aeroplane which they could have utilized for some other useful purpose. If this aeroplane had not been purchased, my hon. Friends could have undertaken journeys by air only when the necessity arose. For instance, if Ministers want to go to Delhi, they cannot travel by train which will take two or three days for them to reach Delhi and they could easily travel by air. Apart from the capital invested on this aeroplane, the Government are paying Rs. 4,500 a month to the Mysore Government to look after it. It is a waste. The other day one Hon. Minister travelled by air to Vizagapatnam to attend the function arranged by the Andhra University as he is a member of the Executive Committee of the Andhra University. He made this journey along with his friends in his official capacity. Is the plane to be used for this joy ride. In this connexion I am reminded of an incident that occurred during the time of the Justice Party Government. While a Minister of the Government was travelling in a special saloon to attend the Justice Party Conference, some friends from the Ceded districts entered the saloon and travelled with him. But when the train reached Guntakal, the ticket collector came and demanded tickets for these persons and realized double first-class fare. Now, in this case, friends of a Minister travel in the aeroplane without any fare.”

MR. PRESIDENT :—“The hon. Member also must realize that his own time is getting short.”

SRI B. BHIMA RAO :—“Sir, on page 16 I find under Legislative Bodies that there is a provision for payment of conveyance allowance at Rs. 150 per mensem to the Government Whip from

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1st October 1948. I do not know what is meant by Government Whip. I was also a Whip from 1937 to 1939. I never received any conveyance allowance."

THE HON. SRI B. GOPALA REDDI :—" You were the Party Whip."

SRI B. BHIMA RAO :—" Even if one were the Government Whip why should we pay him at all? In that case Dr. John, as the Leader of the Opposition, will say, 'I will appoint a Whip.' My hon. Friend, Mr. Ibrahim, will say the same thing. There will be no end to it. Therefore, I think the payment of a conveyance allowance to the Government Whip, is not free from objection."

"Sir, on page 6, under Grant IV—Forest, in item (iii), it is stated a peon in the Nellore Forest Division was dismissed from service and he filed a suit in the first Court which was dismissed but eventually in the High Court he succeeded and the High Court decreed that this Government should pay the ex-peon damages and half the cost of the appeal. Is this not waste of money, I ask. Sir, I heard that in pursuance of the Retrenchment Committee's recommendations, the Government have given notice to those people who have completed thirty years of service but have not yet completed fifty-five years of age. It appears that there is a rule that they can remain in service up to the 55th year. Suppose, if they file a suit against Government for having made them retire earlier, what will the Government do? Therefore, let the Government seriously consider whether they can do such things. With these few remarks, I close my speech."

* SRI N. RANGA REDDI :—" Mr. President, Sir, I would like to make a few observations with regard to the Supplementary Demands. On page 5 of the Supplementary Statement of Demands, under the heading 'Provincial Excise', there is a provision for 'the employment of Prohibition Propaganda Officers'. It is a good thing that propaganda officers are being employed for advancing the cause of Prohibition. But I should like to say that their activities should not be confined only to prohibition propaganda but their activities should be extended also to other beneficent activities which are necessary for improving the welfare of the villages."

"In this Supplementary Budget, provision also is made for training some Village Development Officers. I wish, Sir, that some such training is given to these Prohibition Propaganda officers also so that their work might be more useful and their services may be appreciated by the people. As I have been saying more than once, if Prohibition is to succeed, complete co-operation of the villagers is necessary. For example, advantages and virtues of co-operation we have to preach both day and night in the villages. Then only prohibition will succeed."

"The next thing that I would like to say is with regard to Education. Though I do not agree with what all my hon. Friend,

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Mr. Bhima Rao, has said, I agree with him in one respect and that is a Government College should be started in Bellary. You know there is a private college and it has been functioning all these years. Sir, unfortunately, a wrong impression has been created in the minds of some important people that the Vira Saiva College is being closed only for the purpose of getting a Government College started there. I submit for the consideration of the Finance Minister that it is not so. Of course, there is always the difference between an institution dependent upon private philanthropy and an institution dependent upon Government support. After all, private philanthropists cannot finance these institutions for a long time. At the time when this Vira Saiva College was started it was never expected that the cost of establishment would be very high and therefore the Vira Saivites are not willing to run the college. Sir, by the closing of this college, not one particular section of the community is going to suffer but the people of the Bellary district will suffer. Therefore, I feel that a Government college should be started in Bellary. As the Hon. Minister for Finance said in his budget speech last that it is the declared policy of this Government that every district should have a college, I request him to take early steps for the starting of a Government college in Bellary."

"One word more I want to say about co-operative societies. Of course I am a believer in co-operation. When subsidies are given by Government for co-operative institutions, I would like to know, whether non-members of the societies are not entitled to the benefit of these societies, or, are members of the societies alone entitled to their benefit. I shall illustrate what I mean. A co-operative Milk Supply Society was started in my village. Some subscriptions were invited and collected from some persons. From the supplementary estimates I find some advances are given to co-operative societies. When subsidies are given to them from the general revenues of the Province, I want to know whether the benefit of these societies cannot be availed of by all the people, or whether only members of the societies can get the benefit. I had a talk with the President of that co-operative society. He says milk will be supplied only to members of that society, and not to others. Therefore, I want specific instructions should be issued that the benefit of the societies should not be confined to members only, but to others also, for otherwise there is no justification for paying these subsidies."

"Then, Sir, I find that under Grant XXI, provision has been made for the manufacture of forty hand-boring sets. I submit on account of bad seasons, particularly this year, due to failure of monsoon in very many parts of the Ceded districts there is acute scarcity of drinking water. This is specially so in Rajampet taluk of Cuddapah district. I had occasion to stay there recently, and I found there is no drinking water available at all. The only remedy is to provide deep-bore wells. So I suggest more boring sets should be manufactured so that people may not suffer for drinking water."

3-10
P.M.

[Sri N. Ranga Reddi] [24th March 1949]

"I find, Sir, under Grant XXIV—Civil Works—provision has been made for the construction of bridges. I have been submitting for the consideration of this Government that a bridge across the Pennar at Cuddapah may be constructed as it is an absolute necessity. I find that a distinction is being made between a national highway, a provincial highway and district board road and so on. I am not concerned with that distinction at all. My submission is that a bridge is absolutely necessary there; this matter has been agitated for the last twenty years and I want the bridge to be constructed irrespective of cost. I know in Malabar some bridges have been provided on the ground that they are necessary for the maintenance of law and order. I request from the same point of view a bridge should be constructed over the Pennar river at Cuddapah."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—
"Mr. President, Sir, before I speak on the demands I wish to make one submission through you to His Excellency the Governor that the time allotted for discussion on the demands now before the House is not at all sufficient."

MR. PRESIDENT :—"As this intervenes in the middle of the budget discussion it is very hard to obtain one day. In fact anticipating this objection I tried to find out whether I could find any other day suitable for discussing this supplementary demand. I can hardly find any other day, and unless members wish to sit till seven o'clock there is no other time available."

THE HON. SRI B. GOPALA REDDI :—"Sir, it is not the general budget we are discussing now. It is only certain items that the House is asked to discuss by way of supplementary grants."

MR. PRESIDENT :—"I know it is supplementary grants we are to discuss. The hon. Members know that for the regular budget discussion I could get an additional day when three days were found insufficient. But in the case of supplementals, it is not possible to do so as it comes during the voting on budget demands in the other House. So I would request hon. Member to confine myself to the main subjects."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"I shall abide by your direction, Sir. I was only suggesting that when we are to vote for an expenditure running to several crores we should be given sufficient time to discuss the need for that."

MR. PRESIDENT :—"I have tried and I find it is not possible."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"Anyhow I brought it to your notice. These demands for supplementary grants and further expenditure, even a cursory glance shows, involve about eleven crores, a part of which is either already spent fully or partially spent. Sir, it appears to me to be something like

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going behind the back of the Legislature and spending the money. There are several items which could have been brought before the Legislature in 1948-49 or 1949-50. There was no urgency for many of these demands. Now where has this money come from? Either there must have been bad budgeting or not proper budgeting; either the items of expenditure should have been exaggerated or income should have been minimized. Now if the revenue receipts had been greater for allowing all this expenditure, then naturally these items ought to have been brought before the Legislature. Therefore I feel that many of the items that have been placed in these demands are items which could have been brought in the last year's budget or this year's budget. Under Grant I—Land Revenue for instance a sum of Rs. 4,05,800 is incurred under Rent Reduction Staff. This was sanctioned in April 1948, that is, one month after the budget was sanctioned. This could have been anticipated long before this expenditure had to be incurred; or they could have waited and included it in this year's budget.

"On page 6 of the explanatory memorandum, under Forest, a sum of Rs. 700 has to be sanctioned. Though it is a small sum, there is a point of principle involved in this. A peon has been dismissed. The High Court has decreed that compensation should be given to the peon. May I know from the Hon. Minister as to who is responsible for having dismissed this peon. Why was he not asked to pay this amount; why should Government take the responsibility for this sum of Rs. 700?"

THE HON. SRI B. GOPALA REDDI :—"Orders were passed in 1938, not now."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"That has not been stated in the explanatory memorandum. So the position is not clear."

MR. PRESIDENT :—"The hon. Member was not in the Legislature in the year 1938."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"Fortunately I was not then in the Legislature."

"Another point I wish to state is with regard to the allotment of furniture for Ministers. I am one of those who want the Ministers to be well paid and they should have a decent living, to put up a good appearance and all that (laughter). I do not grudge paying for all that. (Dr. V. K. John: 'Well dressed also'.) There must be a paraphernalia attached to each of them, which attaches importance to them. So I want the Ministers to be given more salary."

MR. PRESIDENT :—"Please come to the point."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"My point is all this expenditure should not come in supplementary grant. I want to impress on the Government that the previous sanction

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of the Legislature should have been taken. Why should the expenditure be incurred first and then the sanction of the Legislature be sought?

"Then, Sir, there are certain schemes inaugurated and given up also, and the reasons for giving them up are not mentioned. In page 15 it is stated: 'The Special Officer for Provincial Broadcasting submitted proposals for making full use of the facilities available at the All-India Radio Stations, Madras and Tiruchirappalli' and so on. The total cost of the scheme as sanctioned was Rs. 21,700. But the scheme was however discontinued from 1st January 1949. Now, when was that scheme inaugurated and when was it given up; and how much money was actually spent. All this has not been shown.

"Then with regard to the Agrarian Reforms Committee, a sum of five thousand rupees has been given to the committee. Is this subsidy, or help or donation; what is it; we do not know. And the Hon. Minister in charge of this department denied having any connexion with the Agrarian Reforms Committee. Then how is it this amount finds a place in the demand."

THE HON. SRI B. GOPALA REDDI:—"Nobody said that we have no connexion with the Agrarian Reforms Committee."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"That is what appeared in the Press."

MR. PRESIDENT:—"If you have seen it you can show the paper."

THE HON. SRI B. GOPALA REDDI:—"I never said that we had nothing to do with the Agrarian Reforms Committee. Dr. Kumarappa's remarks were under discussion in the Assembly."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"I now pass on to my next point.

3-45 p.m. "The Government have taken shares for Rs. 20 lakhs and are going to take additional shares for Rs. 20 lakhs in the Fertilizers and Chemicals (Travancore), Limited, Alwaye. At page 68, we find that the Government have given an advance of Rs. 20 lakhs to that Company. While the Government have invested Rs. 40 lakhs in shares and it is part of the agreement that a stipulated percentage of the factory's production should be supplied to this Government for a period of five years, where was the need for giving an advance of Rs. 20 lakhs?

"I come to the last point and that is about the purchase of the aircraft *Hanuman*. In the explanatory note it is said that the total expenditure on the aircraft during 1948-49 is estimated at Rs. 3,88,800, or nearly Rs. 4 lakhs. The annual maintenance charge comes to Rs. 54,000. Including the direct charges like cost of fuel, oil, etc., I expect that the annual recurring expenditure on it will come to Rs. 1 lakh. At the end of the next year, more spare parts may be required and that will still further raise

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the annual recurring expenditure. The Hon. Ministers say that at the end of every two years, their cars have to be replaced. Similarly, the aircraft may go out of order and require replacement."

MR. PRESIDENT:—"Perhaps the hon. Member does not know that *Hanuman* is *chiranjeevi*."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"The Congress Ministers wanted that all expenditure should be cut short. They even went to the extent of travelling in third-class in trains. When such is the case, I cannot understand why this Congress Government should have purchased an aircraft for their use. I do not grudge their travelling in aeroplane. But what I want to know is whether the expenditure will not be much less if they travel in aircrafts operated by private companies."

MR. PRESIDENT:—"The hon. Member may put a question on this point."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"This is the time to put the question."

MR. PRESIDENT:—"The Hon. Minister may not be prepared to answer the question now."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"My contention is that the expenditure will be much less if the Ministers travel in the aircraft of private companies than what they are incurring at present. If the Government want to sell the aircraft after one or two years, they cannot get the original cost price because the value would have gone down due to depreciation. These are points over which I want the Hon. Ministers to ponder.

"Only expenditure which is urgent and cannot wait till the Assembly meets and approves of it should be included in the supplementary demands. Purchase of the '*Hanuman*', and furnishing the Ministers' residences are items which could have been included in the annual budget instead of in a supplementary budget. I do not grudge to provide the Ministers with all comforts that they want. If I were the President of the Indian Republic, I would say: 'Let each Minister get Rs. 10,000.' I want them to be like Caesar's wife. Once the Hon. President remarked: 'Why should they not be like other people's wives?'"

MR. PRESIDENT:—"I only wanted to know whether the Members were satisfied that other people's wives were not above suspicion."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"I have no more points to mention. I only submit that these items of expenditure, should have been brought before the Legislature, and its previous sanction obtained."

SRI C. VEERABHADRA RAO:—"అధ్యక్షా, ఎవరినో ఈ సమస్యకు నకు సంబంధించి బట్టితున్న ఆమోదించినా. ఇప్పుడు మరల మరొకరినో జబ్బు ఖర్చు

[Sri C. Veerabhadra Rao] [24th March 1949]

అయినదని ఈ Supplemental Budget ను ముందుకు ఉంచినారు. దీనికూడా శుభ కుండా ఆమోదిస్తాము. ఇదే కాకుండా ఇంక ఎన్ని బడ్జెటులైనా ఆమోదిం టానికి సిద్ధముగా ఉన్నాము.

“రాష్ట్రములోని జిల్లా లెస్సెటిలోను మా విశాఖపట్టణం జిల్లా చాలా పెద్ద జిల్లా. 40 లక్షల జనాభా ఉన్నది. ఆ జిల్లానుంచి 16 వాంది సభ్యులు ఉభయ శాసన సభలోను ఉన్నారు. మర కాంగ్రెస్ వారు ఆధికారికులోనికి వచ్చి మూడు సంవత్సరములైనది. కాని ఇంతవరకు మా విశాఖపట్టణం జిల్లాలో ఒక్క ఇరిగేషన్ స్కీమునైనను అమల జరుపుటకు ప్రయత్నము చేసినట్లు లేదు. మా జిల్లా ఆహార పదార్థాల విషయంలో కొంత జిల్లా, ఈ ఆహార పదార్థాల కొంత తీర్పు టుగుగాను కొన్ని ఇరిగేషను పనులను జరిపించుటకు ఎంతమా అనుసరించున్నది. ఈ విషయంలో శ్రద్ధ తీసుకుంటేనేగాని ప్రజలకు తగినంత థాన్స్ ఉండదు. ఇరిగేషన్ విషయంలో ఇతర జిల్లాలలో కొంత డబ్బు ఖర్చుచేయుతున్నామని మా జిల్లాలోని విభజన పనులు చేయుచున్నట్లు లేదు.”

MR. PRESIDENT:—“General discussion లో మాట్లాడితే ఇప్పుడు కూడా చెప్పగూడదు. ఈ Supplemental Budget లో ఉన్న విషయములను గురించే మాట్లాడండి.”

SRI C. VEERABHADRA RAO:—“ఈ బడ్జెటులో కూడా ఇరిగేషన్ గురించి ఉన్నది. అందువలననే ఇరిగేషన్ గురించి మాట్లాడదలచినాను.

“మా జిల్లాలో పెద్ద నదులు, గోదావరి, కృష్ణవంటి పెద్ద నదులు కావాలి. జీవ నదులు, నాగావలి, వంశధార, గోస్తక, శారద, దంపావలి వరకు అనేకముంటుంటే జీవ నదులు, నాగావలి, వంశధార, గోస్తక, శారద, దంపావలి వరకు అనేకముంటుంటే ఉన్నది ఈ నదులలో సంవత్సరము పొడుగునా నీరు ప్రవహిస్తుంది. ఈ సీంతా ఇప్పుడు సముద్రములోకి పోతుంది. ఈ సదుద్దేశం ఎక్కడా కూడా ఇరిగేషన్ పనులు లేవు. క్రిందటి సంవత్సరం ఉత్తర విశాఖ జిల్లాలో ఉన్నటువంటి నాగావలి నదిపైన ఆంకట్ట కట్టడానికి ఉద్దేశించినామని ఆన్నారు. కాని ఆ పని జరిగినట్లు లేదు. ఈ విధంగా దానిని వెనుకకు తోసి వేయటానికి కారణమేమో నాకు తెలియదు. మా విశాఖపట్టణం జిల్లా కొంత జిల్లా అని అందించు తెలిసిన విషయమే. అటువంటి జిల్లాలో ప్రభుత్వమువారు శ్రద్ధ వహించి ఇరిగేషన్ works చేయించడం చాలా అవసరము. ప్రతి సంవత్సరము ఒక్కటే సెప్టెంబర్ లో కొన్ని పనులు చేస్తామని చెప్పడము మాత్రము చెబుతున్నారనిగాని పనులు ఏమీ జరగడం లేదు. మా విశాఖపట్టణం జిల్లాలో ఈ పనులు అత్యవసరము కాబట్టి ఈ విషయాలను గవర్నమెంటువారు ఆలోచించి తగినన్ని అవకాశాలను కలుగ చేయ వలసినదని ప్రార్థిస్తున్నాను.

“Medical శాఖకు సంబంధించినంతవరకు కొంత డబ్బు అడిగినారు. ఈ విషయంలో కూడా మా విశాఖపట్టణం జిల్లాలో పనులు సరిగా జరిపించుచున్నట్లు లేదు. మా విశాఖపట్టణంలో medical college ఉన్నది. అందులో చదువుకొనే విద్యార్థులకు సరిపోయేంత hostel లేదు. నర్సులకు quarters లేవు. వీటిని కట్టించుటకు గవర్నమెంటువారు డబ్బును sanction చేసినారు గాని, ఇంతవరకు construction కాలేదు. కాబట్టి వీటిగురించి కూడా శ్రద్ధ తీసుకొని పనులు తొందరగా జరిగేటట్లు చూడవలసినదని మనవి చేస్తున్నాను.

“ఇంకా కాకుండా చాలాకాలమునుంచి ఈ medical college లో Deep X-Ray ను పెట్టుటకు ఆలోచిస్తున్నామని ప్రభుత్వమువారు అంటున్నారు. బడ్జె

[24th March 1949] [Sri C. Veerabhadra Rao]

టులలో డబ్బు కూడా sanction చేస్తున్నారు. కాని ఇంతవరకు Deep X-Ray plant ను ఆక్కడకు పంపలేదు. ఈ Deep X-Ray ను విద్యార్థులు తప్పకుండా చదువుకోవాలి. అందుకోసాన్ని శ్రతి స వత్సరము విద్యార్థులను ఆక్కడనుంచి చెన్న పట్టణానికి ప్రభుత్వంవారి ఖర్చుమీద పంపిస్తున్నారు. వారు ఈ Deep X-Ray ను గురించి ఇక్కడ నేర్చుకొని వరిచి కావలసియున్నది. ఇందుల్లా ప్రభుత్వంవారికి, విద్యార్థులకు కూడా ఖర్చు అవుచున్నది. అంతేకాకుండా ఈ Deep X-Ray వలన కొన్ని రకముల వ్యాధులను ఎదుర్చుచున్న ఇప్పుడు ఈ Deep X-Ray treatment కావలసినవారు ఎంతో ఖర్చు ఖరీదైన ఇతర ద్వారా చెన్నపట్టణము కావలసి వచ్చుచున్నది. ఇది చాలానుండి ఇల్లందులను కలిపించుచున్నది. కాబట్టి వెంటనే మా విశాఖపట్టణం hospital లో కూడా Deep X-Ray plant ను విద్యార్థులు చేస్తే చాలా సంతోషిస్తాము.

“పోలీసుల విషయ గురించి మనవి చేస్తాను. ఇప్పుడు పోలీసులకు జీతాలు సరిపోక వారు చాలా బాధపడుతున్నారు. కానిష్టబులుల జీతాలు చాలా తక్కువగా ఉన్నాయి. ఇందువలననే వారిలో లంబగొడితనము ఉన్నదనే ఆధిపాయము ప్రజలలో పెరిగింది. కాబట్టి వారి జీతమును కొంత పెంచినట్లుయితే యిది తగ్గవచ్చునని నా అభిప్రాయము

“ఈ పోలీసు శాఖలో C.I.D. Branch అని ఒక శాఖ ఉన్నది. ఈ శాఖలోనికి పోలీసు డిపార్టుమెంటువారిలో నుంచే తీసుకొనుచున్నారు. అందుచేత వారు పె అధికారులై రిపోర్టు చేయడానికి ధయించుతున్నారు. కాబట్టి ఈ C.I.D. Branch లోనికి పోలీసు డిపార్టుమెంటువారిని కాకుండా ఇతరులను నియమనిపించని కోరుచున్నాను.”

MR. PRESIDENT:—“మరి ఈ Supplemental Demands లో పెన్నటు వంటి ఆంశములమీదనే మాట్లాడాలి కాని ఇతర subject ల మీద మాట్లాడకూడదు. ఈ డిమాండ్ లో కొన్ని కొన్ని స్కీములకు, ఇవివరిలో శాంక్షన్ తీసుకొన్నటువంటి వాటికి గాను ఖర్చుచేసే మొత్తములకు ఇప్పుడు మీ శాంక్షన్ ను గవర్నమెంటువారు కోరుచున్నారు. మీ విశాఖపట్టణం జిల్లాలో ఉన్నటువంటి అరుకు లోయ (Araku Valley) స్కీముపై కూడా కొంత డబ్బు ఖర్చు చేశారు. కాబట్టి మీ ఆరువంటి వాటిపైన ఇంత డబ్బు ఎందుకూర్చు చేశారు, లేకపోతే ఇంత తక్కువగా ఎందుకు ఖర్చుచేశారు అనే విషయాలపైన మాట్లాడితే బాగుంటుంది.”

SRI C. VEERABHADRA RAO:—“ఈ డిమాండ్ లో పోలీసు గురించి, ఇరిగేషన్ గురించి ఉన్నది. అందుచేతనే వాటిపై మాట్లాడినాను.

“అందుచేత ఈ C.I.D. Branch కి పోలీసు డిపార్టుమెంటులోనుంచి కాకుండా స్వేచ్ఛగా రికూటు చేయవలసినదని మరల కోరుచున్నాను.

“ఎక్కి వీటిని గురించి కూడా కొంత మనవి చేస్తాను. మా విశాఖపట్టణం లో ఇంక్లక్తు electricity connexions ఇవ్వడంలేదు. Corporation వారిని అడ్డునట్టుయితే గవర్నమెంటువారు మీ application లు sanction చేసినట్లుయితే ఇంకామని అంటున్నారు కాని పసిమూకు connexion లు ఇచ్చున్నారు. ఈ విధంగా చేయడంలో న్యాయమేమీ నాకు బోధపడుట లేదు. ఒక సినిమాకు కావలసినటువంటి కరెంటుతో రూపాయి 40, 50 ఇల్లకు connexion లు ఇవ్వవచ్చును.”

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MR. PRESIDENT :—“ కొందరు మ.సి.పల్ కౌన్సిలు మొదట్లో సినిమాలకు కరెంటు ఇవ్వమని అడుగు చున్నట్లున్నది. ”

SRI C. VEERABHADRA RAO :—“ సినిమాలకు ఇళ్లకు కరెంటు పెంచేయవలసివచ్చింది, ఇది చాలా అవసరమని కోరుచున్నాను. ఇల్లకు ఇచ్చిన తరువాత సినిమాలకు ఇవ్వటానికి నాకు ఏమీ అభ్యంతరము లేదు. ”

“ ఇండస్ట్రియల్ విషయంలో కూడా మ. విశాఖపట్టణం జిల్లాలో ఎక్కడో పరిశోధనలు జరుగుతుంటే మ. జిల్లాలో మాంగనీసు, రాక్షసి బింగ్గు మొదలైనవింటే గనులు అనేకము ఉన్నాయి. కాబట్టి కొంతమంది ఇంజనీర్లను ఆ ప్రదేశాలకు పంపించి పరిశోధనలు చేయించిపట్టయితే ఈ గనులను మనకు ఉపయోగించుకొనుటకు చాలా అవకాశము ఉంటుంది. ”

* DR. V. K. JOHN :—“ Mr. President, Sir, the Demand for grants for further expenditure for the year 1948-49 produced in March 1949 is irregular in the extreme. It shows that the Government have neither grip nor grasp of the expenditure. It shows scant courtesy to the Legislature who are the representatives of the people. When they bring this demand after all the expenditure has been incurred, it is just like calling a council of doctors to treat a man who is already dead. Sir, the amount for which this demand is made is colossal. ”

MR. PRESIDENT :—“ I take it the House will rise at 5 o'clock. ”

(Mr. Deputy President took the Chair.)

DR. V. K. JOHN :—“ I am not so much concerned, Sir, with the loan amount of Rs. 4,93,76,900 nor with the expenditure contained in the Revenue account under charged expenditure of Rs. 8,06,800, but the voted expenditure amounting to Rs. 4,94,29,600 is a colossal amount and no civilized Government can come forward before a Legislature and say: We have spent Rs. 5 crores of public revenue without authorization and without placing the estimates and the schemes before the Legislature. If I can use strong language, Sir, I would say it is ridiculous in the extreme. They now ask us to sanction this Rs. 5 crores. What is the reason that is given for not coming up to the Legislature earlier? They say owing to their legislative business they were not able to do so, i.e., the Zamindari legislation and all kinds of unnecessary things. Could they not have given us half a day when they conceived the idea of spending nearly Rs. 5 crores and told us: this is our policy, this is our programme and this is the estimated expenditure. Will you discuss it and will you grant it? What is the use of now coming to the Legislature and saying that they have spent it. They think that because they have a steam roller majority behind them they can spend anything they like. I say that the Government have no grip or grasp on the expenses they are incurring. The other day a leading paper has summarised the achievements of this Government under the

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head 'A Record of Failure' and it extracted the statement of the Hon. Finance Minister that the Ministry chose the lesser evil and did not have any policies rather than have policies and put them in haste. They would have come to the Legislature if they knew that Rs. 5 crores more were to be spent and they would have also known under what heading they would spend it. It is quite clear that when they thought of the Budget for the year 1948-49 they had no idea at all that they were spending such colossal amounts. I can understand the expenditure of Rs. 18 lakhs on account of the Hyderabad trouble which is mentioned on page 20 of the report. Nobody would complain that they spent that money usefully in the public interest. If they came forward immediately after the expenditure and asked for a grant it would have been granted. But here without any policies or programmes the Government have spent Rs. 5 crores without any authority in an arbitrary way. That ought to be condemned strongly. And what are the heads under which they have spent it. First, insufficiency of the original grant. When did they discover the insufficiency? Surely if they had a mind of their own and any definiteness about their policy and if they were not groping in the dark they could have found it when the grant was insufficient in the very early part of the year. Another head is, expenditure on new services, for which a lump sum of Rs. 100 was asked and given and they had no idea whatsoever what those new services were. My serious objection is to the large amounts that have been spent on state trading schemes. The Hon. the Finance Minister has brought in the State Trading Schemes under the term 'Miscellaneous' so that people may not find them out. (Laughter.) He has simply said in his speech that Rs. 175-15 lakhs were spent mostly on provincial schemes of state trading. I want to draw the attention of the House to how these trading schemes have been carried out. From the Audit Report of 1948 I shall give you eight items without going into the details and show you what amount we have lost. It is a net loss of nearly Rs. 6 crores. I do not know whether the Hon. the Premier who is so fond of seeing that no money is lost is aware that Rs. 6 and odd crores have been lost on the eight schemes alone and they still want to spend money on the trading schemes. On Rice (non-Delta) the net loss is Rs. 1,04,28,286. The reason for the loss is 'Loss in transit and godowns'. Another item is Wheat and Wheat Products, on which the net loss is Rs. 1,59,54,065 and the reason is 'shortage' of 15,262 maunds of wheat and 508 bags of wheat products. I want to know where was the shortage. Is this Government functioning at all? I say, Sir, that there is a race among the departments for inefficiency. I think the Department of Finance is the most inefficient of all, for how can the Finance Department allow such a huge loss on shortage and loss in transit and godowns? The third scheme is 'Other Grains', where the net loss is Rs. 60,26,877 and the reason given is 'shortage of 3,855 maunds of pulses and 25,945 maunds of millets in transit'. I am reading this, Sir, from the small printed 'Note', which is

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probably printed in such small type, that people may not read it. My eyes are not bad, Sir, and I am reading it. After all this loss there is still talk of state trading. There is a proverb, Sir, that where angels fear to tread somebody jumps in. Then Sir, under the 'Madras City Firewood Scheme' there is a net loss of Rs. 22,67,264 and the reason given is 'pilferage', stolen but not brought to book. When they have no experience of trading schemes where they have lost so much and there is likely to be heavy loss, why should they embark on them and spend crores of rupees. On dehydrated potatoes and sweet potatoes there is a net loss of Rupees 52,81,571 and the curious reason is that they bought at a higher price and sold at a lesser price. Do they not know simple arithmetic? They buy for Re. 1 and sell it at As. 8! And public revenue to the tune of Rs. 52,81,571 is lost. I have chosen only eight items, Sir, and there are so many more. The next item is purchase and distribution of paddy and other seeds where the net loss is Rs. 3,52,595. The reason given is that it is due to the sale of paddy at the purchase price without any addition for the overhead and incidental charges. Will any person doing business do this?"

THE HON. SRI O. P. RAMASWAMI REDDIYAR:—"It is not business. It is the supply of seeds to the agriculturists."

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p.m. DR. V. K. JOHN:—"It might be. But should public revenues be depleted to the extent of crores and crores?"

"Take cattle food. The net loss is Rs. 5,585. Take manure (other than chemical fertilizers). The net loss is Rs. 9,37,740. The reason given is the selling price of manure was so fixed as to include only the actual purchase price and carriage inwards subject to a ceiling rate fixed by Government. Rs. 5,88,05,651 is the loss under eight items of Government in their State Trading Schemes. The Hon. the Finance Minister said the other day that there is the nationalization of bus transport, and that he had no time or that they could not get the transport accounts audited for two years. We do not know what is the loss there. On these eight items alone we have lost so much. They have also spent a crore and odd on these trading schemes without authorization. I ask the Government to give up this business. Entrust it to our own men. They are not foreigners. They will not lose Rs. 6 crores and odd on eight items. How are the Government accounts kept? It is stated 'The cash books relating to the personal deposit accounts of the Collectors of three districts were not maintained in a satisfactory manner while in one district, the closing balance was not reconciled with the balance shown in the treasury pass book. The monthly statements showing the movements of grains were incorrectly prepared in many districts, and in one district the ledger accounts of merchants were not correctly maintained. In respect of the accounts of the City Firewood Organization, considerable difficulty was experienced in arriving at the final figures from the accounts, owing to lack of co-ordination and inter-check between the various registers as in previous

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years'. Then, Sir, it is further stated 'A number of irregularities have been reported by the Examiner of Local Fund Accounts as a result of the audit of the initial accounts of the schemes administered by the Director of Agriculture. Short remittances of collections were noticed in some districts while in some the collections were not brought to account in the cash book.'

THE HON. SRI B. GOPALA REDDI:—"On a point of order, Sir. Are we on the Supplementary Demands or on the Audit Report?"

DR. V. K. JOHN:—"I am on the Supplementary Demands, Sir. I know the Finance Minister cannot stand the criticism that accounts are not kept properly. There is pilferage, and the Government are the worst managed institution in this Province. We are losing money to the tune of crores of rupees. I know the Hon. Minister cannot stand this criticism. But why I am saying this is that when we are losing money like this, why the Finance Minister should come before the Legislature and ask for Rs. 1,75,45,700, for further expenditure under the heading 'Miscellaneous', particularly the State Trading Schemes. We are still going on depleting the revenues of this Province. Why should Government spend money like this? Why should they not have a policy in the beginning? Why should they not have a programme, and why should they not take the Legislature into their confidence? Is it not an idle excuse to say that Government had no time to allot half a day for discussion during the 365 days that have elapsed? Is it an excuse which any Legislature can accept? Government spend the money first without authorization. They say they have no time to come to the Legislature. They have no policy and no programme of expenditure. They spend to the extent of Rs. 5 crores, and ask the Legislature at the lag end of the year to sanction the amount, saying that they have spent the amount. This is very improper, irregular and an illegal way of dealing with public moneys. In any democratic form of Government this expenditure can be incurred only after getting the sanction of the Legislature. Government should have come to the Legislature before. But I can understand emergencies like the Hyderabad Police action, which they did not know. They had of course to spend some ten lakhs of rupees. They may come to the Legislature for this amount later, but not for this Rs. 5 crores, which they have spent away without authorization. As I already said, it is irregular, illegal in the extreme, and it is a disrespect for the Legislature. This is a method which no Government should adopt. Government are wasting money to the tune of crores of rupees on State Trading Schemes and we are asked 'we have wasted the amount; please grant it'. This is very, very irregular."

"Sir, I would like to draw the attention of the Hon. Minister for Finance to the purchase of the aircraft 'Hanuman'. I would always like to quote the exact figures when speaking on budget. The expenditure on this aircraft for the year is given as Rs. 3,88,800. Hanuman should go to Lanka (Ceylon) and not to Delhi. How it

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went to Delhi, one can understand. Government have spent so much money on this aircraft. When did Government purchase this aircraft? Is it in March 1948? If it is in March 1948, they could have come to the Legislature and asked for a grant. Was it such an urgent matter that legislators should have no voice in the purchase? The Legislature should have discussed the details about this machine costing lakhs of rupees. We have no money for education, for sanitation, and for public health; yet we have spent lakhs of rupees on the purchase of this aircraft. That too, it is purchased without the vote of the Legislature. After all, there is the daily air service from Madras to Delhi. I am not against Members of Government travelling by aeroplanes; let them travel in special planes, if necessary. But I do not think that there is any necessity at all for an aeroplane for Ministers to travel. Even this can be excused if the Hon. Minister saved time by travelling in an aeroplane and directed his attention to expenditure and to retrenchment. Nothing of the sort we find. The Finance Department seems to have been sleeping when other departments were spending nearly Rs. 5 crores without authorization. I say, Sir, the Finance Department does not function properly. Otherwise, such a huge, and colossal amount of nearly Rs. 5 crores would not have been allowed to be spent by various departments in the course of the year without bringing them to the notice of the Finance Department. I hope that this will not be continued next year. Government, I hope, will have a policy and programme with regard to the expenditure which they have to incur. I can understand that in the case of revenue they may not be in a position to say exactly what will be the revenue for the year—particularly with taxes like sales tax, they can only say approximately. But in respect of expenditure they must be in a position to say what amount they will require. They must not spend money without deciding the extent of expenditure. All this expenditure has been incurred in haste, and without keeping proper accounts. I can understand if funds are needed for expenditure. On page 6 of the Demands for further expenditure it is stated 'It has come to the notice of the Government that the maintenance of the accounts in many departmental offices is not very satisfactory at present and that accounts and audit irregularities have become numerous'. I say, Sir, the irregularities have become numerous. Lakhs and crores of rupees have been spent without obtaining vouchers. This is what this Government are doing. I say it is very regrettable that we should have a Government who do not concentrate their attention on a policy and a programme and then come to the Legislature with items of expenditure, in time, and not at the fag end of the year for an expenditure of nearly five crores of rupees after incurring it. I repeat that it is irregular, illegal and it is a disrespect to this House. Although they have the steam roller majority, they should not treat this Legislature in the manner they have done."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Sir, ordinarily, one would expect that supplementary demands would arise incidentally out of the budget that has already been approved in the beginning of the year, and that as much expenditure as is

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necessary for the administration of the Province in pursuance of the approved budget would come up for approval in the shape of supplementary demands. But we find that almost every item in the supplementary demand is for a new service. That amply shows and justifies the remark we have made during the discussion of the budget that this Government have no planning whatever. They face things as they come. This Government have no plan beforehand as to what should be done in the course of the year with regard to the administration of the Province, whether it be industries, irrigation or any other scheme. Almost many of the supplementary demands are for new service.

"I shall cite as an example the purchase of the aircraft. The budget was approved in March last. This Government decided to purchase the aircraft in April. What has transpired between March and April to necessitate the purchase of this aircraft? Could not the Government have purchased the aircraft in March itself? This shows clearly that there has been no planning at all. Where is the necessity for this aircraft at all? There is good, daily air service between Madras and Delhi. Is it not a waste of public funds? Is the aircraft being utilized? It is lying idle not in Madras, but in Mysore. Even though there is the aerodrome in Meenambakkam, it is not placed here. Why should Government go all the way to Mysore and pay a monthly sum of Rs. 4,500 as establishment charges, pay and allowances, etc., for the maintenance of this aircraft? Cannot the Government enter into an agreement with the aerodrome authorities in Meenambakkam—within the City limits—for placing the aircraft here? Why should it be kept in Mysore, incurring extra expense on that account?"

"Again, to show that this Government is having no plan, I would draw the attention of the hon. Members to page 37 of the Detailed Supplementary Estimates. There we find some plants have been purchased for the Kerala Soap Institute to increase production of soap. Along with that is combined the lignite investigation in South Arcot district. Is there any sense of proportion at all? Now, we find that if only the Government exploit these lignite deposits in the South Arcot district, our Province will be getting crores of rupees. (The Hon. Sri B. Gopala Reddi : 'Is it so?') Yes, crores of rupees. Your own investigation shows that. The poverty of the people will surely be wiped out, if you devote your attention to the matter and try to exploit these deposits. But, Sir, that is put on the same footing as the purchase of some machinery to increase production of soap from 60 to 75 tons a month. Where is the sense of proportion in this matter?"

"Again, Sir, with regard to irrigation, we find so many irrigation schemes being started anew. Is there any plan for sanctioning all these irrigation schemes during the course of the year without any reference to the budget estimates?"

THE HON. SRI M. BHAKTAVATSALAM :—" These schemes are under the five-year Grow More Food programme."

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K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ Unfortunately, the Grow More Food Campaign has become a white elephant. The Hon. the Finance Minister said in his Budget Speech :—

‘The total amount spent in 1947-48 under the New Well Subsidy Scheme amounted to nearly Rs. 166 lakhs. The addition to the cultivated area in the year was 9,300 acres with a production of 3 thousand tons of foodgrains.’

That is the result of the Grow More Food Campaign. It is one of the luxuries and we do not get sufficient compensation for what is done by this Government on this Campaign. From the figures relating to the conversion of dry lands into wet lands and the grant sanctioned, we find very huge sums are being spent. For example, on page 11 of the Detailed Supplementary Estimates, it is stated that to bring under cultivation 80 acres of land, the sanctioned estimate of expenditure for the work is Rs. 45,600. Like that, everywhere we find for every Grow More Food Campaign work, Rs. 500 to Rs. 800 are being spent for conversion of the dry land into wet land. Is the money being spent properly in order to produce proper results?

“ Again, we find on page 17 (though it is a small matter, yet we do not know what is meant by this) that the rate of commutation of the islands’ coir was reduced and the total additional appropriation required is Rs. 8,500. I cannot understand why we should meet this additional money. It is not commensurate with the price of coir and rice in the main land. Where is the necessity for us to pay that additional money? This has not been explained here.”

THE HON. SRI B. GOPALA REDDI :—“ Because they are all Muslims.”

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ I am speaking as a Madrassi concerned with the tax-payer’s money. Therefore, the Hon. the Finance Minister cannot twit me with that. All those days are over.

“ Now, as the Hon. Finance Minister referred to Muslims, let me see how the Government have dealt with the Muslims. With regard to the Muslim College—I am glad that the Hon. the Education Minister is here—in or about the first week of November 1948, there was a Conference between the Hon. the Education Minister and some representatives of the Muslim League Party in the Legislative Assembly and the Legislative Council. I was also one of the representatives. There some agreement was entered into. It was said that the institutions which had been specially started and had been conducted specially for Muslims would not be interfered with and will continue for a period of five years and after the lapse of five years the question will be further considered. That was the agreement and what has happened in the meanwhile to practically abolish the Government Muslim College? The Hon. Minister may say that it has not been abolished; it amounts to abolition. He admitted during question hour that in order to develop the Presidency College, the Muslim College has been

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converted into a General College. The name ‘Muslim’ is there. But what is the result of this transference of the Intermediate classes from the Presidency College to the Muslim College? What little facilities these Muslim boys got with regard to admission have been completely wiped out. The only facility which this College was giving to the Muslim boys was with regard to admission; otherwise, they would be roaming about from place to place to get admission. Now, on account of the conversion of this special institution into a general institution, their admission is made difficult. Therefore, it means practical abolition of the College. My hon. Friend will remember that this is not an exception. During the Conference, when we discussed the whole matter, of course he referred to the Muslim College for Women. He said ‘I cannot guarantee some agreement. My friends are not willing for the continuance. They say heavy expenditure is involved. Therefore you must agree to abolition.’ He could not agree to its being retained. Afterwards, the Muslim College for Women was included in the agreement. I do not know why he should try to adopt this underhand method. (Interruption.) I say it is definitely an underhand method because though the name ‘Muslim’ is there, everything characteristic of the Muslim institution has been almost removed. Therefore, I would add that this also shows the character of the administration of the Province without any planning. Things are done as and when they like and in whatever manner they like. These are instances of the Caretaker Government’s planning. Therefore, I would appeal to the Hon. Education Minister to think and see whether his attitude in respect of the Muslim College is not a breach of the agreement. I believe in his sincerity, and in his honesty of purpose; I have no doubt about them. Therefore, if only he pauses and thinks, he will realize his mistake and restore the College to its old position.”

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—“ Sir, I rise just to reply to a few points raised by my hon. Friend, Mr. R. Suryanarayana Rao, who, I am sorry, is not here now. He raised a point why considerable grants to the Loyola College alone should be paid and why those grants should be included in the Post-war Development Funds, while other Colleges have not received that facility. I may say here that with regard to the Loyola College, the applications made by that College were far in advance of this Government coming to power. Certain commitments were entered into; but when this Government came to power, they found themselves unable to pay all of them. They paid a certain amount which they thought could be paid, as has been suggested by the note already. But the authorities of the Loyola College approached the Government of India in the matter. This Government received a letter from the Educational Adviser of the Government of India, agreeing to pay the net half grant and including it in the Post-war Development Grants for 1947-48 which meant that they would pay the whole amount of the grant. It is not the purpose of this Government to be partial to anybody at the cost or to prejudice that of anybody else. The policy of this Government is to treat everybody equal, whatever be the management.

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"Then, Sir, coming to another matter which was referred to by the hon. Member, Mr. R. Suryanarayana Rao, about the dearness allowance to elementary school teachers, I think he has forgotten that the whole amount of the dearness allowance to aided elementary school teachers is being paid by the Government. The managements of the elementary schools are not asked to contribute anything towards the dearness allowance at all. So, there is no question of the Government taking care to see that the management pays any contribution. The whole amount is met by the Government.

"Then, about the Salem College staff. I sympathise with the point of view of the hon. Member. The Government are looking into the matter and are trying to see what can be done. The Salem Municipal Council's financial position is not very good. In spite of it, the Government have been inducing the management to raise their salaries at least to a certain extent which will make things much better than previously.

"With regard to the St. Joseph's elementary school, the hon. Member was perfectly right when he pointed out that we had put a limit of Rs. 7,000 for higher elementary schools and the St. Joseph's School had been given something like Rs. 21,000. This was approved before these limits were fixed and it only came up for payment during this year. All institutions which were approved before these limits were fixed and which came up for payment in that year were treated on the old basis because provisions had already been made. These limits that have been suggested are only for institutions which applied for grants after these limits have come into existence.

"About the University Grants Committee, I have spoken previously and I do not think it necessary for me to speak again.

"Mr. Bhima Rao and Mr. Ranga Reddi referred to the Bellary College. It is not part of the supplementary grant. So, I do not think it necessary for me to reply on this occasion.

"One other matter I must mention. That is about the application of the Madras University for grants. I think it was referred to by Mr. Bhima Rao who is not here. The applications for grants should reach the concerned Department of the Government before the end of October. The Madras University chose to send their application not even through the proper channel; it was not addressed to the Secretary of the Education Department. It came some time on the 5th of January which is certainly not the time for the receipt of applications for grants. So, there was no time for proper scrutiny and that is why it was not considered. It is open to the Madras University to apply again in time as other Universities do. In that case it will be considered."

THE HON. SRI B. GOPALA REDDI:—"Sir, since the Leader of the Opposition is not here, I do not get the necessary inspiration to reply to all the criticisms made. So, I am under a handicap and the Members will excuse me if I do not touch all the points. As I said, I am sorry I could not bring in supplementary demands earlier."

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ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"I am present."

THE HON. SRI B. GOPALA REDDI:—"Still I do not get the necessary inspiration to reply to all the points."

(At this stage, Dr. V. K. John, Leader of the Opposition, entered the Chamber and took his seat.)

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"I hope the inspiration has now come."

THE HON. SRI B. GOPALA REDDI:—"I have now regained the necessary inspiration. Last year we could bring in these Supplementary Demands thrice before both the Houses of the Legislature. I think there was not much criticism when it was done so. It was at the suggestion of this House that I took particular care to see that last year we had three occasions to discuss the Supplementary Demands. This year, because of the Zamindari Abolition legislation and other important measures coming up before both the Houses of the Legislature, it was not possible to summon a simultaneous session of both the Houses. According to the rule, the Supplementary Demands or the Budget must be presented in the Assembly in the morning and the same afternoon the Council also must be supplied with those statements. It was not possible to summon both the Houses on the same day and I am sorry I was not able to bring in the Supplementary Demands earlier. But, apart from that, Sir, the Executive Government must be given some latitude with regard to what they do. While they have the general approval and support of the Legislature and while the Legislature continues to give its support, the Executive Government must be allowed some discretion with regard to some of these matters and it is not desirable to keep some of the schemes pending till the annual Financial Statement is presented to the House or till both the Houses of the Legislature are summoned and their prior approval is taken. Suppose for instance, there is the enumeration of voters and under that head we have to spend about 18 lakhs on the establishments in the various districts, etc. Is it necessary to get the prior approval of both the Houses of the Legislature to incur the expenditure. Likewise, the Hyderabad expenditure. So, Sir, if you analyse every item of expenditure, it will be seen that we could not wait till both the Houses meet and give their approval. So, Sir, instead of merely criticising the Government by saying, this is an irregularity, you have spent without authority, it is a great disrespect to this House and to the other House and all such things, had the Hon. Leader of the Opposition taken care to scrutinise every item of expenditure and asked us for instance about 'Hanuman' and why expenditure has been incurred and what was the necessity for incurring such an expenditure, it would have been all right. But he did not do anything of the sort except bandying the accounts of 1946-47 which are yet to be discussed by the House, because the Finance Committee has not yet met and made their report. On the other hand, he has taken some reports from somewhere and said, you have lost 8 crores. I may

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p.m.

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tell him that he will get an occasion to discuss these points when they are presented to the House in the usual form after the Public Accounts Committee meet. (Dr. V. K. John : ' We shall avail ourselves of that opportunity. ') So, Sir, the 1946-47 accounts are not yet presented to the House and when they are presented, hon. Members will certainly have an opportunity of discussing them.

" Sir, the Hon. Leader of the Opposition has got his pet aversion to the State Trading Schemes of the Government. In this particular respect, all the items he has read out are only in regard to procurement of foodgrains. When there is food scarcity in this Province, it is not as if we want to have some mercantile business, etc., with far away countries but when people require foodgrains we have to import them from other countries, and we have to give subsidies and grants, if necessary, and incur a lot of expenditure under establishment. All that is the State Trading Scheme, to which he has got his usual aversion. Particularly his aversion was in respect of Motor Transport but now he has extended it to rice procurement and other things also. He has given a homily to the Government by saying, you have mismanaged the whole affair, you have no business to undertake the work and we do not want you to force it upon people. Of course Government are charged with the responsibility of having to spend even large sums of money in order to get rice from surplus Provinces. Even if there is pilferage or leakage when they are brought from far away countries, we have to write it off because they are urgently in need and have to be got at short notice, taking advantage of the help which the Government of India are giving. With regard to Motor Transport, the Hon. the Leader of the Opposition said that ultimately when the accounts are checked up they will result in loss. I may assure the hon. Leader of the Opposition that there will not be any such loss. I have called for information about this before the official year closes, i.e., up to 31st March, from the Deputy Commissioner of Motor Transport. He has been asked to take up the matter with the Examiner of Local Fund Accounts or the Accountant-General to see that the accounts are checked up even in April or May, so that members may know how the position stands. Mr. Suryanarayana Rao asked whether it is not possible for the Government to know how the expenditure stands by about the 15th of March. I have tried to get figures from the Accountant-General's office but they have not yet come from there, because I understand that it is not possible to get information even by about May or June. So, it may take some more months to get the accounts from various spending departments and it will not therefore be possible to know how the expenditure now stands. While receipts month after month are available, even though they are not communicated to us, the figures relating to expenditure take much more time and so, it will not be possible for the Accountant-General to supply the Government with the latest information. In the case of receipts, we know the figure for March in April and so on.

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As I said, though it is desirable to get prior approval of the Legislature, it is not absolutely necessary. The Government has the support of the Legislature or it does not have its support, but within that dictum the Executive Government, as I said in the beginning, must be allowed some latitude and they should not hold up schemes till the annual financial statement is laid before the Legislature. (Dr. V. K. John : ' But the Budget is presented in the beginning of a year. ') Yes, Sir, Budget is presented to the House before we incur expenditure, whereas the supplementary estimate is presented after the expenditure is incurred, i.e., one comes to the Legislature for prior approval and in the other case it comes for sanction, after the expenditure is incurred."

DR. V. K. JOHN :—" There is nothing in law that they should come with a supplementary budget after the expenditure is incurred. They have to come before but even here they plead excuse."

THE HON. SRI B. GOPALA REDDI :—" There is nothing illegal in Government coming up before the House for approval after incurring the expenditure. If this procedure had been considered illegal or unsatisfactory, the Accountant-General or the Auditor-General would have taken very serious objection. First, this had the approval of the Accountant-General and then the approval of the Public Accounts Committee also. We do it year after year and it is not as though we have ignored the rules or we are doing anything unconstitutional.

" Sir, several matters were raised, though ' Hanuman ' was the main point of attack in the Council to-day. The Hon. Leader of the Opposition has even objected to the name of the plane also. That apart, hon. Members must remember under what conditions the ' Hanuman ' was purchased. When there was trouble in Hyderabad and the Deccan Air Lines was not operating and the Premier and the Food Minister had to go to Delhi very many times at short notice in order to discuss various outstanding problems, this Government thought it fit to have a plane of their own, instead of having always to be requisitioning the Mysore Government plane whenever they wanted to go out. After all, Government must have the necessary paraphernalia. For instance, every Government have its own stately buildings and we cannot be expected to work under the shade of trees or Mangalore tiled roofs. All State buildings must have some pomp and beauty, so that they may inspire the people who look at them. They have also got a grandeur about them. (Dr. V. K. John : ' Why not you have some ceremonial dress, coat and turban? ') After all, Sir, like every individual, every institution, every company, every State and every Government have their own paraphernalia. It may look sometimes useless, but ultimately it goes to the entire make-up or personality of the institution. Likewise, apart from being a necessity the plane ' Hanuman ' was also needed for Governmental purposes, because we could not always requisition the Mysore Government plane whenever the

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Hon. the Premier or other Ministers wanted to go out of Madras. I may also inform hon. Members that other Provincial Governments much smaller than our own are also using their own planes. For instance, Assam has got two or three planes, I know United Provinces and Central Provinces have their own planes and I do not know about the other Provinces. (Dr. V. K. John: "What about the Mysore Government?") The Mysore Government has got a big Dakota. Apart from the States, even the Provincial Governments have their own planes and they are using them. I know that whenever the Hon. Mr. Govindballabh Pant goes to Delhi from Lucknow, a distance of 250 miles, he uses only the Government plane. Likewise Sukhlaji from Central Provinces comes to Delhi in the Government plane. The Central Government have also their own planes. But the Hon. the Leader of the Opposition grudges a plane of their own to this Provincial Government. Likewise, if the hon. Member continues the same logic, he may as well say, when there is a fine nationalized bus transport system, why should the Ministers have their own cars? But he has not said that actually and I am thankful to him. Even though there is the Jupiter Airways or the Deccan Airways or the Airways of India, yet, the Provincial Government must have some convenience of that sort.

DR. V. K. JOHN:—"Why not have Rolls Royce cars for Ministers for pomp and glory?"

THE HON. SRI B. GOPALA REDDI:—"The Hon. Leader of the Opposition wants turbans for Ministers and Rolls Royce for them. But he would grudge a big plane for the Ministers when they have to go to long distances like Delhi or other places in the north. Various Provinces, including the small Province of Assam, have their own planes and we do require convenience of that sort. There has also been a complaint about its being kept at Bangalore. The Hon. Minister for Communications, Government of India, Mr. Rafi Ahmed Kidwai, when he was last here, was discussing this matter, as to whether we could not keep it in Madras by giving a sort of subsidy to the Madras Flying Club. This matter is under consideration and whatever method is found cheaper we shall do it. We had a talk with the Madras Flying Club about this and they wanted 9,000 rupees per month for looking after it and maintaining it and so we thought it cheaper to keep it at Bangalore so that the Mysore Government can look after this along with their other planes and at a cost of about rupees 5,000 per month. If it is possible to keep it at Madras, we shall do it, in which case, we shall have to take up the matter with the Madras Flying Club and the Ministry of Communications, Government of India. So, Sir, the matter need not agitate hon. Members of this House.

"Then the zamindari question was also raised. The question of the prohibition college was also raised by Mr. Suryanarayana Rao. I know the difficulties consequent on the Zamindari Abolition Bill. It has not yet received the ascent of the Governor-General and the Zamindars are unable to collect their rents and

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pay peshkush. All these matters are well known to the Government and, of course, some of them are inevitable. When there is a transitional stage and a big change over is taking place, some of the difficulties are inevitable and nobody is responsible for them. They are all innate in the transformation or in the change over. With regard to the prohibition college while, ultimately the police department will be in charge in prohibition work, at present the Excise department is in charge of about 16 districts. The Excise department staff had training previously only in collecting revenue, but they were not trained with regard to prohibition work and so this college has been opened to give them training for six weeks, so that they can go to the districts and look after prohibition work. That was the intention with which this college was started.

"I do not think, Sir, I need refer to the other matters because they do not particularly relate to supplementary estimates. For instance, Bellary College, though it does not come under this, yet two hon. Members from Rayalaseema raised it. At that rate, if a college that is functioning now is to be stopped in order to get a Government College, even the private college will not be there. Again in Vizagapatnam there are two private colleges and if they are sure that Government will substitute them by Government colleges they will not have these private institutions and have them closed. Already Vizagapatnam is the biggest district. So also in Nellore, Rannad, Tinnevely, etc., there is no Government college, or even private or aided colleges. What will happen if existing colleges also close down and if Government were asked to run colleges of their own because of the policy of the Government to see that every district has a Government College. If you go on at that rate, I do not know where we will be. After all, hon. Members should remember the huge amount it will cost Government to run a college. Something like 20 to 25 lakhs are needed to run a college as we have to provide for laboratories and buildings and all that and the University also wants certain amounts to be spent on laboratories and for seats of pay. There are Government colleges at Rajahmundry, Anantapur and Cuddapah and there is also a Women's College at Guntur. Therefore, I do not think it is possible for the Government to undertake responsibility to start new Government Colleges in Telugu districts."

SRI N. VENKATACHALAMAJI:—"What about the irrigation projects?"

THE HON. SRI B. GOPALA REDDI:—"The Hon. Minister for Public Works made an elaborate statement about the working of the Public Works Department in the other House and it contains the information asked for by the hon. Member. Let the hon. Member read that statement and if there is anything to be done immediately, let him write to the Government and we will see what we can do in the matter. But this much I can say that we are anxious to give top priority to irrigation. We are aware of

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the policy of the Government of India that no food imports should be allowed after 1951. We are, therefore, anxious to step up production in our Province and promote schemes for this purpose and see that our mighty rivers do not empty their waters into the sea."

DR. V. K. JOHN :—" Sir, is it in order for the Hon. Minister to ask the Members of this House to read the statement made by a Minister in the other House? "

THE HON. SRI B. GOPALA REDDI :—" Because the voting of Demands is done in the other House and there is no voting in this House, we make specific reference to these matters in the other House. Therefore, it is but right that Members of this House must be up-to-date with the policies and statements of Government whether they are made in the other House or elsewhere.

" I very much regret to say that it was not possible to bring these Supplementary Demands earlier as we did last year but I can assure hon. Members that all possible steps will be taken by the Finance Department to see that these items are brought forward as early as possible before this Legislature.

" Sir, the hon. Leader of the Opposition has always been saying—he is fond of the phrase—that the Government are the biggest mismanaged institution in the Province. I do not know how things are mismanaged in the Finance Department. There is nothing to mismanage in the department. The Accountant-General is there and fortunately he is not under the control of the Provincial Government but he is under the control of the Government of India. He is there with his thousand eyes wide open to scrutinize every item of expenditure. Therefore, it is not as though the Finance Department is the biggest mismanaged institution in the Province. The Finance Department is also scrutinizing all items of expenditure in as best a manner as possible. Hon. Members must know that we are working in abnormal times and our activities have increased. Everything was at a standstill during the war but after the war not only have we extended our activities but as a result of these activities, we have also incurred large expenditure. Consequently, it is not possible for the Finance Department to minutely scrutinize every item of expenditure. There is no statistician in the Finance Department. Suppose, the Chief Engineer (Electricity) sends in an estimate. Do you think, it is possible to scrutinize every item contained in it?

" Sir, I am sorry that the hon. Leader of the Opposition has made very unfair remarks against the Finance Department who are really working very hard. They have no obsessions. They are known for their high tradition. They are doing their work in the face of difficulties and abnormal conditions. I am sure, in times to come, they will acquit themselves well. When accounts for 1947-48 are placed before this House, this House will have an ample opportunity to discuss the same at great length. With these words, I conclude my speech. "

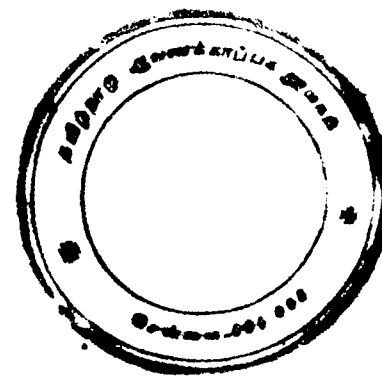
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THE DEPUTY PRESIDENT :—" The House will now adjourn and meet again at 11 a.m. on Tuesday, the 29th instant."

The House then adjourned.

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

1. G.O. No. 307, Local Administration, dated 17th February 1949, relating to Sularpet Panchayat Board (Nellore) Elections—*Stay order.*
2. Notification issued with G.O. No. 700, Home, dated 19th February 1949, making certain amendments to the Madras Motor Vehicles Rules, 1940, published with Home Department notification No. 357, dated the 29th March 1940, as subsequently amended.
3. Appropriation Accounts, 1946-47 and the Audit Report, 1948 and Addenda to the Appropriation Accounts, 1946-47 and Audit Report, 1948.
4. Finance Accounts, 1946-47 and the Audit Report, 1947.



THE MADRAS LEGISLATIVE COUNCIL.

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Tuesday, the 29th March 1949.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

* 275-A Q.—MR. PRESIDENT :—“ This may be taken up a little later after the Hon. Minister comes. He has some trouble with his car.”

Breach in the embankment of Grand Anicut Canal.

* 276 Q.—SRI K. MANATHUNAINATHA DESIGAR : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether a breach occurred in the embankment of Grand Anicut Canal at Vettikad on 2nd September 1948 and what the causes for the same are ;

(b) when it was closed and at what cost ;

(c) whether the area comprised in the abovementioned, reach of the canal was converted into a overseer's section recently ;

(d) if so, what the reasons for the same are ;

(e) whether the night patrol lascars employed for guarding the embankment originally were dispensed with recently ;

(f) if so, why ;

(g) the ayacut under the canal below Vettikad ;

(h) the ayacut under the canal in the Narasinga Cauvery extension ;

(i) whether the whole area under the Canal and Narasinga Cauvery below Vettikad did not get any supply of water after the breach ;

(j) if so, for how many days in the midst of important period of cultivation ; and

(k) what steps the Government propose to take to prevent recurrence of breaches in the Grand Anicut Canal?

THE HON. SRI M. BHAKTAVATSALAM :—“ (a) Yes. The breach is apparently due to the deterioration inside the bund that must have been taking place for some time in the pockets of bad soil found in the embankment. A continuous hole seems to have formed connecting such pockets and veins of bad soil which ultimately resulted in through communication being established with the consequent breach that such a state of affairs is bound to produce. There was no visible evidence outside of any such deterioration developing in the

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bund. The patrolling lascars, the maistris and the officers going on the bank were satisfied that the bund was intact until the sudden burst.

" (b) The breach was closed on 8th September 1948, to an extent that allowed resumption of supply but the work was completed on about 29th September 1948. The total expenditure on the work was approximately Rs. 53,000 of which the cost of labour was about Rs. 9,500 and the travelling allowance to officers was Rs. 190.

" (c) The Vettikad section was converted into an overseer's section in 1943.

" (d) It was considered that the work in the section did not require a supervisor.

" (e) No. The lascars were employed as soon as water was let into the canal as in the previous years and they were continued without interruption.

" (f) Does not arise.

" (g) The secured ayacut below Vettikad under the Grand Anicut Canal inclusive of that under Narasinga Canvey Extension is 113,487 acres. The developed ayacut is 76,700 acres and the area actually cultivated at the time of the breach was about 74,000 acres.

" (h) The ayacut is 15,000 acres.

" (i) & (j) The area below the breach site did not get supply for about a week, i.e., from 5-30 p.m. on 2nd September 1948 to 10 a.m. on 9th September 1948.

" (k) Arrangements are being made to strengthen the banks and to provide revetment on both sides of the banks up to 100 feet beyond the limits of the breaches."

Judgment delivered by their Lordships P. Satyanarayana Rao and A. V. Viswanatha Sastri JJ.

* 275-A Q.—ABDUL LATIF FAROOKHI SAHIB BAHADUR: Will the Hon. the Premier be pleased to state—

(a) whether the attention of the Government has been drawn to the judgment of the High Court delivered on the 21st instant by two Hon'ble Judges, their Lordships P. Satyanarayana Rao and A. V. Viswanatha Sastri JJ. in a batch of Habeas Corpus applications preferred on behalf of eighteen persons detained under the Madras Maintenance of Public Order Act, 1947; and

(b) if so, what action the Government have taken or propose to take immediately to avoid giving room in future, for criticisms of the nature contained in the judgment delivered by the said Hon'ble Judges of the Madras High Court in the course of their order allowing the applications of a majority of the detenus?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. the Premier):—" (a) & (b) The Government have not

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so far received copies of the judgments of the High Court in respect of the Habeas Corpus applications referred to. On receipt of the copies of the judgments the matter will be duly considered."

SRI R. SURYANARAYANA RAO:—" Do the Government call for these judgments or is the High Court expected to send the judgments to the Government? "

THE HON. SRI K. MADHAVA MENON:—" The Public Prosecutor generally sends these judgments."

Selection of licensees under the Textile Control Order.

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

(a) the authority competent to choose the licensees under the Textile Control Order;

(b) whether instructions for the guidance of competent authority have been issued by the Government in regard to principles which should be observed in choosing licensees;

(c) whether appeals lie against the orders of the competent authority and if so, to whom;

(d) whether the Government will be pleased to place on the table of the House the number of licensees, wholesale and retail, chosen in each district and how many among them do not come under the category 'longstanding'; and

(e) whether any definite instructions have been issued regarding grant of licences to those who have never before been in the cloth trade?

THE HON. SRI H. SITARAMA REDDI:—" (a) The Collector of the district is the competent authority to select licensees for dealing in mill cloth and yarn in the district.

" (b) Yes, Sir.

" (c) Appeals are being entertained by Government against the Collectors' orders.

" (d) A statement ^a is placed on the table of the House.

" (e) Yes, Sir. Discretion was given to the Collectors to select new entrants to the cloth trade up to about 10 per cent of the district quota. Subsequently the Collectors were instructed to select only old dealers as a large proportion of old dealers had been left out. These instructions have recently been relaxed in view of the need for additional dealers to handle the enhanced allotment of cloth for the Province, and the Collectors have been authorized to select new dealers if old dealers are not readily available."

SRI R. SURYANARAYANA RAO:—" Are the Government aware that under the Textile Control Order issued by them, they cannot entertain any appeals against the orders of the licensing authority? "

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THE HON. SRI H. SITARAMA REDDI :—" I do not know what the hon. Member refers to. The Government have always the right to enquire and advise the officers to do the right thing."

SRI B. BHIMA RAO :—" Have the number of retail licensees been doubled, Sir? For instance, is it not 500 in Bellary instead of 220? "

THE HON. SRI H. SITARAMA REDDI :—" I do not know the exact number. The cloth that is available is a little more than what was previously thought would be available and so we had to increase the number of licences."

SRI B. BHIMA RAO :—" Did not a number of Excise contractors and their subordinates apply for licences direct to the Government, Sir? "

THE HON. SRI H. SITARAMA REDDI :—" A general representation was made that people who have been thrown out of the trade due to the introduction of prohibition should also be considered. This matter was left to the district authorities to consider and recommend suitable cases."

SRI B. BHIMA RAO :—" Did not the Government issue instructions that the Excise people should not be given retail licences even though they applied for them? "

THE HON. SRI H. SITARAMA REDDI :—" I should like to have notice, Sir. This is an old thing."

SRI B. BHIMA RAO :—" When the original list of 229 in the case of Bellary was prepared, why did not the Government issue instructions that the selection must be on the basis of the actual turnover of the old licensees? "

THE HON. SRI H. SITARAMA REDDI :—" Whatever instructions were issued to the other districts were issued to the district the hon. Member refers to. There was no distinction between one district and another. "

SRI B. BHIMA RAO :—" It is only in the second instance that instructions were issued that licences should be granted on the basis of their turnover. That was done when the number was doubled on the second occasion. But on the original occasion no such instructions were issued and there was a lot of difficulty. May I ask the Government to explain why such instructions were not issued in the earlier instance? "

THE HON. SRI H. SITARAMA REDDI :—" I know even in the earlier instance several District Collectors exercised their discretion on the basis of the turnover. It was expected that the district authorities would exercise this much control over the matter. It was left to them to decide, because the question of turnover alone could not be taken into account. The number was limited and we wanted men who were best fitted to handle the business from the point of view of control by Collectors."

[29th March 1949]

SRI B. BHIMA RAO :—" Were not in the first instance a number of political sufferers, those who had gone to jail, selected and were they not rejected by the Government? "

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

SRI T. PURUSHOTHAM :—" What are the special reasons for the selection of a man in . . . taluk in East Godavari district when he has not applied and paid the required licence fee? "

THE HON. SRI H. SITARAMA REDDI :—" I do not have that information. I should like to have notice, Sir."

SRI T. PURUSHOTHAM :—" Is there any time-limit fixed for filing appeals? "

THE HON. SRI H. SITARAMA REDDI :—" There is no question of appeal and time-limit. It is not a statutory thing. It is just a question of somebody aggrieved with a decision taken by the district authorities representing to the Government and our examining it. There is no statutory right for anybody to get a licence. It is not a question that somebody has got a definite right. It was left to the Collectors to select whom they thought best in their discretion. If somebody else thought that he was better and if he came to the Government we would naturally call for the report from the Collector and we take such decision as is proper in the circumstances."

SRI T. PURUSHOTHAM :—" Was there not a case in East Godavari district where a licence was granted to a person whose application was not recommended either by the Collector or the Textile Officer? "

THE HON. SRI H. SITARAMA REDDI :—" I do not know that, Sir. I cannot say about a particular district. There may have been cases where somebody came to the Government and the Government were satisfied that there was no harm in an additional man being there, one who appeared to be quite satisfactory from the application. It is quite probable, Sir. I do not know from which district, because after all I cannot be expected to carry the names of the licensees all over the Presidency in my head now."

SRI T. PURUSHOTHAM :—" When several political sufferers applied for licences in the particular taluk, what are the special reasons for giving a licence to an outsider who has not applied and who has not paid the licence fees required? "

MR. PRESIDENT :—" I may tell the hon. Member that this is not the time for big speeches bringing to the notice of the Government a number of facts which are not relevant to the question before the House. I give notice that I would not allow such questions in future. Supplementary questions must refer to the question before the House; they must be short and they must not give information to the Government."

[29th March 1949]

Assignment of land in the East Godavari district.

* 278 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Industries be pleased to state—

(a) the names of people who have applied for lands as political sufferers in East Godavari district, talukwar ;

(b) the names of persons who have been allotted lands in East Godavari district with particulars as to extent, survey numbers and the names of the villages in which they were granted ; and

(c) whether such assigned lands were taken possession of by the applicants and if not, why ?

THE HON. SRI H. SITARAMA REDDI :—“(a) & (b) Up to the end of January 1949, applications from 1,428 political sufferers were received for the assignment of land in the East Godavari district. Of these, 109 applicants were granted lands. The names of the applicants are not available with the Government. No public purpose will be served by calling for the list of the names from the Collector and laying it on the table of the House.

“(c) The Government have no information.”

Revenue Divisional Officer, Chidambaram.

11-15 a.m. * 279 Q.—SRI H. M. JAGANNATHAM : Will the Hon. the Minister for Industries be pleased to state—

(a) whether it is a fact that Sri Krishnaswami Ayyangar is Deputy Collector in Chidambaram for the past three years and more ; and

(b) if so, whether there are any criminal complaints in which he is involved ?

THE HON. SRI H. SITARAMA REDDI :—“(a) Sri G. Krishnaswami Ayyangar has been Revenue Divisional Officer, Chidambaram, from 27th May 1946.

“(b) No.”

SRI H. M. JAGANNATHAM :—“May I know, Sir, whether the Government do not feel that it is high time that the officer should be transferred from that place since he has put in more than three years in the same place ?”

THE HON. SRI H. SITARAMA REDDI :—“I have said that he has been there from May 1946.”

“Government should be placed in the Dock” published in Swatantra.

* 280 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Public Works be pleased to state whether his attention has been drawn to the note entitled “Government should be placed in the Dock” published in *Swatantra* of 11th December 1948 at page 47 ?

THE HON. SRI M. BHAKTAVATSALAM :—“The answer is

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SRI B. BHIMA RAO :—“Are the facts correct, Sir ?”

THE HON. SRI M. BHAKTAVATSALAM :—“Yes, Sir. But, I want to know what the hon. Member means by ‘facts’ ?”

SRI B. BHIMA RAO :—“I mean the facts stated in the article ‘Government should be placed in the Dock.’ Are the facts mentioned in that article correct, Sir ?”

THE HON. SRI M. BHAKTAVATSALAM :—“I cannot justify the comments, but the article referred to was no doubt a nasty one. It is unfortunate that those responsible for its publication did not scrutinize it properly. We are taking action against those responsible for the publication of the article.”

Particulars regarding the aeroplane ‘Hanuman.’

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

(a) whether it is a fact that the Government have purchased an aeroplane designated as ‘Hanuman’ for the use of the Hon. Ministers ;

(b) the amount paid for its purchase ;

(c) the recurring cost of its maintenance ;

(d) the number of times the aircraft has been used, the distance covered and the expenditure incurred on account of those flights ;

(e) whether the aircraft is considered to be in sound condition ;

(f) if the answer to (e) is in the affirmative, why it was that for the recent trip to Tuticorin on the occasion of the visit of His Excellency the Governor-General, the Hon. the Premier and other Ministers obtained the loan of aircraft from the Government of Mysore ; and

(g) whether a proposal to sell ‘Hanuman’ is under the active consideration of the Government ?

THE HON. SRI M. BHAKTAVATSALAM :—“(a) Yes.

“(b) Rs. 2,65,490 (including Customs duty).

“(c) Rs. 54,000 per annum excluding cost of oil, fuel and other direct charges and spare parts.

“(d) The plane has been used on five occasions by Hon. Ministers up to the end of February. The distance covered in these flights was 6,882 miles and the cost was Rs. 5,640 roundly. It has also flown 2,144 miles on Mysore Government work, for which the cost is recoverable from that Government.

“(e) Yes.

“(f) As the number of persons who wanted to go to Tuticorin exceeded the carrying capacity of ‘Hanuman’, the Mysore State Dakota was arranged.

“(g) No.”

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SRI R. SURYANARAYANA RAO :—“ May I know, Sir, whether it is a fact that this plane behaves well if she is piloted only by a particular pilot and does not behave well when piloted by other pilots? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I do not think this plane has any partiality for any pilot.”

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

II.—GOVERNMENT BILL

THE INDUSTRIAL DISPUTES (MADRAS AMENDMENT) BILL, a 1949
(L.A. BILL NO. 12 OF 1949)

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“ Sir, before the Hon. Minister introduces the Bill, may I raise a point of order. I find from this Bill that it is an amendment to a Bill that was passed in the Central Legislature in 1947 and that Bill says that the Act shall extend to the whole of British India. So, Sir, my submission is that if there is to be an amendment to that Act it must be only in the Central Legislature or if the Act is to be amended in any manner a fresh Act has to be passed in this Province. I think the best thing to do is to get the Central Legislature to say that it shall extend to the whole of British India, except the Madras Presidency. I find from the rules of the Legislative Assembly and the Council that there is no provision for an amendment to an Act of the Central Legislature that has been passed and I think, we ought to be exceedingly careful in the manner in which we dispose of Central Acts. The whole system of the Central Legislature would become infructuous if an Act passed by the Central Legislature were to be challenged in a Provincial Legislature for good or bad reasons without the previous concurrence of the Central Legislature. I find no provision either in the rules for bringing in an amending Bill to an Act passed in the Central Legislature. Of course, we can bring in an amending Bill to amend an Act passed by the Provincial Legislature and not an Act of the Central Legislature. Apart from the merits of the Act with which I am not concerned, I do request you, Sir, to give your considered ruling, whether it is in consonance with the rules of procedure and other parliamentary issues that are raised thereby, that a Provincial Legislature could interfere with the Central Legislature in the manner of amending a Central Act that has been passed without the previous concurrence of the Central Legislature.”

THE HON. SRI K. MADHAVA MENON :—“ Sir, we have already made amendments to many Central Acts in this House itself.”

MR. PRESIDENT :—“ That is not the point that has been raised by the hon. Dr. Lakshmanaswami Mudaliyar, but under what provision is it sought to be made.”

* Printed as Appendix II on pages 672-673 infra.

BILL, 1949 (L.A. BILL NO. 12 OF 1949)

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THE HON. SRI K. MADHAVA MENON :—“ According to the Government of India Act, it is a concurrent subject for which both the Central Legislature and the Provincial Legislature can make laws.”

MR. PRESIDENT :—“ Please refer me to that provision in the Government of India Act.”

THE HON. SRI K. MADHAVA MENON :—“ The only requirement is that we should get the sanction of the Governor-General after it is passed.”

MR. PRESIDENT :—“ I am quite aware of the fact that we have been amending Central Government Acts, for instance, the Stamp Act, the Motor Vehicles Act, etc. But, please refer me to the provision under which we do it.”

SRI B. BHIMA RAO :—“ According to the Concurrent Legislative List, item 29 on page 161 of the Government of India Act, 1935, Sir. But, of course, there is some point in what the hon. Dr. Lakshmanaswami Mudaliyar raised. In September 1946 . . .”

MR. PRESIDENT :—“ The question was raised the other day, but the hon. Member was not present here then. I know that matter.”

SRI B. BHIMA RAO :—“ There also we made a similar amendment to a Central Act of 1929.”

MR. PRESIDENT :—“ I know it.”

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“ I submit, Mr. President, that precedents do not affect my point of order.”

THE HON. SRI K. MADHAVA MENON :—“ Certainly precedents do not affect the hon. Member's point of order, but we may follow precedents or make precedents here. As the hon. Mr. Bhima Rao pointed out, item 29 of the Concurrent list, Trade Unions, Industrial and Labour Disputes, are in the Concurrent List and so we addressed the Central Government and the Central Government advised us to amend it. The items in List III are neither in the Central List nor in the Provincial List, but this is in the Concurrent list and the Provincial Government have got absolute power to make laws, but the only thing that is required is in certain cases we require the consent of the Governor-General to make it a law and in other cases we do not require consent. Section 107, sub-section (2) of the Government of India Act says: ‘Where a Provincial law with respect to one of the matters enumerated in the Concurrent Legislative list contains any provision repugnant to the provisions of an earlier Dominion Law or an existing law with respect to that matter, then if the Provincial Law having been reserved for the consideration of the Governor-General has received the assent of the

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Governor-General the Provincial law in that Province shall prevail, but nevertheless the Dominion Legislature may at any time enact further legislation with respect to the same matter. So, we have only to get the Governor-General's assent and it will become law. That is all, Sir."

MR. PRESIDENT :—" Mr. Bhima Rao said when last time the Trade Disputes Act was taken up, that it was in the Central list."

SRI B. BHIMA RAO :—" On that ground it was overruled. Then the question was in regard to amending certain provisions in the previous Central Act and there was some kind of incompatibility with our provisions."

MR. PRESIDENT :—" That is not my point. Last time it was said that it was in the Concurrent List. If it is in the Concurrent List the hon. Member could not have raised the objection to this Legislature going through that business. I think the hon. Member's point was that it was exclusively a matter for the Central Legislature and that we have no power to trespass upon it."

SRI B. BHIMA RAO :—" I was overruled, Sir, in that."

MR. PRESIDENT :—" Now, if this could come in under item 29 in the Concurrent List, there can be no doubt that this Legislature can go forward with it."

SRI B. BHIMA RAO :—" Provided the Governor-General has already given his assent to it."

MR. PRESIDENT :—" Previous consent is not obligatory. It has been asked for to make sure of it."

THE HON. SRI K. MADHAVA MENON :—" According to rule 33 (1) of the Secretariat Rules, the Secretariat of the Madras Government have been instructed to get the prior approval of the Government of India in respect of undertaking legislation on subjects contained in the Concurrent List. Accordingly, the previous opinion of the Government of India is sought for. In this case, the previous consent of the Government of India was sought for and they have advised us to make the necessary amendment."

MR. PRESIDENT :—" Previous consent is asked for in order to assure yourself."

THE HON. SRI K. MADHAVA MENON :—" Yes, Sir, it is only by way of abundant caution, Sir."

MR. PRESIDENT :—" Item 29 of the Concurrent List refers to Trade Unions, Industrial and Labour Disputes and the present amendment refers to industrial disputes. I find that the words printed in italics in section 2 (n) (vi) are the same as in the old item (vi). Now, it is sought to remove the words 'specified in the schedule'."

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THE HON. SRI H. SUTARAMA REDDI :—" That is one of the amendments, Sir."

THE HON. SRI K. MADHAVA MENON :—" May I invite your attention to section 100, sub-section (2) of the Government of India Act which says : ' Notwithstanding anything in the next succeeding sub-section, the Dominion Legislature, and, subject to the preceding sub-section, a Provincial Legislature also, have power to make laws with respect of any of the matters enumerated in List III in the said schedule (hereinafter called the " Provincial Legislative List ") . "'

* DR. V. K. JOHN :—" Sir, I do not think there is any difficulty in this matter, at all, because the Government of India Act provides for three lists, the Federal List, the Concurrent List and the Provincial List. Now on a matter which is exclusively in the Federal List, the Provincial Legislature cannot legislate, but on a matter which is in the Provincial List it can do and it does not require the consent of the Governor-General and on the Concurrent List both can legislate. But if you are amending a law which is already existing, then it has to satisfy the requirements of section 107 (2) of the Government of India Act, which says : ' Where a Provincial law with respect to one of the matters enumerated in the Concurrent Legislative List contains any provision repugnant to the provisions of an earlier Dominion law—now we have got an earlier Dominion law, the Industrial Disputes Act of 1917—' or an existing law with respect to that matter, then, if the Provincial law having been reserved for the consideration of the Governor-General has received the assent of the Governor-General, the Provincial law shall in that Province prevail, but nevertheless the Dominion Legislature may at any time enact further legislation with respect to the same matter.' . . . Then other provisions follow and even though there is no existing law we are legislating on a matter in the Concurrent List. But here there is an existing law which we are trying to amend. Now, part of this amending Bill, viz., clauses 5 and 6 are not matters which have anything to do with the Central Act. Clauses 2 and 3 deal with the Central Act. As part of this Bill seeks to amend for this Province the enactment of the Dominion Legislature, they must follow the procedure laid down in section 107 (3). If it is to be held a subject in the Concurrent List covered by the Dominion Legislature, the Provincial Legislature, has no power at all and then there is no sense in having a Concurrent List. Section 100 provides that we can legislate on a matter which is in the Concurrent List, section 106 says that an Act of the Dominion Legislature will always prevail if there is conflict between the Province and the Centre and section 107 says that we can always bring in an amendment and I do not think it will become law unless the sanction of the Governor-General is obtained."

MR. PRESIDENT :—" I hope the hon. Member agrees that it does come under that section."

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a.m.

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DR. V. K. JOHN:—"We are now legislating in respect of the Industrial and Trade Disputes Bill and it is nothing more and nothing less."

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"My point was clear. I never questioned the right of the Provincial Government to enact legislation on a subject which is in the Concurrent List. But already a Federal law is existing and there is the provision to say that nothing in the Provincial law should be repugnant to the provisions of the Federal law. But when it comes to the substance of it, it is a serious matter for consideration by you whether it is repugnant to the Dominion law which is already obtaining. Apart from that, I think it is necessary for us to be cautious in regard to this legislation, because after all if a State or a Province enacts a legislation like that, the Dominion Legislature can overrule any law passed by the Provincial Legislature and if the Dominion Legislature overrules that, the Act of the Provincial Legislature will become null and void. That is section 107 (3). Under these circumstances, I feel that there is a strong case for consideration both on the point that has been raised, which my hon. Friend has summarily dismissed and also on the substance of the procedure that has to be adopted in regard to the amendment of the Dominion law."

MR. PRESIDENT:—"The point is whether it is a question of point of order that the hon. Member, Dr. Lakshmanaswami Mudaliyar, raised or is it a question of giving advice to the Government on the desirability of going forward with this kind of legislation. If it is in the nature of a regular point of order, it means that we have no right to proceed with this legislation. If that is the hon. Member's objection or point of order, I have to give my ruling. On the other hand, if the hon. Member wishes to caution the Government, he is entitled to do so because it is only a piece of advice and caution to the Government not to proceed with this legislation."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"In view of what you are likely to say, Sir, I withdraw my point of order."

MR. PRESIDENT:—"I take it that the hon. Member has withdrawn the point of order."

* THE HON. SRI H. SITARAMA REDDI:—"Sir, I move—
that the Industrial Disputes (Madras Amendment) Bill, 1949 (L.A. Bill No. 12 of 1949) as passed by the Legislative Assembly, be taken into consideration at once."

"While doing so, I should like to deal with the point raised by some hon. Members, that this Legislature has no power to legislate on a matter like this. Sir, the question of the propriety of the Provincial Legislature to take up legislation on a matter in the Concurrent List without the prior approval of the Dominion Legislature, does not arise in this case. After the judgment of the Madras High Court with regard to this matter, an amendment was

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considered necessary to get over the technical difficulty pointed out by the High Court and we took up the matter with the Government of India and requested them to issue an Ordinance. Several trade unions in the Presidency have also made representations with regard to this matter."

MR. PRESIDENT:—"May I know to what judgment of the High Court the Hon. Minister is referring to?"

THE HON. SRI H. SITARAMA REDDI:—"Sir, I was referring to the judgment of Justice Subba Rao which states that these matters cannot be referred to Industrial Tribunals unless the points are specifically mentioned."

"Sir, the technical difficulty pointed out by the High Court threatened to upset many things and there was a fear of industrial unrest. Of course, after the passing of the awards, several managements had already accepted the awards of the Industrial Tribunals and also implemented them. Only a few managements questioned the legality of the award and, of course, the High Court concurred with the objection raised that it was technically wrong. So, it was thought necessary that this lacuna should be removed and we took up the matter with the Government of India. We told them that various trade unions wanted the Government to issue an ordinance, but as the Legislature is sitting, we could not issue an ordinance and asked them to issue an ordinance as they can issue it even while the House is in session. The Government of India suggested that this Government might issue an ordinance or pass legislation to remove the technical difficulty pointed out by the High Court. That is briefly the history of this legislation. So far as this particular legislation is concerned, I can assure hon. Members that the prior consent of the Government of India has been obtained and they only advised us to take up this legislation."

"Sir, now coming to the subject, I feel it is unnecessary to dwell at any great length in defence of this measure. Since the publication of this Bill, it has received almost province-wide approbation. The few discordant notes we have heard are based entirely on a misunderstanding of the scope of the Bill. In order to facilitate the passage of this Bill in this House, I crave your indulgence, Sir, to explain the Bill shortly and meet possible criticisms."

"The main purpose of the Bill is to validate actions taken by the Government in the past under bona-fide impressions which were questioned in courts of law. On admittedly technical grounds, some of the proceedings before Industrial Tribunals and some awards were declared to be *ultra vires*. We know what the Central Legislature intended when it enacted the Industrial Disputes Act. This is the matter on which we had discussion with the Ministry of Labour, Government of India, and there was also discussion on the judgment of High Court. They also felt that what we have done is correct and that this legislation is necessary. We have made it clear in the past and we reiterate it

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now, that we shall not allow any one to flout the intentions of the Legislature by exploiting legal lacunae. This Bill is the expression of our determination to enforce the law. We are anxious that there should be industrial peace in the Province.

"I believe, therefore, Sir, that no one will question whether we should take powers to validate awards and decisions already published. So far as this question is concerned, I should like to bring to the notice of the House that some of the leading journals approved this measure and welcomed it. That disposes of clauses 5 and 6. Now clause 3 has probably led to more confusion among the critics. But if they read this clause in its context, they will find that it is nothing new. The Industrial Disputes Act enables Government to constitute Tribunals to deal with existing or apprehended disputes. The High Court has held that we must specify in each reference every item of dispute and every unit of the industry. Till now, we expected the Tribunals to hold a preliminary enquiry, frame the issues after ascertaining details as to where disputes existed and proceed with the enquiry. The Tribunals are meant to do this work and have facilities to do so. It is too much to expect the Government to go into such details. Again, we refer disputes in a number of units in one industry to a Tribunal. Suppose one item of dispute exists in a unit which we have overlooked or there is one unit which we have overlooked or there is one unit of the industry which did not come to our notice earlier and where a dispute exists or is apprehended. It is considered unnecessary that, in such cases, the matter should be reported again to the Government for its formal reference to the Tribunal. There is already a complaint that Tribunals are moving slow. We are devising ways and means of expediting the work of the Tribunals. It would certainly conduce to expedition, if in the restricted circumstances contemplated in the clause, direct reference is made by the aggrieved party to the Tribunal concerned.

"As regards clauses (2) and (4), I would only say that it is incorrect to specify in any legislation that any particular industry is a public utility undertaking for ever or that some other industry cannot, under any circumstance, be held to be a public utility concern. So, Sir, these are matters which cannot be subjected to any hard and fast regulations but should be more flexible. Therefore, we have suggested the amendment to omit the schedule there.

-45
m. "In these circumstances, I venture to suggest that this Bill may be unanimously accepted by this House."

MR. PRESIDENT :—"The question is—

that the Bill to amend the Industrial Disputes Act, 1947, in its application to the Province of Madras, as passed by the Assembly, be taken into consideration at once."

* SRI R. SURYANARAYANA RAO :—"Mr. President, I am sure no Member of this House would have taken objection to the enactment of legislation to get over the difficulty pointed out

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by the Honourable Judges of the High Court; but my hon. Friend the Minister for Industries is not satisfied with merely rectifying the defects pointed out but he would like to go further and introduce certain other amendments. I am not sure whether all these amendments have been approved by the Government of India. The Central Government themselves are undertaking comprehensive legislation in respect of industrial disputes and my hon. Friend Dr. Lakshmanaswami Mudaliyar raised this point because of the fate that overtook another piece of legislation of this kind passed by this House in 1946. We were also then assured that the amendments to the Trade Disputes Act were in accordance with the wishes of the Government of India but when that Act was passed by both the Houses of Legislature, the Governor-General withheld his assent. Perhaps that was the only occasion in the history of legislation in the Province when assent of the Governor-General was withheld. I would deal with clauses 2 and 4; this is an innovation for which the Hon. Minister gave reasons with which I am not satisfied. He proposes to omit the words 'specified in the schedule' and in clause 4, the schedule to the said Act is to be omitted. The schedule gives a list of industries which may be declared to be public utility services under sub-clause (vi) of clause (n) of section 2. They are Transport (other than railways) for the carriage of passengers or goods by land, water or air, coal, cotton textiles, foodstuffs and iron and steel. By the existence of this schedule, the Government cannot declare any service they like as public utility service but if clauses 2 and 4 are adopted, the Government will be at perfect liberty to declare any service as a public utility service and thereby curtail the rights of labour. When a service is declared as public utility service, certain procedure is laid down under the Trade Disputes Act, before a strike is declared or before the Government themselves can refer the dispute to a tribunal for adjudication. I do not know why the Hon. Minister by adopting these clauses is removing the restrictions which now exist and which to my mind have been in the interests of labour preventing the Provincial Government from declaring any service they like as Public Utility Service. Clause 3 about which my hon. Friend did not say much is a clause which encourages frivolous litigation. Reference to a tribunal sets matters at rest for the moment either preventing a strike or a lock-out and that means that labour will be very much inconvenienced. Sir, till now the safety lay in the fact that it was the Provincial Government that should refer any dispute for adjudication but under section 10 (1) (c), there is the following Proviso :—

'Provided that, where the dispute relates to a public utility service and a notice under section 22 has been given, the appropriate Government shall, unless it considers that the notice has been frivolously or vexatiously given or that it would be inexpedient so to do, make a reference under this sub-section notwithstanding that any other proceedings under this Act in respect of the dispute may have commenced.'

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I do not know why the Government want to convert the Tribunal into an ordinary court to which aggrieved parties whether there is real grievance or not, either employers or labour, can resort to. In future, even if any notice has been given frivolously either by labour or by employers, the dispute can be taken to the Tribunal without reference to the Provincial Government. I thought that it was a healthy restriction imposed both upon labour and employers that reference to the Tribunal should be made by the Government after examining the various points at issue. Again under section 10 (2) at the end it is stated:

'If it is stated that the persons applying represent the majority of each party, shall make the reference accordingly.'

and in the proposed clause 2 (a), we find the words 'the employer or the majority of the workmen concerned.' There must be very good reason why the Government of India said the majority of each party whether it was labour or employers. The Government could have adopted the language which is in the original section. The most objectionable feature of the Bill is the acceptance by the Government of clause 6 which they did in the Assembly; there was no need to accept the clause as I shall presently point out. Clause 5 says:

'Where, before the commencement of this Act, any Industrial Tribunal has been constituted by the Provincial Government under the said Act, all proceedings taken, all awards made and all other acts and things done, whether before or after the commencement, by or before such Tribunal in connection with any industrial dispute, shall be deemed to be valid.'

I do not know why, when the matters referred to have been covered by section 5, this clause has been accepted and mention has been made only of certain awards which could not be enforced. In some cases, awards might have been enforced or portions of it might have been enforced and all of them are covered by the section. There is, therefore, no need to have accepted clause 6 which looks very cumbersome and incongruous in a piece of legislation which otherwise had been well drafted. I do not know who drafted clause 6 which the Hon. Minister has accepted. The Government were perfectly right in saying that nothing contained in this section shall be deemed to invalidate any decision or order of a court which became final before the commencement of this Act; it is only with reference to awards in the course of execution that protection is afforded under clause 5. I do not know why the motor transport workers, the cinema workers and beedi and cigar workers have only been mentioned. Do these exhaust all the awards that have been passed but have not been enforced and it looks as though someone has certain grievances against these industries alone and they want them to be enumerated. I fell, Sir, it was unnecessary to accept this clause. As I said, the Hon. Minister has gone beyond the original intention of rectifying certain defects pointed out by the Honourable Judges

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of the High Court and I do not think it was necessary for him to have introduced clauses 2 and 4 which are unnecessary. He could have merely contented himself with clause 5 and his purpose would have been served and thereby he could have left the loopholes, if any, that still exist in the working of the Act to be dealt with in the comprehensive legislation to be undertaken by the Central Government.

SRI C. VEERABHADRA RAO :—“అధ్యక్ష, ఈ Industrial Disputes బిల్లుకి amendment ఇవ్వడం చేయవలసివస్తుంది. కేంద్ర ప్రభుత్వమువారితో ఉత్తర ప్రదేశ్ లోని జరుపుకున్న అలెక్కలు ఆయిందని అనుకోవచ్చును. ఈ సవరణ చాలా అవసరమైనదనిపడుతోంది. Motor transport విషయము గురించి నాకు కొంత తెలుసును. ఈ Motor transport service లో పనిచేసేటటువంటి వారికి ఇదివరలో ఒక అవార్డు ఇచ్చియున్నాడు. అది చాలా న్యాయముగా ఉన్నది. దాని ప్రకారము ఒక సంవత్సరము ఒక కంపెనీలో పని చేసినట్లైతే ఆ కార్మికులకు ఒక నెల జీతము బోనస్ గా ఇవ్వవలెనని ఉన్నది. ఇది చాలా న్యాయమైనట్లువంటి విధానము. ఇంచే కాకుండా ఈ అవార్డులో పనిచేయు ఎంత జీతము ఇవ్వవలెనో, కండక్టరు కేంద్ర జీతము ఇవ్వవలెనో, డ్రైవరుకు ఎంత జీతము ఇవ్వవలెనో, ఎవరవారికి ఎంతెంత మొత్తము కరుణ తీసుకొని ఇవ్వవలెనో అనేటటువంటి విషయము వివరింపబడి ఉన్నాయి. కాని బస్ కంపెనీల వారు అవార్డు ప్రకారము పనిచేసేవారికి జీతము గాని, కరుణ తీసుకొని ఇవ్వకుండా వారికి చాలా అన్యాయము చేస్తున్నారు. అంతే కాకుండా ఈ అవార్డులో చెల్లవని విదేశీ technical objections పెట్టి వాటిని court లో వాదించుచున్నారు. ఈ విధంగా వారు పనిచేసేవారికి అన్యాయము చేస్తున్న ప్రకారం చేత ఈ సవరణ చాలా అవసరము. ఇటువంటి సవరణ చేసిన నేగాని అవార్డులను ఆమోదించి ఇవ్వడం చాలా కష్టము.

“ఈ సవరణను నేను సందర్భంలో మరొక విషయాన్ని కూడా గమనించవలసిన దని మంత్రిగారికి మనవిచేసుకొనినాను. ఈ బిల్లులోని 2 వ శీర్షిక ప్రకారము ట్రైబ్యునల్ అవార్డును అమలు జరుపబోయినట్లైతే 200 రూపాయల జరిమానాను విధించవలసినట్లుగా ఉన్నది. ఇది చాలా తక్కువ మొత్తము. సాధారణంగా అవార్డులను అమలు (implement) చేయాలంటే వారికి ఒక నెయ్యి, రెండు నేలు, పెద్ద పెద్ద పరిశ్రమలలో పనిచేసేవారికూడా అదనముగా ఖర్చు కావచ్చును. ఈ కారణంచేత యజమానులు అవార్డును అమలు చేయక 200 రూపాయల జరిమానాను ఇచ్చుకొంటే అమలు భిస్తున్నారు. కాబట్టి ఇటువంటి అవకాశము వారికి కలుగకుండా 250 వ నెక్కును సవరించవలసిన అవసరము ఎంతయో ఉన్నది. ఈ విషయము మంత్రిగారిని కోరగా కేంద్ర ప్రభుత్వమువారు ఈ విషయంలో ఒక comprehensive labour legislation చేయదలచినారని, అందులో ఇటువంటి provision ఉండగలదని చెప్పినారు.

“ఈ విధంగా ప్రభుత్వమువారు నియమించుటవంటి Labour Officer లు ఈ అవార్డుల విషయంలో చాలా శ్రద్ధవహించి వాటిని అమలు చేయించే లాగున చూడవలసిన దని ప్రభుత్వమువారిని కోరుకూ ఈ సవరణను బలపరచుచున్నాను.”

* DR. V. K. JOHN :—“ Mr. President, I deeply sympathize with the object behind the Bill. The Government are justly anxious that there should be larger production and for that

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12 noon. purpose there should be industrial and labour peace and co-operation between the management and labour. The Government are doing their best and I am quite satisfied that this department is anxious for larger production so that the consumers may not be injured and at the same time they are anxious that there shall be a fair deal for the workers with a margin of profit for the industrialists who invest their money in productive activities. Sir, I think Government have made one mistake, and they are continuing that mistake. They apparently thought that they must please labour, and they have been in fact encouraging labour to make demands on the management. And what is the result? There has been recently labour agitation, and we find that a large number of labourers are under the grip of the Communists, so much so that the Government are very much agitated over this matter. Now the first and foremost thing to be done in industry for industrial peace, is that there should be no political agitators behind labour unions, neither Communists, nor Socialists nor Congress nor any other political organization. Labour must be left to itself. Although a number of persons in the management of labour unions need not under the existing law be workers themselves, I think labour must realise the position that their best interests are served not by political agitators, who for political ends make them strike work, but by themselves managing the unions. I wish Government should have persuaded them to think so. Now, Sir, Government, in my opinion, have yielded to agitation and allowed the agitators to run these labour unions, and the more they yield the less will there be peace in industry.

“ Now, Sir, this Bill deals with tribunals. Personally I think Government should have taken full advantage of the various provisions of the Industrial Disputes Act, 1947. That Act of the Central Legislature provided for the formation of a works committee consisting of representatives of workmen and the management with a view to introduce peace and goodwill between the management and the workers. In that same Act provision is made for the appointment of conciliation officers. There is also a provision for the formation of boards of conciliation. I do not know whether this Government have appointed any such bodies in this province. Sir, unless conciliation officers are of the right type, men interested in the good of labour and industry, they cannot do any conciliatory work. Sir, I do not want to go into details here. My information is that those who are in charge of that work are doing the reverse; they set up one against the other, and there is as a consequence industrial dispute. Now, Sir, the Act of 1947 provides for boards of conciliation, courts of inquiry and conciliation officers. We do not hear of these in our Province. We only hear of the formation of a tribunal to which disputes are referred, and the award is made by them. If we look into the history of labour legislation, we find that this is a new innovation. We have too much of compulsion at present. If we look into the previous act, the Trade Disputes Act of 1929, we find there is no mention of the word

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‘ tribunal ’ at all. Because the relationship between labour and capital is a matter of contract. If somebody interferes with it too much there will not be peace.

“ Take English legislation on trade disputes. It only tried to help parties to the dispute to come to a settlement. It did not enforce a decision by an outside body. It is on that, the Trade Disputes Act, 1929, is based. Then war came, and during the war we had so many essential services, and we could not afford strikes during that time. Therefore it was provided by the Defence of India Rules that there should be an arbitration tribunal and an award by it and the Government would enforce it. It was a matter of emergency and it was right that Government should introduce compulsion in the relationship of persons based on contract. When war came to an end, the Defence of India Rules also came to an end. The Central Government, instead of those rules, passed the Industrial Disputes Act, 1947.

“ Now everything is controlled by Government. Now let me be charitable to Government. It is not for the purpose of merely control for control sake they do this, it is out of their anxiety to do the best for the people they do this. But if they introduce this piece of legislation they are going off at a tangent. They must bring peace between capital and labour only through works committee. I wonder whether there is now any works committee appointed under section 3 of this Act, so that the employer and the employees may solve their problems themselves. I am satisfied with the working of the department in other ways; for it is a very efficient department. Government should not constitute tribunals, compel arbitration and enforce award. That is not the way to bring peace. For Government is a third party and it should help the parties to the dispute to settle the affair amicably. Instead of that, they are introducing compulsion. Recently Government constituted a tribunal, whose award came before the High Court for scrutiny and examination. Under the extraordinary powers vested in the High Court, it issued a writ of certiorari for the award in the dispute between Kutty and Rao, an engineering firm and foundry in the Province and its employees. The matter came up before the Bench of the High Court consisting of Justice Horwill and Justice Rajagopalan, and they gave their decision on the 21st January 1949. By that decision, Government are upset, and the labour union are upset.

“ Sir, I shall here read out section 10 of the Industrial Disputes Act, 1947. It runs thus :

‘ If any industrial dispute exists or is apprehended, the appropriate Government may, by order in writing—

(a) refer the dispute to a Board for promoting a settlement thereof; or

(b) refer any matter appearing to be connected with or relevant to the dispute to a Court of Inquiry; or

(c) refer the dispute to a Tribunal for adjudication; ’

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Then there comes the proviso with which we need not bother here. Further on the section runs as follows:—

(2) *Where the parties to an industrial dispute apply in the prescribed manner, whether jointly or separately, for a reference of the dispute to a Board, Court of Tribunal, the appropriate Government, if satisfied that the persons applying represent the majority of each party, shall make the reference accordingly.*

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“It is under this section that Government passed an order, in which they said, ‘that whereas an industrial dispute having arisen between the management of certain engineering company and disputes are apprehended in others they direct that the dispute should be referred to a tribunal for adjudication.’ Personally, Sir, I do not think there is anything wrong in this reference. I think they were quite in order, as under section 10 of the Act, whenever a dispute is apprehended they can refer the matter for adjudication. The matter went up to the High Court. This House is not the place to discuss the judgment of the High Court. The High Court’s decision was that, where the Government had constituted an Industrial Tribunal for the adjudication of disputes in any specified industry or industries, reference to it of disputes of a general nature was not valid. Before this judgment was passed, the Government had already referred four other cases and the tribunal had passed awards—the Motor Transport award, the award in the dispute between the Managements of Cinema Theatres and Workers, the awards in the disputes between the beedi workers and managements, and the awards in the disputes between the cigar workers and managements. These awards were accepted by the managements and the workers and the Government are anxious that the working of these awards should not be upset by the decision of the High Court. I sympathize with the anxiety of the Government that there should be peace in industry and co-operation between the employers and the employees. To validate the one award directly affected by the judgment and the four awards given in the schedule to the Bill, the Government have brought forward this legislation.

“I emphasize what I said. I do not think that the Government are doing the right thing in rushing to the tribunals for awards and compulsorily enforcing the awards. Emphasizing that once again, I have to see whether the provisions of this Bill carry out the object of the Government. They could have brought in a short amending Bill enabling the Government to refer all disputes in general to a tribunal, and provided for giving retrospective effect. It is in order for the legislature to say that it does not accept the interpretation of the Court, as it is not in the best interests of the State, and give retrospective effect to an amendment validating a law which the court has declared invalid. But the Government should not attempt to make the legislature an appellate court over the High Court that is functioning in the Province. They must be very very careful in introducing legislation for converting this House into an appellate court. The parties

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did not appeal against this decision of the court. If they had appealed, they might have succeeded or they might not have succeeded. We know that many good cases are lost and bad cases are won. The court only gives finality. What the litigant gets at the end of many years is not justice but finality. I say that it is very bad to convert the legislature of this Province into an appellate authority over the High Court. The idea behind this Bill seems to be to constitute the legislature into an appellate court and that is wrong.”

MR. PRESIDENT:—“What does the hon. Member mean by that? How are we sitting here as an appellate court?”

* DR. V. K. JOHN:—“The High Court said that the Government could not refer all disputes in general. If the Government had found it necessary in the interests of labour, production and harmony in industry, they must have taken power to make references to the tribunal in general. But they have taken power only to validate the awards in five cases—one case that was decided by the High Court and the four cases affected by that judgment. That is constituting the legislature of this Province into an appellate court. I do not want to be harsh on anybody. I am afraid the legal advisers of this Government did not carry out the intention of the Government in drafting this Bill and perhaps the Government had not sent the draft to the Advocate-General or any other Law Officer of the Crown. Perhaps the Hon. Minister for Industries will take up my suggestion and see whether he could not bring in a legislation to enable the Government to refer all disputes in general.”

MR. PRESIDENT:—“Is it the hon. Member’s point that, in view of clause 5, clause 6 is unnecessary?”

* DR. V. K. JOHN:—“Clause 5 says: ‘Where, before the commencement of this Act, any Industrial Tribunal has been constituted by the Provincial Government under the said Act, all proceedings, taken, all awards made, and all other acts and things done, whether before or after such commencement by or before such Tribunal shall be deemed to be valid.’ That clause does not validate the awards that may be made hereafter.”

MR. PRESIDENT:—“Is it not a fact that in clause 5 the Government say that all awards given so far are valid? The hon. Member’s opinion is that that is not enough. Is it?”

* DR. V. K. JOHN:—“That is not what the Government ought to do. They should have taken power to refer all disputes in general.”

MR. PRESIDENT:—“Certain awards have been passed by the Tribunal and the court has held that they are invalid. What does the hon. Member want the Government to do? Does he

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want the Government to amend the law so as make the awards valid or does he want them to leave the decision as it is and do something else? "

* DR. V. K. JOHN :—" What I want is this. This legislation validates only those awards which the High Court said were wrongly passed or passed without jurisdiction. But the Government must take a general power to refer to the tribunal disputes in general."

MR. PRESIDENT :—" That is as regards future. But what about the awards that have already been passed? "

* DR. V. K. JOHN :—" The Government should have introduced an amending Bill to give them power to make general references and make that law retrospective so as to validate the awards that have already been passed."

MR. PRESIDENT :—" They have got power to refer the disputes that may arise hereafter also under Clause 5."

* DR. V. K. JOHN :—" With great respect to the Chair, I beg to differ. Clause 5 says : " where, before the commencement of this Act, any Industrial Tribunal has been constituted by the Provincial Government under the said, all proceedings taken, all awards made—note the past tense—and all other acts and things done . . . shall be deemed to be valid." Awards may be passed even after the commencement of this Act, and they are not made valid."

MR. PRESIDENT :—" I may invite the attention of the hon. Member to clause 3. It says : " Notwithstanding anything contained in sub-sections (1) and (2) where a tribunal has been constituted under this Act for the adjudication of disputes in any specified industry or industries and a dispute exists or is apprehended in any such industry, the employer or a majority of the workmen concerned may refer the dispute to that tribunal. That is so far as the future is concerned."

* DR. V. K. JOHN :—" No. I have made a fairly good study of this Bill and I know the Industrial Disputes Act because I am engaged on such disputes. Clause 3 says that the employer or a majority of the employees may refer the dispute to the tribunal. The law as it stands does not enable the employer or the employee to refer the dispute. The Government alone can refer the dispute. According to section 10, as it exists, a dispute must exist or must be apprehended by reason of the demands and discussions taking place between the workers and the managements. The Government must say what exactly the points in dispute are that should be adjudicated by the tribunal. The dispute must be a nature which is mentioned in section 10 of the Industrial Disputes Act, 1947. What are the powers which the Government seek to have under this Bill? They want power to refer disputes in a large industry to an industrial tribunal constituted under the Act and all possible disputes that might arise in future or the parties to an

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industrial dispute to file applications to the tribunal without reference from the Government. Does this amending Bill really give them such a power? It does not. What they are trying to do under this Bill is to refer all disputes arising out of the transport industry all over the Province to the tribunal, though there might not be any dispute between the employers and the employees in the Tinnevely district. What is the scope of the Amending Bill? The Government have not taken the power they want. They have simply said that—' where, before the commencement of this Act any tribunal has been constituted by the Provincial Government under the said Act, all proceedings taken all awards made and all other acts and things done whether before or after such commencement, by or before such tribunal in connection with any industrial tribunal shall be deemed to be valid '."

MR. PRESIDENT :—" Let us leave aside the High Court's decision for the present. The question is : ' whether the Bill as it stands empowers the Government with such power or not '—let the hon. Member address himself to that point."

* DR. V. K. JOHN :—" Sir, I personally think that really the intention of the Government is to take powers to confer upon the parties the right to refer not only disputes in any specified industry or industries, but also disputes which exist or which are apprehended in such industries."

" Now Sir, look at the wording of the clause. It is very defective in its drafting. The other day I paid a compliment to the Government on their good draftsmanship in connection with another Bill."

MR. PRESIDENT :—" Those compliments are few and far between."

* DR. V. K. JOHN :—" I should like to withdraw that compliment now, Sir. This Bill also is very defective in its drafting. Take for instance, clause 5 which says : ' Where, before the commencement of this Act, any industrial Tribunal has been constituted by the Provincial Government under the said Act, all proceedings taken, all awards made, and all other acts and things done, whether before or after such commencement, by or before such tribunal in connexion with any industrial dispute, shall be deemed to be valid : . . . , etc. Now, therefore the condition precedent to enforce clause 5 is that the Industrial Tribunal should have been constituted under the said Act, that is to say under the Industrial Disputes Act of 1947, which is a Central Act. Now Sir, the High Court has said, ' You have not constituted an Industrial Tribunal under that said Act. Therefore you have no power to validate the awards given by that tribunal now.' That will be the result of the clause according to the present wording. Therefore the Government should not have used these words, ' Under the said Act '. When you say ' Under the Act ', it means that you have constituted a tribunal according to the Industrial Disputes Act, 1947 which in fact, you have not, and therefore anybody can

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take an award of the tribunal now before the High Court and say that clause 5 of this Act will not apply, because the condition precedent to it namely that the tribunal has to be constituted under that Act, has not been satisfied. Therefore the words used here, 'under the said Act' are wrong. The Government could have omitted the words 'under the said Act' and used instead, the words 'purported to be constituted'. Now this clause 5 and the clause which follows it will be of no use whatsoever, because the High Court can again say, 'This is not an industrial tribunal constituted under the Act and therefore clause 5 will not apply'. I would ask the Hon. Minister to consult his legal advisers again on this matter and examine whether the words 'under the said Act' should not be omitted and the words 'purported to be constituted' used instead.

"Sir, I do not want to take the time of the House longer in dealing with the bad draftsmanship of this Bill, but I would however refer to one further point. I would ask this Government to omit this schedule altogether. I think that it should have been better if the Government of India had been requested to amend this Bill and the schedule because it is they who had passed the original Act. Now take the definition of the term 'Public Utility Service' according to section 2 (n) of the original Act. It says, 'Public Utility Service' means—

- (i) any railway service;
- (ii) any section of an industrial establishment on the working of which the safety of the establishment or the workmen employed therein depends;
- (iii) any postal, telegraph or telephone service;
- (iv) any industry which supplies power, light or water to the public;
- (v) any system of conservancy or sanitation;
- (vi) any industry specified in the schedule which the appropriate Government may by notification in the official gazette declare to be a public utility service for the purpose of this Act for such period as may be specified in the notification.

"Now, clause 2 of this Bill seeks to amend that schedule. That schedule mentions five items, the first of which is 'Transport (other than railways) for the carriage of passengers or goods by land, water or air. This Government want to enlarge this list according to this Bill. Probably it would have been wiser if the Central Act did not give a schedule like this, but had left it to the Provincial Government to bring in any service under the term 'Public Utility Service', because there is a proviso to this section, namely—'Provided that the period specified shall not, in the first instance exceed six months, but may, by a like notification, be extended for a time by any period not exceeding six months at any one time, if in the opinion of the appropriate Government public emergency or public interest requires such extension.'"

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"Apart from that, Sir, the point that I wish to bring to the notice of the Government again and again is that the Government can now easily resort to the provisions of the Indian Factories Act, 1948, which comes into force from 1st April 1949. This Act is a very comprehensive one and contains 120 sections dealing with every conceivable object and provides for amenities of service, for recreation, for leave, for health insurance and for every other matter pertaining to the welfare of the workers in factories and if this Act is made use of, there will be no need whatsoever to resort to these tribunals. I would very strongly suggest to the Government to study this new Indian Factories Act very carefully and see whether all the provisions therein could not be made operative in this Province, because I do not think there is any need for these Tribunals at all."

MR. PRESIDENT:—"That Act probably is applicable only to big factories. Can we call a small workshop as a factory and can that Act apply to small workshops?"

* DR. V. K. JOHN:—"Sir, if you have 20 persons working any day in a year, although you have not got power, it is called a factory, Sir. I think, Sir, that 99 per cent of the matters that are now referred for arbitration by the tribunals or for adjudication will be covered by the provisions of this Act.

"Sir, the last point that I wish to mention is with regard to the awards of these tribunals. These tribunals have given various awards in respect of the five industrial concerns set out in the schedule. I have had an opportunity to read some of them myself. They are so confusing and so vague that nobody can understand what they really mean and somebody will have to interpret their real meaning. It is because of the fact that the Government appointed a retired man and over-aged man to sit on these tribunal that his award is badly worded. I ask, why should not the Government appoint District Judges and young people in the judicial service to sit in these tribunals instead of these retired people? Why appoint these retired men and extend their appointments year after year? They write their awards in such language that nobody could understand them. Sir, if I had time, I would have read some of their awards to this House, and the House would have wondered if anybody had understood them. Sir, there must be some permanent independent and strong gentlemen belonging to the judiciary in these industrial tribunals, who would be bold enough to express their views in clear language and who would not be at the mercy of the Government for their appointments and these appointments should not be extended from year to year.

"Another point I wish to mention in this connexion, Sir, and that is that the Government must always set an example in these matters by their own actions and conduct towards their own employees."

MR. PRESIDENT:—"The hon. Member is making another budget speech. Let him confine himself to the Bill, under discussion."

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* DR. V. K. JOHN :—“ Sir, why I am referring to this is, that by appointing these tribunals, these people in the factories are made to refer their disputes to these tribunals and the Government are now exploiting the awards in their own interests. Why not the Government prescribe some standards of pay and conduct for their own establishments and why not they also insist the same in the case of other organized factories? They do not do it and that is why all these difficulties arise.”

MR. PRESIDENT :—“ The hon. Member is making another budget speech. Let him finish his speech in a minute.”

DR. V. K. JOHN :—“ Sir, this is the only occasion on which I can speak about industrial tribunals and that is why I have to make a reference to their awards. I hope, Sir, that the Government will again look into this Bill more carefully, because I think, the wording of a clause is rather incorrect and does not give the power that the Government really want and I also hope that they will set up an appellate tribunal over the awards of these tribunals. Sir, I deeply sympathize with this department, because in my opinion it is a very well-managed one.”

THE HON. SRI K. MADHAVA MENON :—“ Sir, my hon. Friend, Dr. V. K. John, seems to think that because the Indian Factories Act, 1948, has been passed, this Bill is not necessary. Sir, that Act simply deals with the welfare of factory workers and does not deal with industrial tribunals, nor does it contain any provisions with regard to the setting up of a machinery for the purpose of settling industrial disputes. Although there are 120 sections in that Act, they simply deal with the conditions of labour and the provision of improved sanitation, and improved amenities for the workers. Otherwise by this Act, the Central Government ought to have repealed the Central Act of 1917 if these things were provided for in it.

“ Sir, if I understood correctly what Dr. John has said, it is this. His contention was that this amendment gives power to the Government only for the validation of the acts of the tribunals which have been constituted, and that it does not affect the future constitution of the tribunals or their awards. If that is so, Sir, then I submit that he is not correct. What the High Court said in one particular case was, not that the tribunals constituted under that Act was wrong or that its findings were not correct. They did not say in their judgment that the constitution of the tribunals was wrong, but that the reference to them under section 10 was wrong. It could be rectified only by means of an amending legislation to that Act and that is what the Government are now seeking to do by means of this Amending Bill. It is not as if we want to refer all general disputes arising in an industry between the employers and the employees for decision by the tribunal. What is contained in clause 3 of this Bill is that where the tribunal has been constituted under the Act for the adjudication of disputes in any specified industry or industries and a dispute exists or is apprehended in any such industry, the employer or a majority of the workmen concerned may refer that dispute to that tribunal.”

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MR. PRESIDENT :—“ But the reference will be only from the Government and not from the management or the workers. Is that not so? ”

THE HON. SRI K. MADHAVA MENON :—“ Sir, when a tribunal has been constituted within an industry, any dispute can be referred to it by the parties themselves without the intervention of the Government. That is the purpose of this Bill. The High Court said that the Government had no jurisdiction to refer cases to a tribunal without amending section 10 of the Industrial Disputes Act, 1947 and so we have introduced sub-clause (2-A) by means of this Amending Bill.

“ Sir, with regard to the necessity of clause 6, which my hon. Friend, Mr. Suryanarayana Rao, raised, my reply is this. All the awards passed by the industrial tribunals could not be enforced on account of the proceedings of the High Court and their judgment has been delivered only recently. All these awards have been passed only within the course of the last one year and there was no time to enforce them and that is why we want that they should be current and shall be valid for a further period of one year from the commencement of this Act, so that we can enforce them within that period.”

MR. PRESIDENT :—“ What I was trying to tell Dr. John was that you were validating the awards and extending their life by one year.” 12-p.n

THE HON. SRI K. MADHAVA MENON :—“ Not only that, Sir. All those actions which were going on under section 5 are validated. There were certain awards which have taken effect but under which no action was taken because we were waiting for the decision of the High Court. Where action should be taken within one year from the date of dispute more than six months would have been over by this time. That is why the extension is sought.”

SRI B. BHIMA RAO :—“ I did not want to speak on this occasion, Sir, because I am in perfect agreement with the principle of the Amending Bill, but for certain remarks made by my hon. Friend, Dr. John. He took exception to some retired officers of the judicial service being appointed as adjudicators or judges presiding over these tribunals.”

MR. PRESIDENT :—“ I am afraid we cannot go on discussing this point here. This amending Act does not say that any retired officer shall be appointed.”

SRI B. BHIMA RAO :—“ I will not take up the time of the House for more than two minutes, Sir.”

MR. PRESIDENT :—“ You want to plead for the old people! (Laughter.) You may do so.”

SRI B. BHIMA RAO :—“ I knew the gentlemen intimately for three or four decades, Sir. They were very conscientious

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judges and experienced gentlemen. I know their awards have been accepted but for certain technical objections raised and accepted by Justice Subba Rao. I think, Sir, in the interests of the public it would be more advantageous to appoint judges who have given entire satisfaction to the public in general."

DR. V. K. JOHN :—"The gentleman I referred to is no more in service, Sir."

SRI B. BHIMA RAO :—"Then, Sir, in the beginning some doubts were raised I think by my hon. Friend, Sir Lakshmanaswami Mudaliyar, that eventually after so much discussion when this Bill is sent up for receiving the assent of the Governor-General he may not give his assent as in the case of the old Trade Disputes Bill. After all the facts narrated by the Hon. the Minister, Sir, that they were in correspondence with the Government of India, that the Government of India wanted an ordinance to be passed, I do not think there will be any kind of objection for giving the necessary assent to this Bill."

MR. PRESIDENT :—"I do not think whether the Government of India are going to give their assent to this or not is a matter relevant to the discussion. The Government refer the Bill to them. You can't be sure always. And it won't affect us either."

SRI B. BHIMA RAO :—"The third point which I want to mention is, Sir, that this Bill provides for direct reference of a dispute by a majority of the workmen to the tribunal. In actual practice, Sir, such direct reference may be nullified. To-day there might be a majority making the reference but when the employers come on the scene and gain over some five or ten people, ultimately they may take objection that there is no majority and the validity of the reference may be questioned. And it will become infructuous. I think, Sir, the appropriate Government has to make the reference in every case as provided for under the Central enactment. The power of making a reference could have been delegated. Somehow, Sir, the provision is made here and I hope that this Act would be worked successfully without any hitch or difficulty. I say that there is necessity for passing this measure now, because most of the awards have been held up on account of the technical objection raised by the High Court. Therefore this must be passed. That is all I have to say on this, Sir."

MR. PRESIDENT :—"What I just wanted to know is this. Under clause 5 it is said that all disputes that have been referred and the awards that have been granted shall be valid. The second portion says: 'Nothing contained in this section shall be deemed to invalidate any decision or order of a court which became final before the commencement of this Act.' Does it not mean that in the case of the four awards which were taken exception to by the High Court you cannot put them in operation and that the High Court's orders are final?"

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THE HON. SRI K. MADHAVA MENON :—"It is perhaps so, Sir, only with regard to the Engineering dispute and not with regard to other disputes. The other four cases have not gone before the High Court at all."

MR. PRESIDENT :—"Why do you make a special mention of them?"

THE HON. SRI K. MADHAVA MENON :—"The principle of the High Court's decision might be applied to them, Sir."

MR. PRESIDENT :—"They come under clause 5."

THE HON. SRI K. MADHAVA MENON :—"They won't come, Sir."

* THE HON. SRI H. SITARAMA REDDI :—"Before I meet the other points, Sir, let me clarify certain criticisms that have been levelled, that we should not omit the schedule as it will enable the Government to declare any industry as essential and that this will curtail the powers now enjoyed by labour. That was the objection taken by Mr. Rao. The Leader of the Opposition said that the Government of India were wrong in having restricted the essential subjects to only four or five industries as appeared in the schedule. As I said in my opening remarks, Sir, any industry might become essential at a particular time. Take the case of the textile industry. In peace time nobody worried about this and called it an essential industry. But during war when clothing had to be supplied to the army and we were in short supply of cloth, it was considered very essential and treated as such and so many control orders have been passed and implemented in various countries. It is in the schedule, I know. But it need not necessarily continue to be in the schedule always. Take the case of certain other industry like the tanning industry. To-day what is happening in the tanning industry is that there are lightning strikes taking place, where even an ordinary strike is likely to cause irreparable harm to the industry. Supposing skins are put in the pit and lime is added even if there is to be a token strike the entire lot gets spoiled, and the management can be made thereby to lose a lakh or two of rupees. That waste and harm that may be caused to the skins will neither benefit labour nor the management, but it will be a sheer waste of national wealth, if I may call it so. So it may be that when we are badly in need of supply of leather for purposes of export to other countries for earning dollar, the Government of the Province or the Central Government might feel it necessary to declare it as an essential industry. I am only trying to illustrate to you, Sir, how a particular commodity might become essential in a particular set up. So, Sir, we thought it necessary to remove the schedule and take power to declare such of the industries as the Government might feel necessary, essential from time to time, to add to the list or remove from the list. So, Sir, the interests of labour are not affected, but at the same time the interests of society is protected. That is why this amendment has been brought forward."

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MR. PRESIDENT :—“ Why remove the schedule? Can't you keep on the schedule and remove or add an item? ”

SRI R. SURYANARAYANA RAO :—“ So far as other Provinces are concerned, Sir, the schedule will continue to operate.”

THE HON. SRI H. SITARAMA REDDI :—“ It may be, Sir. That does not mean it takes away our power to add or subtract from the schedule. Under section 2 of the Industrial Disputes Act, 1917, under clause (ii), sub-clause (vi), the Government's power to notify any industry as a public utility service is restricted to the industries specified in the schedule to the Act. We consider that the restriction should be removed. That is the purpose, Sir, with which it has been done.

“ Coming to clause 3, it has been explained already. I should only like to add a few words. Take the case of a specific industry like the Engineering Industry or the Beedi Industry. According to the present ruling of the High Court we have to specify a catalogue of the firms. As I already stated the High Court has not held the constitution of the tribunal as illegal. All that the High Court say is that we must name the various companies or firms which are affected by the reference. So when we have referred about 10 cases to the Tribunal where a dispute is apprehended or has arisen, suppose in the 11th firm of the same industry there is a dispute, instead of that firm, either the management or the workers, coming through the Commissioner of Labour and the Government and then the Government referring the matter to the industrial tribunal, the management or the workers of the firm can themselves go to the industrial tribunal where there is one constituted for the industry. This amendment is sought only to save time and expedite the work of the tribunal.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, how it satisfies the objection raised by the High Court? ”

THE HON. SRI H. SITARAMA REDDI :—“ It is not merely a question of satisfying, Sir. This is done because it will enable the workers and the management to go direct to the tribunal without coming to the Government and there will be no delay in the matter. That is the only important thing. If this is not done, the Government will have to pass orders appointing a separate tribunal for the single firm according to the ruling of the High Court, though the conditions of employment, etc., are of a similar nature, where the conditions of the industry are similar and the decision of the tribunal also is likely to be similar. In such a case there is no particular point in multiplying the machinery and the number of orders to be passed by the Government. It is only for that purpose, Sir, that this section has been put in here.

1 p.m. “ I now come to clause 5. Paragraph 2 of clause 5 is intended to validate decisions which became final before the commencement of this Act. If, after the High Court has passed a judgment, and before this Act comes into force, certain things have taken final shape, it is not intended that those decisions should

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be upset. It is with that object this paragraph is put in in clause 5. So far as clause 6 is concerned, section 19 (3) of the Industrial Disputes Act, 1917, says—

“ 19. (3) An award declared by the appropriate Government under section 15 to be binding shall come into operation on such date as may be specified by the appropriate Government and shall remain in operation for such period, not exceeding one year, as may be fixed by that Government.”

Take the case of the four industries mentioned in the schedule to this Bill. All these industries are not covered by clause 5, because they did not go before the High Court. But the implementation of the awards was withheld. Clause 5 does not say, proceedings of which cases are valid. Some of these cases are not covered by the judgment of the High Court. Though the awards have been passed long ago, in some cases, the period of one year is over. The period of one year is likely to be over in some other cases also. What will happen to-day, if there is not this clause 6, will be that we will have again to refer these disputes, that have already received a certain award, to a tribunal, go through the process of enquiry, and then come to a decision. This is quite unnecessary. Because, the parties (the management and labour) have had opportunities of agitating their points of view before the tribunal. Only in view of the reference to the High Court and the dispute being agitated in the High Court, implementation of the award has not taken place.”

MR. PRESIDENT :—“ Am I right in understanding that these four industries did not go before the High Court and the High Court did not give any opinion on the awards mentioned in clause 6? ”

THE HON. SRI H. SITARAMA REDDI :—“ These industries did not go before the High Court.”

MR. PRESIDENT :—“ There is no point then in Dr. John's contention that we are the appellate authority of the High Court.”

DR. V. K. JOHN :—“ If the principle laid down in one case is agreed, it is applicable directly to others.”

THE HON. SRI H. SITARAMA REDDI :—“ Sir, I wanted to explain the position in detail so that there may not be further discussion on clauses.”

MR. PRESIDENT :—“ My purpose also is to clear up matters.”

THE HON. SRI H. SITARAMA REDDI :—“ The Leader of the Opposition said that Government have not been using their conciliation machinery and the existing provisions of the Industrial Disputes Act properly, and that if the Government had only done it, there would not be any need for this amending Bill. While he was generous in complimenting the work of the labour section

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of the Ministry, he was not so generous about our doing things. . . (Interruption.) He also referred to the works committee and Conciliation officers. Let me tell him that in every one of these disputes, the method of conciliation is first taken up. This method is sincerely and seriously pursued, and when we fail to get things done by conciliation, we go to the other methods of compulsion. It is not as though the Government are anxious to use the method of compulsion in preference to the method of conciliation. If that had been the method of the Government, I do not know how many cases will be pending or agitating before the industrial tribunals now. But let me assure him that managements have been very helpful. They have always responded very well to the efforts at conciliation by the Government, whether it be by the conciliation officers or the Labour Commissioner or by the Department of the Secretariat or by the Minister. Conciliation methods have been adopted all along. And, to day, if there is industrial peace, it is due to the conciliation efforts made by the Ministry of Labour and the reasonable attitude taken both by labour and managements. I should compliment both labour and managements on the very helpful attitude that they have displayed all along in settling industrial disputes. Therefore, I want to tell the Leader of the Opposition that this Government do not believe in the method of compulsion alone. But when there is no other method, we adopt compulsion as the last resort.

"One word I would like to say to Mr. Veerabhadra Rao: He stated that Government should have taken action to amend section 29, dealing with punishments. He said that the punishment was not sufficient to enforce the awards on managements and labour, in case either the managements or labour should disobey the awards. This is one of the matters that is being taken up by the Government of India. The Government of India are considering a comprehensive labour legislation. They have taken the opinions of the various Provincial Governments and States. We have had occasion to discuss these matters at the recent conference of Labour Ministers. Recently there was a conference of representatives of Provinces and States to discuss specifically the proposed legislation to be introduced by the Ministry of Labour in the Central Legislature. In respect of many more things we are fully and necessarily dependent on the Central Legislature. But this amending Bill, we have found absolutely necessary and very urgent now. So, the Government have brought forward this legislation.

"Sir, I do not want to take much more time of the House on several other points which may not be quite germane to the amending Bill under discussion."

The motion that the Bill be taken into consideration at once was put and carried.

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Clause 2.

SRI B. NARAYANASWAMI NAYUDU :—Mr. President, Sir, I would just read the Act and the amending clause in the Bill. I thought at first it was a very innocuous Bill, but if we go deep into it it will be seen that it is of a most revolutionary type. Do the High Court want the Government to take away the Schedule and arrogate to themselves (Government) the power to declare any industry as an essential industry? Clause 2 has nothing to do with the High Court judgment. It is only a camouflage. I must say that the High Court judgment has absolutely nothing to do with clause 2 of the Bill. Why do the Government want to take away the schedule and say that 'this Government shall have the power to declare any service or any industry as a public utility concern.' The Government of India have tabulated such industries which are really essential for the life of the community, namely,

- (1) Transport (other than railways) for the carriage of passengers or goods, by land, water or air.
- (2) Coal.
- (3) Cotton textiles.
- (4) Foodstuffs.
- (5) Iron and steel.

The Government have the power with regard to these five industries. They are essential industries. The Government want to take away these five industries altogether by this legislation and introduce any industry which they may declare to be a public utility service. Clause 2 is to be read along with section 22 of the Central Act. Section 22 says—

'22. (1) No person employed in a public utility service shall go on strike in breach of contract—

- (a) without giving to the employer notice of strike, as hereinafter provided, within six weeks before striking; or
- (b) within fourteen days of giving such notice; or . . .

Under this section, the fundamental rights with regard to labour and employers are the right to lock-out and the right of strike. It is only with regard to public utility services that the right of lock-out or the right to strike is not given. The employer cannot exercise his right to lock-out and say that his mill shall be closed down and that the workers should go out. Again, the workmen also cannot say that they will not work, in respect of these industries which are of national importance. I ask why on earth this Government want to say 'I want the power to lock-out and the power to strike shall be taken away, and I shall have the power to say which are the public utility services'. I just want to know what are the reasons. Any industry can be brought under the public utility services. The sugar industry may be brought under the public utility services. They can compel the

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employer not to close the factory, even though it may be working at a loss. Take the tanning industry. The Government may compel the employer to pay the workers more even though the industry may be working at a loss. Right of lock-out and right of strike are embodied in the Constitution as private liberties. Therefore when we take away those rights, we must consider whether the industries concerned are of such vast national importance. Therefore, I ask, what is the reason alleged for taking this power to declare any industry as a public utility service? Though a long speech has been made by the Hon. Minister in reply, I cannot understand why is it that Government want to take away the schedule. The Government have enough power in respect of transport, coal, cotton textiles, foodstuffs, and iron and steel. Why does the Hon. Minister want the power to say 'whatever industry I think proper, I shall declare it to be a public utility service, and when I so declare, no person shall have the right to close down the industry and the workers also shall not have the right to leave the industry'. I say, it is not at all justifiable. No reasons for taking this power have been given. Such powers need not be taken. We have the Boards of Conciliation. If this legislation is passed, it will mean giving the power to Government to ask any industry not to close its business even though it may work at a loss. The Hon. Minister can say to labour 'you cannot strike; I will declare the industry to be a public utility service'. The whole point then comes to this: the so-called private industries become the industries at the mercy of the Minister for Industries. I say that this is absolutely illegal. I cannot be a party to a legislation of this type. These powers are not there in the Act of 1947. They have limited their powers to five industries only. But this Government want to take away the schedule from the Act, and declare any industry as a public utility service. I appeal to Members to understand the scope of the Bill. Clause 2 of the Bill has nothing to do with the High Court judgment. A trick is played upon this House as though the High Court judgment necessitated the passing of this Bill. Under cover of the High Court judgment, this House should not encourage and should not allow this Bill to be passed. Hon. Members on this side of the House, I hope, will not give their approval to this Bill, and will call for a poll."

1-15
P.M. THE HON. SRI H. SITARAMA REDDI:—"Sir, I do not know whether my explanation for sections 2 and 4 has not satisfied the hon. Member. He seems to believe that the Government in this House do a trick. Sir, the Government do not believe in doing tricks; they believe in doing things straight and had, if necessary. It is not because the High Court have said in regard to a particular thing that it should not be done. It has already been said that this is a concurrent piece of legislation. This House has power to pass this legislation. Now it is not as though we should leave aside the power of this House to pass such a legislation.

"Secondly, I do not know how the right of labour is in any way affected. The right to strike even in essential industries is

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there as mentioned by the hon. Member, according to section 22. It is only restrictive in the sense that when labour has got a genuine grievance and feels to strike in an essential industry, notice should be given to the employer. The method of approach is different and there is no right of strike. (Interruption.) Why should there be any strike? Strikes are wrong everywhere. In every industry, there are certain procedures to be followed by labour in the matter of taking to the last resort, namely, strike. So, we are not trying to impede the progress of or put our hands into every industry in the whole Province and paralyse it. Is it the contention of the hon. Member that the intention of the Government is to see that no industry continues to thrive? It is not at all true.

"Then, Sir, is it his contention that this Government are out to see that labour rights are restricted or taken away? If this was true, this Government would not have brought forward this legislation before this House and specially be sitting here to pass it. The fact is that the Government are coming forward with a legislation to see that the interests of labour do not suffer due to the ruling of the High Court. Surely this Government are interested in the welfare of labour and that is why they have come forward with a Bill before both the Houses of the Legislature. So, it would be wrong for anybody to suspect or say that the Government are not interested in the welfare of labour. I assert that we are very much interested in the welfare of labour. Our attitude has been such and will continue to be such.

"So far as the managements are concerned, a particular industry may be very essential for the life of society to-day. Conditions may vary from day to day. Therefore, I say that an industry which is essential to-day is not going to be declared an essential industry to-morrow. There will be some reasons in any Government doing a certain thing."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"The Hon. Minister will considerably help us to come to some conclusion about voting on this question if he would specifically answer the issue why, when no other Province has thought of deleting this particular section, this Government felt it necessary to delete. That is the only point."

MR. PRESIDENT:—"I presume the hon. Member refers to the Schedule."

THE HON. SRI H. SITARAMA REDDI:—"At the time the Central Government passed this legislation in 1947, they must have thought that the industries mentioned in the schedule were essential from an All-India point of view. For instance, take the case of cement. We feel that to-day for construction of houses cement is as important as iron. But while iron is mentioned in the Schedule, cement has not found a place. Does the hon. Member want that the Government should have no right to declare cement as an essential industry? (Interruption.) Government do not agree with that and I hope the other hon. Members also do not agree with that. When it is felt that iron is an essential

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industry, I do not know why hon. Members, at least some of them, should not feel that cement is equally important. Does the hon. Member want that the Government should not have power to declare cement as an essential industry because this is not put in the Act of 1947?"

SRI R. SURYANARAYANA RAO :—" Why not add it to the schedule? "

THE HON. SRI H. SITARAMA REDDI :—" The reason is quite obvious. Circumstances may so arise in this Province that there is no need to keep some of the industries in the essential list and in the interest of labour itself, for whom the hon. Members plead, it may be necessary to delete them so that labour may not be burdened with restrictive provisions. So, the whole object is to help both labour and industry and to see that both the management and labour are treated in a proper manner. The amendment has been brought forward only to achieve this object. There is no sinister motive behind it. There is no need for the Government to do any tricks. If they want, they can certainly come forward with legislation quite openly and may not achieve their purpose by any underhand or tricky method. The hon. Member is wrong in presuming or even imputing any motive to the Government such as that they are trying to do something behind his back. The Government can get their objects achieved by explaining the reasons and the need for such legislations. I hope, Sir, the hon. Member is now at least convinced."

Clause 2 was put and carried.

Clause 3.

SRI B. NARAYANASWAMI NAYUDU :—" My hon. Friend has been referring to the word 'sinister'. It is good that there is no sinister motive. But is it not suppressing the principles of liberty in regard to a particular industrial organization? It is quite possible that under the proposed power, the Government may say 'The whole industry shall be in my hands. The workers must work according to my orders.' Is that the principle to be adopted by this House? Do the Government intend to suppress individual liberties and privileges of a man with regard to labour? "

MR. PRESIDENT :—" The discussion is on clause 3. It does not refer to this matter."

SRI B. NARAYANASWAMI NAYUDU :—" Clause 3 also refers to this. As soon as a dispute is referred to arbitration, the right to strike or to lock-out goes."

MR. PRESIDENT :—" No, please read clause 3."

SRI B. NARAYANASWAMI NAYUDU :—" I am referring to section 10, clause 3 of the original Act."

MR. PRESIDENT :—" Clause 3 of the amending Bill gives power to the employer and the employee to refer a dispute to the tribunal."

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SRI B. NARAYANASWAMI NAYUDU :—" Now my point is with reference to section 10, clause 3 of the original Act. It reads :

'Where an industrial dispute has been referred to a board or tribunal under this section, the appropriate Government may by order prohibit the continuance of any strike or lock-out in connexion with such dispute which may be in existence on the date of the reference'."

MR. PRESIDENT :—" That is a different point."

SRI B. NARAYANASWAMI NAYUDU :—" The whole point hinges round section 22 and section 10, clause 3, i.e., the right to strike and to lock-out."

MR. PRESIDENT :—" I won't allow the hon. Member to raise that point. There is a difference between section 10, clause 3, and clause 3 of the amending Bill. The only difference is that while under clause 3 of section 10, the Government only have got the power of reference, clause 3 of the amending Bill gives the power of reference to the parties."

SRI B. NARAYANASWAMI NAYUDU :—" Much more important is the difference in regard to the whole Province. When a reference to arbitration is made, the right to strike is taken away."

MR. PRESIDENT :—" What the further consequence will be is not the point of dispute now."

SRI B. NARAYANASWAMI NAYUDU :—" I refer to the engineering firms and type foundries. Suppose a dispute is raised in those industries. The difficulty is this. It is not a question of dispute arising. It is really a question of the suspension of the right to strike and to lock-out. It is those two things that are dependent upon section 22."

MR. PRESIDENT :—" Am I to understand that the hon. Members does not want the power to refer a dispute to the tribunal direct to be given to the parties? "

SRI B. NARAYANASWAMI NAYUDU :—" The section must be deleted. Where an industrial dispute . . ."

MR. PRESIDENT :—" I would like to know the hon. Member's point. We are now discussing clause 3. Under clause 3, the power to refer the dispute is given to the parties. Is it the point of the hon. Member that it should not be given to the parties or that it should be given to them? "

SRI B. NARAYANASWAMI NAYUDU :—" It should not be given to the parties. We cannot understand this unless we understand clause 3 of section 10 also. I refer to the question of arbitration. If there is a reference to arbitration, the Government have got a right in public utility services to declare that there should not be any strike."

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MR. PRESIDENT:—"So, I understand that the hon. Member says that this power should not be given to the parties."

SRI B. NARAYANASWAMI NAYUDU:—"For instance, there is a dispute of the beedi workers, engineering firms and type foundries in the whole Province. The Government can issue an order that they should not strike or lock-out. The real bother is there. A man may consider it a losing concern and may close a firm. But Government will say 'You cannot close the firm'. So also, the labourers cannot go on strike. Therefore, the fundamental liberty of private enterprise is affected. The right to lock-out and to strike are individual liberties. Government should not encroach upon individual liberties. Under the general power, if a dispute exists in the tanning industry, the Government can ask the tanners to refer the dispute to the tribunal. It virtually follows that the Government shall say that all tanners shall work and should not go on strike. Therefore, the fundamental principle of the legislation is wrong. This is not a Communist day. It is a stage when liberty is given to private enterprise to go on. The right to lock-out and down tools should not be wrested from them. Now the Government can exercise their power against the right to strike and to lock-out. For instance there is a tannery dispute in Pallavaram. The Government can interfere and order that the workers should not go on strike. According to the section, the workers in the type foundries or in any industry cannot go on strike; they cannot close down the mills. Much more important in these days of vast changes in regard to commercial returns is that the persons will not be willing to run the firms."

MR. PRESIDENT:—"Clause 3 only says that where a tribunal has been constituted under this Act for the adjudication of disputes in any specified industry or industries and a dispute exists or is apprehended in any such industry, the employer or a majority of the workers concerned may refer the dispute to that tribunal."

SRI B. NARAYANASWAMI NAYUDU:—"I say that a general power is conferred. The clause says that the employer or the workers may refer the matter to the industrial tribunal. The right to strike or to lock-out is exercised by the Government when there is a particular dispute in the whole of the Province—not one district—whether in Pallavaram, Madras or Mathurai. I ask the Hon. Minister 'when there is a tribunal in regard to the type foundries in the whole of the Madras Presidency, can he not pass an order under clause 3 that they shall not go on strike?'"

MR. PRESIDENT:—"If the dispute is referred to a tribunal, they cannot go on strike."

SRI B. NARAYANASWAMI NAYUDU:—"As soon as a dispute is referred to a tribunal, the workers can do nothing. Therefore, it is no use passing this labour legislation. This Act says that the right to strike and lock-out are kept in restraint and not

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exercised in regard to certain industries, and any right to lock-out can be taken away and taken possession of by the Government. Therefore, it is wrong in principle and I should not support it."

* THE HON. SRI H. SITARAMA REDDI:—"Mr. President, I do not want to take much of the time of the House. I have explained the objects of the Bill. There is no idea of restricting the rights of anybody except under particular circumstances. Clause 3 refers to section 10 of the original Act. Once a reference has been made in a particular industry, the idea is that instead of these people coming to the Government to refer the matter to the tribunal, as there is already a tribunal which can take cognizance of the matter and which is seized of the nature of the particular industry, this provision will enable them to go directly to the tribunal. There will be no legal lacuna in case they do so. Instead of that if the parties came to the Government and we referred the matter to the tribunal, how does it make any difference, except that it will take some time before it goes to the tribunal? Under the recent ruling, you must mention the ten engineering firms—X, Y, Z and so on, the nature of the disputes there—and then ask the tribunal to examine both sides and give an award. Suppose there is a eleventh engineering firm. It is also an engineering industry. The workers are engaged in a similar industry. There is a dispute in it. There is already a duly constituted tribunal which is going into the matter of a similar nature. Why should these people go to the Government? It was thought that it would facilitate matters if they had a right to go straight to the tribunal."

1-30
p.m.

MR. PRESIDENT:—"Suppose you appoint a tribunal for the engineering industry without a dispute being referred to it either by the Government or by any party. Is it open to the Government to say that there shall be no lock-outs in any engineering industry in any part of the Presidency? The amending clause will make only this difference, that instead of the Government referring the dispute, it will be referred by the parties."

* THE HON. SRI H. SITARAMA REDDI:—"This clause (3) is there irrespective of the amendment. It says that where an industrial dispute has been referred to the board or tribunal under this section, the appropriate Government may by order prohibit, etc. It is a discretionary power."

MR. PRESIDENT:—"It arises only after a reference has been made."

THE HON. SRI H. SITARAMA REDDI:—"Not earlier. It cannot possibly be. I have nothing more to add about the rights of strikes and lock-outs. There is no idea of restricting anybody's liberty."

SRI R. SURYANARAYANA RAO:—"If an award is given in respect of a dispute in a particular firm, say cotton textile mill X, is that award binding on all the other mills?"

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THE HON. SRI H. SITARAMA REDDI :—“ It cannot bind. Under the recent ruling, you have to specify the various things. If there are twenty textile mills where the disputes have been referred and if there is another mill which is not included in the reference, if there is a dispute between the workers and the management there, instead of their coming to the Government and the latter referring the matter to the tribunal which is already seized of a matter of a similar nature, the management or the majority of the workers can refer the matter direct to the tribunal. There are certain provisions which come into immediate effect when a matter is taken up before an industrial tribunal.”

Clause 3 was put to the House and carried.

Clause 4.

SRI B. NARAYANASWAMI NAYUDU :—“ Why this general power is taken by the Government is not stated either in the statement of objects and reasons or in the speech of the Hon. Minister.”

THE HON. SRI H. SITARAMA REDDI :—“ I have already illustrated the point by referring to the cement industry.”

Clauses 4, 5, 6 and 1 and the preamble were put to the House one by one and passed.

THE HON. SRI H. SITARAMA REDDI :—“ I move—
‘ that the Bill be passed into law ’.”

SRI B. NARAYANASWAMI NAYUDU :—“ Section 10 says that if any industrial dispute exists or is apprehended, the appropriate Government may by order in writing refer the dispute to a tribunal. So when a tribunal is appointed, it means that there is a dispute. The order of appointment of the tribunal also should run on some such lines as these :

‘ Whereas we are satisfied that there is an industrial dispute in the match industry or the sugar industry or the soap industry . . . We appoint such and such people to be a tribunal to adjudicate all the disputes in the entire Province in this particular industry.’

The tribunal has jurisdiction because there is a dispute existing or apprehended. There is no point in having a general tribunal appointed for the whole of the Presidency in respect of any particular industry.”

MR. PRESIDENT :—“ Does the hon. Member really think that as soon as a tribunal is appointed the Government can pass an order to the effect that nobody concerned with this industry can go on strike? ”

SRI B. NARAYANASWAMI NAYUDU :—“ The Government can. Whether they will is a different matter. The question is whether this Act gives them the power or not.”

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MR. PRESIDENT :—“ The effect of the amendment is this. A tribunal may be appointed if a dispute arises or a general tribunal may be appointed to which all the disputes in an industry may be referred.”

SRI B. NARAYANASWAMI NAYUDU :—“ They have got what may be called a sweeping power to appoint a tribunal. That is why the High Court said that you cannot refer disputes in the whole Province. I really say that the Government is quite capable and competent to issue such an order legally.”

MR. PRESIDENT :—“ Section 7 of the Act gives the power of appointment of the tribunals. The tribunal comes into existence under section 7. A reference is made under section 10. That reference can now be made either by the Government or by the parties. As soon as that reference is made, section 10 (3) comes into force.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Are these tribunals permanent or temporary? ”

THE HON. SRI H. SITARAMA REDDI :—“ They are temporary. A tribunal is constituted for a particular dispute that has arisen in one or more industrial establishments or in any particular industry. It has certain specific duties to perform with reference to the points referred to it for adjudication. As soon as it finishes its work, it ceases to exist.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Again if there is a dispute in the same industry? ”

MR. PRESIDENT :—“ Those are all points not germane to the amendment under discussion. The hon. Member must have raised them during the budget discussions. He can find out from the Act for what period an industrial tribunal can be appointed.”

* DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“ Sir, I raised two points one of which I withdrew. The other is very important constitutionally and otherwise. Sir, an Act passed by the Central Legislature should not be lightly interfered with by the provinces. I hold that view much more strongly after the discussions here. The hon. Member who just now spoke has referred to the very large powers that are conferred by the amending Act. Sir, the Province should have gone to the Centre and asked that there should be a revision of the Central Act. Every province should not go its own way and try to revise the Act. The Hon. Minister referred to the cement industry. It is not confined to the Province of Madras. What affects the Province of Madras must necessarily affect many other places where this industry is established. Very serious encroachments have been made, to which reference was made by my hon. Friend, Mr. Narayanaswami Nayudu, by deleting the very relevant portion in the definition in the Central Act. If every province is going to act on its own, what is the necessity for the Centre to call for these innumerable conferences of Ministers in charge of Industries and

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Labour? What is the object of the Centre trying to frame an Act which may be more or less satisfactory to all the provinces concerned? This is not a matter where anything particular has arisen in this Province alone. This is the least industrially developed of all the provinces. Two fundamental changes are sought to be made. First of all, the definition in the Central Act is sought to be removed. Whatever the Hon. Minister might say, very wide powers are given to the Government to specify any industry as an essential industry. The second and much more radical change is that it gives the power not only for the Government to refer any matter to an industrial tribunal but either for the management or the labour to refer these matters to the industrial tribunal. This is a very vital matter in which this Government would have been wise if they had taken it to the Centre and got a general rule on the subject. Do they realize the extent to which it will demoralize industry if the majority of workers in any particular industry were to say that they want a particular thing to be referred to the tribunal? Already it has been stated that the majority is a variable factor. There may be a little provocation from the manager with which the management has nothing to do. Immediately the workers may say that they would refer it to the tribunal. My hon. Friend referred to section 7 and asked when clause (3) of section will become operative. It is not a question that the Government will not do these things. We will admit that the Government is the best, the wisest and the most judicious and any other superlatives that you may choose. But when there is a power to that effect, it may be used either way. Even with the most honest of intentions, is it justifiable for the Provincial Government on this question of labour and at this juncture where forces have been let loose which this Government and other Governments are not able to control to introduce an amending Act which will widen the gulf between labour and capital, which will ruin private enterprise and bring to a standstill the very industries for whose sake the Government seek to introduce this Bill? I cannot congratulate the Government on the precipitancy with which they have introduced such large changes which are entirely uncalled for if their object was merely to confirm what the High Court decisions made it essential for them to do."

1-45
P.M.

MR. PRESIDENT:—"In fact that was the idea in my mind which I thought the hon. Mr. Narayanaswami Nayudu would refer to, but you have made that clear."

THE HON. SRI H. SITARAMA REDDI:—"Sir, there is a misapprehension about the power of the provinces and the need for the provinces to legislate on industrial matters. I may remind hon. Members that there is what is called the B.I.R. Act in Bombay, which is a very comprehensive Act and it is supplementary to the Government of India Industrial Disputes Act. There is also a similar legislation which is very very comprehensive in United Provinces and in some other provinces, but it is only in Madras that we have not yet undertaken a comprehensive complementary legislation to the Industrial Disputes Act of the Government of India. This matter has been discussed at great length

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at the Labour Ministers' Conference which I personally attended and I know the views of the Government of India in the matter. Let me assure hon. Members that the Government of India are not in the least perturbed about it. In fact, we have been advised that in addition to the legislation they may pass in the Central Legislature, each province may pass complementary legislation suited to its various peculiar conditions and it is absolutely necessary and within the competence and rights of the Provincial Government to do so. So, Sir, let nobody go away with the impression that we are trying to do something very very disastrous without the knowledge or consent or in opposition to the Government of India or of anybody else. No such thing, Sir. A picture was sought to be drawn that private industry is likely to be very seriously affected by what we are doing. Let me assure the hon. Member that private industry is not going to be affected any more or any less than under the old Act. It is a simple provision to regularize certain things that have been done and also help in future to eliminate the difficulties in the way of both the managements and labour.

"Then, Sir, some hon. Members again tried to raise the point that it is likely to leave an impression, for instance, taking the case of the textile industry, that if a majority of workers suddenly declare a strike and that they want to have an industrial tribunal, they cannot have a tribunal without coming to the Government, even after the passing of this amending Bill. It relates only to this. In the textile industry, if an industrial tribunal has already been constituted and there are only a few units which do not form part of the reference as per the decision of the High Court and the majority of the workers feel that their case should be referred to the industrial tribunal, so that their dispute can be settled along with that of others, then alone they can go to the industrial tribunal. It is not as though a majority of the workers in any industry can suddenly meet together and say we want to have an industrial tribunal appointed without reference to the Government. It is not so. It is only when it is already constituted and when there are a few others who want to take advantage of it that this provision comes to play. So, Sir, in view of the fact that I have been able to explain the point raised by the hon. Member, I hope the Bill will be passed into law."

MR. PRESIDENT:—"The question is—

that the Industrial Disputes (Madras Amendment) Bill, 1949 (L.A. Bill No. 12 of 1949) as passed by the Assembly be passed into law."

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

MR. PRESIDENT:—"May I ask the Hon. Leader of the House whether we can adjourn the House *sine die* or to any other day?"

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THE HON. DR. T. S. S. RAJAN :—" Perhaps we may have to meet on the 8th or 9th of April and so it is better to adjourn *sine die*, Sir."

The House then adjourned *sine die*.

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

1. *The Industrial Disputes (Madras Amendment) Bill, 1949* (L.A. Bill No. 12 of 1949), as passed by the Assembly and received therefrom in the Council.

2. Notification appended to G.O. No. 284, L.A., dated 16th February 1949, regarding the inclusion of certain area in the Salem District Board.

[29th March 1949]

APPENDIX I.

[Vide answer to starred question No. 277 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 29th March 1949, page 629 supra.]

District.	Mill cloth.				Yarn.			
	Wholesale.		Retail.		Wholesale.		Retail.	
	Total Licences.	Number of licensees who do not come under Long-standing.	Total.	New.	Total.	New.	Total.	New.
1 Anantapur	23	3	254	58	9	1	27	2
2 Bellary	7	1	229	38	25	9	73	43
3 Cuddapah	15	1	240	40	23	13	72	16
4 Coimbatore	34	..	526	..	40	..	173	53
5 Chittoor	19	5	349	40	19	5	67	16
6 Chingleput	11	7	264	39	25	18	74	32
7 East Godavari	23	8	366	..	7	..	19	2
8 Guntur	34	5	568	33	26	4	97	14
9 Krishna	16	2	309	25	8	2	31	4
10 Kurnool	12	2	22	22	20	4	59	28
11 Madras	50	1	279	24	13	..	34	9
12 Ramnad	25	7	420	95	34	16	99	8
13 Malabar	43	11	860	53	35	21	147	74
14 Nellore	24	..	387	22	20	..	61	3
15 Nilgiris	2	2	64	2	..	..	..	..
16 North Arcot	28	3	505	40	47	20	145	9
17 Mathurai	38	8	520	150	24	3	76	16
18 South Arcot	24	20	505	280	25	20	75	32
19 Salem	26	12	610	163	72	30	280	88
20 South Kanara	15	3	324	8	8	5	23	14
21 Tanjore	29	14	588	234	11	5	32	2
22 Tirunelveli	24	11	480	95	44	8	132	32
23 Tiruchirappalli	25	7	387	68	21	9	145	67
24 West Godavari	15	4	298	13	9	5	28	7
25 Visagapatnam	48	23	718	4	36	22	110	2
Total	610	160	10,102	1,546	601	220	2,079	573

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APPENDIX II.

[Vide item II on page 634 supra.]

L.A. BILL No. 12 OF 1949.

(As passed by the Assembly.)

*A Bill to amend the Industrial Disputes Act, 1947,
in its application to the Province of Madras.*

WHEREAS it is expedient to amend the Industrial Disputes Central Act Act, 1947, in its application to the Province of Madras, for XIV of 1947 the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title
and extent.

1. (1) This Act may be called the Industrial Disputes (Madras Amendment) Act, 1949.

(2) It extends to the whole of the Province of Madras.

Amendment
of section 2,
Central Act
XIV of
1947.

2. In section 2 of the Industrial Disputes Act, 1947 (here- Central Act inafter referred to as the said Act), in clause (n), sub- XIV of 1947 clause (vi), the words "specified in the Schedule" shall be omitted.

Amendment
of section 10,
Central Act
XIV of 1947.

3. In section 10 of the said Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(2-A) Notwithstanding anything contained in sub-sections (1) and (2), where a Tribunal has been constituted under this Act for the adjudication of disputes in any specified industry or industries and a dispute exists or is apprehended in any such industry, the employer or a majority of the workmen concerned may refer the dispute to that Tribunal."

Repeal of
the
Schedule to
Central Act
XIV of
1947.

4. The Schedule to the said Act shall be omitted.

Validation
of action
taken by
or before
Tribunals
constituted
before
commence-
ment of
Act.

5. Where, before the commencement of this Act, any Industrial Tribunal has been constituted by the Provincial Government under the said Act, all proceedings taken, all awards made, and all other acts and things done, whether before or after such commencement, by or before such Tribunal in connexion with any industrial dispute, shall be deemed to be valid and shall not be called in question in any Court of Law on the ground that the Tribunal was not constituted in accordance with the provisions of the said Act or the dispute to which the proceeding, award, act or thing relates was not referred to the Tribunal in accordance with such provisions.

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Nothing contained in this section shall be deemed to invalidate any decision or order of a Court which became final before the commencement of this Act.

6. All awards passed by Industrial Tribunals and mentioned in the Schedule hereto which could not be enforced on account of the proceedings before the High Court, shall be current and valid for a further period of one year from the commencement of this Act.

SCHEDULE.

(1) The Motor Transport award.

(2) The award in the dispute between the Managements of Cinema Theatres and Workers.

(3) The awards in the disputes between the Beedi Workers and Managements.

(4) The awards in the disputes between the Cigar Workers and Managements.

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 20th April 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.—SWEARING IN OF NEW MEMBER.

Dr. P. S. Srinivasan was sworn in.

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Fines collected from those that took part in the 1942 movement.

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

- the amount realized by the Government by way of fines collected from the people who took part in the 1942 movement;
- the amount of fines refunded since 1946;
- what has been done with the amount of fines which have not been refunded; and
- whether the Government have under consideration any proposal to utilize the amount mentioned in (c) for putting up suitable memorial to the martyrs who fell victims to police bullets in 1942?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier):—(a) An amount of Rs. 10.34 lakhs roundly was collected by way of collective fines imposed under the Collective Fines Ordinance, 1942, during the Civil Disobedience Movement, 1942. Magisterial fines were also imposed on individual persons for offences committed by them in pursuance of the Civil Disobedience Movement, 1942, but the exact amount realized by way of these fines is not available with the Government.

“(b) Out of 10.34 lakhs realized by way of collective fines Rs. 2.08 lakhs roundly was paid in 1943–44 as ex-gratia compensation on a reasonable scale to local bodies, firms and individuals for the losses sustained by them as a result of civil commotion. After the assumption of office by the Congress Ministry in 1946, the balance of the collective fines has been ordered to be refunded to the people from whom they were collected on a proportionate basis at so many annas per rupee of the fine collected in each district.

“(c) In cases where the names of individuals concerned could not be ascertained the District Magistrates have been directed to furnish the particulars so that the Government may order the utilization of such amounts for some common purpose of the locality. Orders have accordingly been passed in a few

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(2) The Tanjore Chattram Endowments Utilization Bill, 1949 (L.A. Bill No. 16 of 1949)	707-713
(3) The West Godavari District (Assimilation of Law on Provincial and Concurrent Subjects) Bill, 1949	713-714
(4) The Madras Co-operative Societies (Amendment) Bill, 1949	714
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cases and the District Magistrates have been asked to satisfy themselves that the amounts are properly utilized for the common purpose specified.

"The Government have also directed that the magisterial fines imposed in connexion with the Individual Satyagraha Movement, 1940-41 and the Civil Disobedience Movement, 1942, should be refunded to persons from whom they were collected if they apply for the refund. No time limit is stipulated for applying for the refund. The exact amount of fines so far refunded is not available, but it is expected that all such fines have by now been refunded under the orders in force.

"(d) There is no such proposal under consideration."

SRI S. B. ADITYAN :—"May I know, Sir, whether it is not the policy of the Government that these funds, which are in the nature of ill-gotten gains, should be returned to the people?"

THE HON. DR. T. S. S. RAJAN :—"There is no such thing as ill-gotten gains by the Government, Sir. It was a fine imposed and collected under the law then in force. As a fair measure of justice the Government are willing to pay back the moneys collected if the persons concerned do apply for it."

DR. V. K. JOHN : "Will the Government pay them back with interest?"

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

SRI S. B. ADITYAN :—"Are the Government aware that in other Provinces, the Provincial Governments have announced that the moneys not refunded would be utilized for putting up memorials for the people who fell in the 1942 movement?"

THE HON. DR. T. S. S. RAJAN :—"No such proposal is before this Government, Sir. If any were made it shall be considered."

Inspectors promoted as Superintendents of Police.

* 283 Q.—SRI B. BHIMA RAO : Will the Hon. the Premier be pleased—

(a) to lay on the table of the House a list showing (i) the names of those who have been appointed as Deputy Superintendents of Police from 1st April 1947 to 31st December 1948, (ii) their qualifications, (iii) their date of entry into Government service and the office to which they were originally appointed, and (iv) the caste or community to which they belong; and

(b) to state whether any members of any particular community were superseded in making the above appointments, notwithstanding their seniority, and if so, for what reasons?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier) :—" (a) A statement ^a is placed on the table of the House.

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"(b) Recruitment by transfer to the rank of Deputy Superintendent of Police from among members of the Madras Police Subordinate Service is made from the panel of names recommended by the Inspector-General of Police and approved by the Government with the prior concurrence of the Public Service Commission. Promotions are made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal. They are not made on communal considerations."

SRI B. BHIMA RAO :—"May I know, Sir, how many out of this list come from the Rayalaseema?"

THE HON. DR. T. S. S. RAJAN :—"The list is before the hon. Member, Sir, and he can easily find it out."

SRI B. BHIMA RAO :—"Will the Government be able to give the information at least at the next meeting of the Council on the 23rd, Sir?"

THE HON. DR. T. S. S. RAJAN :—"I cannot promise anything, Sir. Since the whole printed list is there it must be easy for the hon. Member to find it out. If he is really keen that the Government should find it out for him, I shall certainly do it, Sir, at the next available opportunity."

SRI R. SURYANARAYANA RAO :—"May I know, Sir, if the Inspectors of Police are liable to be transferred throughout the Presidency and are not confined to one district?"

THE HON. DR. T. S. S. RAJAN :—"They are generally confined to a range, Sir. If they are absorbed in a wider field it is the Deputy Inspector-General who makes the selection and transfer."

Procurement quota fixed for East Godavari district.

* 284 Q.—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Food be pleased to state—

(a) the procurement quota fixed for East Godavari district during the **khariff** years of 1947-48 and 1949;

(b) the actual quantity of paddy or rice procured during 1947, 1948 and 1949 **khariff** years;

(c) the actual quantity of paddy or rice exported to other districts from East Godavari district during 1947, 1948 and 1949;

(d) the actual quantity of paddy or rice procured up to 31st January 1949; and

(e) the actual quantity of paddy or rice exported to other districts up to 31st January 1949?

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THE HON. DR. T. S. S. RAJAN :—“(a) The procurement quotas of rice fixed are as follows :—

	TONS.
(1) Khariff year 1946-47 (1st November 1946 to 31st October 1947)	121,500
(2) Khariff year 1947-48 (1st November 1947 to 31st October 1948)	116,174
(3) Khariff year 1948-49 (1st November 1948 to 31st October 1949)	110,600

“(b) The quantities of rice procured are as follows :—

(1) Khariff year 1946-47	91,741
(2) Khariff year 1947-48	104,565
(3) Khariff year 1948-49 (from 1st November 1948 to 5th March 1949)	40,826

“(c) The quantities of rice exported are as follows :—

(1) Khariff year 1946-47	32,461
(2) Khariff year 1947-48	61,718
(3) Khariff year 1948-49 (from 1st November 1948 to 5th March 1949)	22,539

“(d) The quantity of rice procured from 1st November 1948 up to 31st January 1949 was 27,339 tons.

“(e) The quantity of rice exported up to 31st January, 1949 was 14,657 tons.”

SRI N. VENKATACHALAMAJI :—“May I know, Sir, the ceiling price of paddy of two maunds a bag with gunny?”

THE HON. DR. T. S. S. RAJAN :—“I do not have the figures with me, Sir. I think it is somewhere about Rs. 14 and odd.”

SRI N. VENKATACHALAMAJI :—“Are the Government aware that in the fixation of the price Rs. 3 are collected above the ceiling price from the consumers?”

MR. PRESIDENT :—“The hon. Member will see that the question does not refer to any price fixation. It is only about the quotas. If the Hon. Minister is willing to answer it, I have no objection.”

THE HON. DR. T. S. S. RAJAN :—“I do not have the information with me. If the hon. Member wants it I shall certainly call for it.”

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Major and minor irrigation works in the Visakhapatnam district.

* 285 Q.—SRI P. VIRABHADRASWAMI : Will the Hon. the Minister for Public Works be pleased to state—

(a) the major and minor irrigation works in the Visakhapatnam district for which (1) investigation is completed, and (2) investigation is being made;

(b) the irrigation works in the Visakhapatnam district which are being executed this year;

(c) the progress of such works; and

(d) the amounts that have been spent on them so far?

THE HON. SRI M. BHAKTAVATSALAM :—“(a), (b), (c) & (d) The answer to the question is laid on the table of the House.”

MR. PRESIDENT :—“Do you want to put any supplementary questions, Mr. Virabhadraswami?”

SRI P. VIRABHADRASWAMI :—“No, Sir.”

THE HON. DR. T. S. S. RAJAN :—“Probably he is satisfied with the answer, Sir.”

Block grant from the Central Government for the G.M.F. Campaign.

* 286 Q.—SRI R. RAMAKRISHNA NAIDU : Will the Hon. the Minister for Finance be pleased to state—

(a) what the block grant from the Central Government for the G.M.F. Campaign during 1947-48 was;

(b) how much of this grant was utilized by this Government and how much of it lapsed;

(c) if any amount had lapsed, what the reasons for it are;

(d) what the block grant for the same this year is; and

(e) how much of it has been spent so far?

THE HON. SRI B. GOPALA REDDI :—“(a) The Central Government did not sanction a separate block grant for Grow More Food Schemes executed during 1947-48. They sanctioned a single block grant for both Post-war Development and Grow More Food Schemes taken together.

“(b) A grant of Rs. 47.98 lakhs was actually credited to this Province in 1947-48 for Grow More Food Schemes.

“(c) Does not arise in view of answer to clause (a).

“(d) The grant for which provision has been made by the Government of India in respect of Grow More Food Schemes in 1948-49 is Rs. 150 lakhs. This is included in the block grant of Rs. 325 lakhs promised for Post-war Development and Grow More Food Schemes together.

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“(e) The total amount of grant for Grow More Food Schemes to be *finally* credited to this Province in 1948-49 will be known only by about the middle of April 1949. But it is estimated that the grant for which this Province would be eligible in respect of Grow More Food schemes for 1948-49 would be about Rs. 107 lakhs.”

SRI S. B. ADITYAN :—“ May I know the basis on which this Province becomes eligible for this grant for Grow More Food campaign? ”

THE HON. SRI B. GOPALA REDDI :—“ I am unable to answer the question off-hand. I should like to have notice.”

K. T. M. AHMED IBRAHIM SAHIB BAHADER :—“ May I know why the entire amount allocated to this Province has not been got? ”

THE HON. SRI B. GOPALA REDDI :—“ The utilization of the entire block grant is rather difficult owing to the paucity of technical personnel and materials. Unless we spend much more than what we can, we would not be entitled to get the small amount of block grant. I may say that in the case of other Provinces also large sums have lapsed, because they could not spend much more.”

Recruitment of Probationary Deputy Collectors.

* 287 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the system of recruitment by competitive examination has been introduced in regard to certain gazetted and non-gazetted services;

(b) if the answer to (a) is in the affirmative, what these services are;

(c) whether a competitive examination was held for recruiting Probationary Deputy Collectors in July last;

(d) the number of candidates who sat for the examination;

(e) the number of candidates selected for personal interview and when the interviews were held;

(f) whether the Madras Public Service Commission has forwarded its recommendations;

(g) whether the Government have announced their selections; and

(h) whether the Government will place on the table of the House, (i) the list as prepared by the Public Service Commission, and (ii) the list of final selections made by the Government?

THE HON. SRI H. SITARAMA REDDI :—“ (a) & (b) Selection by direct recruitment to all services and posts within the purview of the Madras Public Service Commission is

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made on the basis of a competitive examination. Such examination may comprise an oral test or a written test or both. A statement showing the particular kind of test applicable to the various services is placed on the table of the House.

“(c) Yes.

“(d) 473.

“(e) The Madras Public Service Commission interviewed 193 candidates in November 1948.

“(f) Yes.

“(g) & (h) The following candidates were selected by the Commission :—

(1) Louis Dominic	Indian Christian.	Did not appear before the Medical Board.
(2) S. V. Ramayya	Backward Hindu.	Declared unfit by Medical Board.
(3) A. K. Kunhikannan Nambiar.	Non-Brahman Hindu.	Declared fit by Medical Board.
(4) R. Pasupathi	Do.	Do.
(5) G. C. Rangabashyam ..	Do.	Do.
(6) M. Chandramouli Reddy.	Do.	Do.
(7) T. Vedantham	Brahman ..	Do.

“Candidates declared fit by the Medical Board have been appointed by the Government. The Madras Public Service Commission has not made a final recommendation as regards the Harijan candidate.

“I may add that recently the Public Service Commission has sent up recommendations regarding Harijan candidates also.”

Ceylon Labour Commission.

* 288 Q.—SRI S. B. ADITYAN : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether it is a fact that the Ceylon Labour Commission have established offices in the Province;

(b) if so, the number and location of the offices;

(c) whether the Ceylon Labour Commission are authorized to recruit labourers for tea plantations in Ceylon;

(d) the number of labourers recruited by the Commission during the last five years (yearwar); and

(e) whether the peons of the Ceylon Labour Commission use uniforms resembling the uniforms of police constables and, if so, whether the use of such uniform is permitted in this Province?

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

“(b) There are 13 Agencies of the Commission at—

1 Arantangi,	3 Mathurai.
2 Chingleput,	4 Mandapam,

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- | | |
|----------------|---------------------|
| 5 Musiri, | 10 Tirumelveli, |
| 6 Namakkal, | 11 Tiruchirappalli, |
| 7 Perambalur, | 12 Turaiyur, and |
| 8 Pudukkottai, | 13 Villupuram. |
| 9 Salem, | |

"(c) No, Sir. There is a ban on the departure of unskilled labourers to Ceylon, unless exempted. Unskilled labourers in Ceylon are, however, permitted to visit India and go back. The Commission is authorized to provide accommodation and assist passages to labourers who are eligible under the present orders to go to Ceylon.

"(d) Does not arise.

"(e) No, Sir. Their uniforms do not resemble the uniforms of the police."

SRI S. B. ADITYAN :— " May I know what work these officers of the Ceylon Labour Commission are doing when there is no recruitment of labour? "

THE HON. SRI H. SITARAMA REDDI :— " I do not have that information with me. If there is no work for them, they would have been disbanded. They have some work, I take it."

SRI S. B. ADITYAN :— " Is it a fact, Sir, that the peons of this Ceylon Labour Commission put on red turbans resembling the turbans worn by the constables in the district? "

THE HON. SRI H. SITARAMA REDDI :— " Quite possible, Sir, that the colour of the turbans is red. The hon. Member is aware of the type of turbans used by the Madras police. My information is that their uniforms do not resemble the uniforms of the police here."

Industries that have applied for state-aid in 1948-49.

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

(a) the number of industries that have applied for State-aid in the year 1948-49;

(b) out of those that have applied for it, how many got State-aid;

(c) how many sawmill owners have applied for State-aid during the years 1947-48 and 1948-49; and

(d) how many actually got the aid?

THE HON. SRI H. SITARAMA REDDI :— " (a) 82, out of which two were withdrawn before consideration by the Board of Industries.

"(b) 19.

"(c) 1947-48—1.
1948-49—2.

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"(d) 1947-48—Nil.

1948-49—The two applications received during the year have not yet been placed before the Board of Industries."

SRI M. NARAYANA RAO :— " Does this include cottage industries also, Sir? "

THE HON. SRI H. SITARAMA REDDI :— " The question relates to sawmills. I do not know what the hon. Member means by cottage industries. Sawmill industry can be carried on as a cottage industry or otherwise."

SRI M. NARAYANA RAO :— " May I know whether State-aid is given to cottage industries also? "

THE HON. SRI H. SITARAMA REDDI :— " Sir, the question that is put is ' what is the number of industries that have applied for State-aid in the year 1948-49. I take it, it includes all the industries that are eligible for aid under the State-aid to Industries Act."

SRI T. PURUSHOTHAM :— " May I know, Sir, whether the Government granted any State-aid to the cashewnut industry in East Godavari district, and if so, what is the amount? "

THE HON. SRI H. SITARAMA REDDI :— " I should like to have notice."

Propaganda on the dangers of venereal diseases.

* 290 Q.—MRS. M. N. CLUBWALA : Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government are aware of the incidence of venereal diseases in this Province;

(b) whether the Government have taken measures to do propaganda for educating the public on the dangers of the disease, its cause and treatment; and

(c) whether the Government have considered utilizing the services of voluntary agencies to help the Government in this work?

THE HON. SRI A. B. SHETTY :— " (a) The answer is in the affirmative.

"(b) Propaganda for educating the public on the dangers of venereal disease is being carried on by the Public Health Department through cinema films and magic lantern slides. The films and slides are stocked in the office of the Director of Public Health and are lent to local bodies for screening them in the local theatres.

"(c) Voluntary agencies usually fight shy of undertaking propaganda in venereal diseases. The Government will certainly welcome any such agency offering to come forward to do propaganda."

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SRI S. B. ADITYAN :—“ Sir, with reference to clause (a) of the answer, may I know in which district is the incidence of this disease the highest and in which district the lowest? ”

THE HON. SRI A. B. SHETTY :—“ From the Government hospitals' reports on this disease, I find that Guntur is at the top and South Kanara at the bottom.” (Laughter.)

Amenities for the nurses in the City hospitals.

* 291 Q.—MRS. M. N. CLUBWALA: Will the Hon. the Minister for Education be pleased to state whether the Government have provided amenities for nurses working in the various hospitals in the City?

THE HON. SRI A. B. SHETTY :—“ The Government provide the nurses only with free quarters. The nurses in some of the hospitals in the City have provided themselves with the amenities of indoor and outdoor games, piano and gramophone, etc., meeting the cost themselves.”

UNSTARRED QUESTIONS.

Quantity of rice procured in fasli 1356.

33 Q.—SRI K. MANATHUNAINATHA DESIGAR: Will the Hon. the Minister for Food be pleased to state the quantity of rice procured in fasli 1356 in the area of 26,200 acres wherein irrigation has been extended under the Minor Irrigation Schemes referred to by the Hon. the Minister for Public Works in his speech in the Legislative Assembly on 26th September 1947?

A.—It has been found difficult to ascertain correctly the quantities of rice procured in view of the following :—

There is no territorial monopoly in regard to procurement in the surplus districts in the sense that a miller or merchant has got to confine his activities to one or two specified villages or groups of villages. Any licensee under the Madras Foodgrains Control Order can purchase in any part of the district and it will be therefore difficult to find out how much out of the quantity procured by the several millers and merchants has come from areas newly brought under irrigation and how much from old cultivation, as the procurement extends to both old and new cultivation. In view of this difficulty, Collectors have not been able to furnish accurate or reliable figures.

Conveyance allowance for Health Visitors.

34 Q.—SRI A. GOVINDACHARYULU: Will the Hon. the Minister for Public Health be pleased to state—

(a) what the amount of conveyance allowance allowed to Health Visitors is and what the number of houses that each Health Visitor is expected to visit in the course of a month is;

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(b) whether it is a fact that all the Health Visitors working in Municipal town of wider area or a major panchayat village or a minor panchayat village have been paid the same amount of conveyance allowance irrespective of the actual cost of conveyance; and

(c) why the scale of pay for Health Visitors was not revised and raised in June 1946 when the midwives and Women Medical Officers' pay was revised and raised?

A.—(a) In municipalities, the conveyance allowance allowed to Health Visitors is Rs. 10 per mensem plus the temporary increase of 25 per cent. In District Boards Health Visitors who are in charge of one centre get Rs. 10 per mensem and those in charge of two centres get Rs. 20 per mensem plus temporary 25 per cent increase on both. The number of houses to be visited by a Health Visitor has not been fixed; but she is ordinarily expected to visit 500 houses every month. This number will, however, vary according to local condition and the extent of jurisdiction of the Health Visitor.

(b) Yes, as each is in charge of an appropriate area.

(c) The scale of pay of Health Visitors has been revised from January 1947.

Expenditure incurred by the Government in bringing Sri Ulaganathan to the Sub-Magistrate's Court at Virudunagar.

35 Q.—SRI S. JAYARAM REDDI: Will the Hon. the Premier be pleased to state—

(a) how many times Sri Ulaganathan, a Communist who is detained in the Vellore Central Jail, has been brought to Virudunagar for production in the Sub-Magistrate's Court;

(b) what the offence committed by him is;

(c) if he has been brought a number of times, why he has been brought so many times when the trial was not likely to be taken up; and

(d) what the expenditure incurred till now in bringing Sri Ulaganathan from Vellore to Virudunagar is?

A.—(a) Sri Ulaganathan has been brought to Virudunagar three times, i.e., on 25th November 1948, 4th December 1948 and 29th December 1948.

(b) The offence alleged to have been committed by him falls under sections 353 and 186, I.P.C.

(c) He has been brought three times to the Court of the Sub-Magistrate, Virudunagar, first to secure his presence, second for trial but trial could not be conducted because there was a large crowd outside the court creating noise and interfering with the proceedings of the case and the third time on 29th December 1948. As an under-trial prisoner cannot

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be remanded for more than 15 days at a time, these three hearings were necessary and they were adjusted to the days of the Court's sittings within the period as the Court has also revenue duties to discharge.

- (d) The expenditure amounts in all to Rs. 2,313 (rupees two thousand three hundred and thirteen only) as follows :—

	RS.	A.	P.
(1) Cost of police escort ...	1,885	6	0
(2) Cost for detenu ...	402	10	0
(3) Subsistence allowance ...	25	0	0
Total ...	2,313	0	0

List of persons appointed as Executive Engineers.

36 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Public Works be pleased—

(a) to lay on the table of the House; a list of persons appointed as Executive Engineers in the Public Works Department from the ranks of Assistant Engineers from 1st April 1947 to 1st February 1949 giving the dates of their entry into service, their qualifications, their rank in the cadre of Assistant Engineers before promotion, the caste or community to which they belong; and

(b) to state whether the castes of the persons have been taken into consideration in the matter of promotion to the rank of Executive Engineers?

A.—(a) The information is given below :—

Number and name.	Date of entry into service.	Qualifications.	Rank in the cadre of Assistant Engineers before promotion (as in the quarterly list of Gazetted Officers corrected up to 1st April 1943).	Caste or Community.	Date of regular appointment as Executive Engineer.
(1)	(2)	(3)	(4)	(5)	(6)
1 Sri T. Muthian ..	8th May 1941.	B.E. (Civil).	11 among direct recruits.	Non-Brahman.	11th August 1947 afternoon.
2 Mr. P. M. John ..	August 1926.	B.E. (Mechl.).	57 among permanent promotee Assistant Engineers.	Christian.	14th November 1947 afternoon.
3 Sri C. Ramalinga Raju. ..	July 1925.	B.E. (Civil) (Hons.).	4 among promotee Assistant Engineers (approved probationer).	Non-Brahman.	1st December 1947 afternoon.
4 Sri A. Krishnamurthy Ayyar.	July 1927.	B.E. (Civil).	16 among promotee Assistant Engineers (approved probationer).	Brahman.	Do.
5 Sri A. Lakshmikanta Rao.	July 1927.	B.E. (Civil).	17 among promotee Assistant Engineers (approved probationer).	Do.	Do.

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Number and name.	Date of entry into service.	Qualifications.	Rank in the cadre of Assistant Engineers before promotion (as in the quarterly list of Gazetted Officers corrected up to 1st April 1943).	Caste or Community.	Date of regular appointment as Executive Engineer.
(1)	(2)	(3)	(4)	(5)	(6)
6 Sri P. Subba Rao ..	July 1927.	B.E. (Civil).	18 among promotee Assistant Engineers (approved probationer).	Brahman.	1st December 1947 afternoon.
7 Sri K. K. Mahadevan.	April 1930.	B.A., B.E. (Civil).	19 among Assistant Engineers (approved probationer).	Do.	Do.
8 Sri K. Satyachari ..	April 1930.	B.E. (Civil).	20 among promotee Assistant Engineers (approved probationer).	Non-Brahman.	Do.
9 Mr. Syed Rahimuddin.	10th May 1941.	B.E. (Civil).	12 among direct recruits.	Muslim.	28th April 1948 afternoon.
10 Sri D. Viswanathan.	April 1930.	B.E. (Mechl.).	21 among promotee Assistant Engineers (approved probationer).	Brahman.	29th April 1948 forenoon.
11 Sri P. Thambumalla Reddi.	22nd May 1941.	B.A., A.M. I.C.E. (Lond.) (Parts A and B).	13 among direct recruits.	Non-Brahman.	3rd November 1948 forenoon.
12 Sri A. Srinivasan ..	February 1931	B.E. (Civil).	5 among promotee Assistant Engineers (approved probationer).	Brahman.	15th October 1948 temporary appointment made for special qualification.
13 Sri D. Krishnamachari.	September 1927.	Mechl. Engr.	24 among promotee Assistant Engineers (approved probationer).	Do.	10th December 1948 (temporary appointment).

(b) No.

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

11.—POINT OF ORDER RE A STATEMENT BY THE EX-PREMIER.

DR. V. K. JOHN :—“ On a point of order, Sir. The whole House and the Province would expect the Member of this House who held the high office of Premier, and who has resigned, to make a statement in explanation of his resignation, under Rule 45 of the Council Rules. Can we not expect that statement, Sir? ”

THE HON. DR. T. S. S. RAJAN :—“ The Hon. ex-Premier is not in Madras. He has gone to his village. If necessary, I can indicate to him the desire of the House.”

MR. PRESIDENT :—“ There is no such desire of the House, so far as I see.”

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DR. V. K. JOHN :—“ It is the desire of the Opposition that the ex-Premier should make a statement as to why he resigned his high office.”

MR. PRESIDENT :—“ So far as I know, the desire is only the desire of the hon. Member concerned.” (Laughter.)

DR. V. K. JOHN :—“ I speak on behalf of the Opposition, Sir.”

MR. PRESIDENT :—“ The rule is that the ex-Premier may, with the consent of the President, make a personal statement if he wants to.”

DR. V. K. JOHN :—“ We would expect that statement, Sir, because he held the high office of Premier.”

MR. PRESIDENT :—“ The hon. Member may wait till he appears before this House.”

THE HON. DR. T. S. S. RAJAN :—“ There are other hon. Members of the Ministry present here. If you permit them, they can make a statement.”

MR. PRESIDENT :—“ There is no question of my permission. Unless a request is made to me, I cannot ask a statement to be made.”

DR. V. K. JOHN :—“ Has the Leader of the House heard anything from the ex-Premier?”

THE HON. DR. T. S. S. RAJAN :—“ No, Sir. Dr. Gurubatham is here, and if the Opposition is anxious to hear his statement, he may make a statement.”

DR. V. K. JOHN :—“ He will make a statement if he wants to.”

MR. PRESIDENT :—“ I am sure, Mr. Gurubatham is wise in not making a statement, because he had to resign as the ex-Premier resigned.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Technically speaking, every Minister here is a Minister who has resigned.”

MR. PRESIDENT :—“ I do not think that we need pursue this matter any further. It is not a matter for the House or for anybody else except for the persons concerned.”

If anybody wants to make a statement, I am prepared to allow. It is not a matter for the Opposition. The reason why they resigned is that when their leader went out *ipso facto* the other Ministers also went out. There is no question of any Minister making a statement on any difference of opinion. Personally, I do not see any reason for the statement. But if the ex-Premier is willing to make a statement, and a request is made to me, I can allow that statement to be made. So, we need not pursue this matter any further.

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IV.—MESSAGES FROM OUTSIDE THE PROVINCE.

MR. PRESIDENT :—“ I have received two letters of acknowledgment of the resolution of condolence which this House passed on the late Her Excellency Srinathi Sarojini Naidu. One is from Mr. G. B. Pant, Premier of the United Provinces and the other is from Mr. M. G. Naide. The letter from Mr. G. B. Pant is as follows :—

‘ Lucknow, April 5, 1949.

Dear Shri Rajahingaru,

I write to acknowledge the receipt of your kind letter of March 10, 1949, forwarding a resolution passed by the Madras Legislative Council on the sad demise of Her Excellency Shrinathi Sarojini Naidu. We are grateful for the sentiments expressed therein.

Yours sincerely,
G. B. PANT.

The letter from Major Naidu is as follows :—

‘ Hyderabad, Deccan,
23rd March 1949.

Dear President,

For the resolution of sympathy passed at the meeting of the Madras Legislative Council on the 5th March, I and my family offer our heartfelt thanks.

Yours sincerely,
G. B. PANT.

V.—MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT :—“ I have to announce to the House the following messages, dated 18th April 1949, received by me from the Hon. the Speaker of the Madras Legislative Assembly :—

‘ In accordance with rule 111 (2) of the Madras Assembly Rules, I transmit a copy of the motion passed to-day by the Madras Legislative Assembly, desiring to obtain the concurrence of the Council in setting up a Joint Select Committee of the two Houses to consider the Madras Re-enacting Bill, 1949 (L.A. Bill No. 13 of 1949) :—

“ That under rule 111 (2) of the Madras Assembly Rules, the concurrence of the Legislative Council be obtained in setting up a Joint Select Committee of both the Houses consisting of 18 members to consider the Bill (12 members from the Assembly and 6 members from the Council) ”.

‘ I have also to announce to the House the following messages, dated the 18th and 19th April 1949, received by me from the Hon. the Speaker of the Madras Legislative Assembly transmitting copies of the following Bills as passed by the Assembly :—

‘ (1) On 18th April The Madras Temple Entry Authorization 1949. (Amendment) Bill, 1949 (L.A. Bill No. 14 of 1949).

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The Tanjore Chatram Endowments Utilization (Amendment) Bill, 1949 (L.A. Bill No. 15 of 1949).

The West Godavari District (Assimilation of Law on Provincial and Concurrent Subjects) Bill, 1949 (L.A. Bill No. 16 of 1949).

The Muslim Personal Law (Shariat) Application (Madras Amendment) Bill, 1947 (L.A. Bill No. 27 of 1947).

(2) On 19th April The Madras Co-operative Societies (Amendment) Bill, 1949 (L.A. Bill No. 17 of 1949)

and signed by him for the concurrence of the Council."

VI.—GOVERNMENT MOTION.

MOTION UNDER RULE 17 OF THE MADRAS COUNCIL RULES.

11-30
a.m.

THE HON. DR. T. S. S. RAJAN :—" Sir, I move—
that rule 17 of the Madras Council Rules be suspended and the House do resolve to transact Government business on Wednesday, the 20th April 1949 ."

DR. V. K. JOHN :—" Sir, I have consented to the Resolution under very strong protest. I do not want a division, but it would appear that we hardly had non-official days in the course of the year."

MR. PRESIDENT :—" I hope the Leader of the Opposition would first allow the Leader of the House to tell us the reasons why he wants the rule to be suspended.

" The Leader of the House must give some reasons. It is the wish of the House to know the reasons. It is not a matter to be settled between the two Leaders."

DR. V. K. JOHN :—" I do not think he has any reason, Sir."

THE HON. DR. T. S. S. RAJAN :—" Government Bills have always a priority and we are at liberty to take the non-official days if Government require them."

MR. PRESIDENT :—" I think that is true."

THE HON. DR. T. S. S. RAJAN :—" Therefore, Sir, having called a meeting of the Council and having so much business still awaiting disposal, I have just taken this liberty of asking for permission to have this as an official day. But I may also tell the Leader of the Opposition that time permitting, we shall allow taking up of non-official Bills also as soon as the official business is over and I expect, if possible, to take up the non-official Bill this afternoon. The Leader of the Opposition in the Assembly has already asked

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me whether I could accommodate him to have the Shariat Bill passed by the Assembly moved here to-day. If there is time this evening, we shall certainly have that Bill moved and also passed."

MR. PRESIDENT :—" I do not think there is any urgency for that Bill."

THE HON. SRI K. MADHAVA MENON :—" Sir, the Leader of the House has informed the House the position clearly. The first Bill that stands in my name, the Re-enacting Bill, 1949, has to be passed by both the Houses and approved before the 30th of this month. Such a Bill came before the House last year also. The Bill has to receive the assent of the Governor-General before the 30th April 1949. So, the matter is very urgent and we could not find any other date for calling a meeting of both the Houses. So, we had to convene the Lower House for the purpose on the 18th and 19th and the Council to-day. This Bill has to be taken up to-day as an urgent Bill to be passed before the 30th of this month and to receive the assent of the Governor-General before that date. When this Bill is passed, the other Bills that are available will be placed before the House."

MR. PRESIDENT :—" Yes, that is what I wanted the Hon. Minister to tell the House. The Hon. Minister told me about that and I wanted him to tell the House about that, for the Opposition asked why the Government did not bring it earlier. The Government often say the matter is urgent. But the Opposition wants to know why the matter could not have been brought earlier."

THE HON. SRI K. MADHAVA MENON :—" Sir, earlier it was decided to call for a meeting of the Assembly on the 6th and 7th and of the Council on the 8th. But till the end of March the House was continuously sitting for about 30 to 33 days. Soon after that, the Presidents and Speakers' Conference came. So, to suit the convenience of the President and the Speaker, to go to Delhi and come back and also to give a little respite to the Members, the meeting was postponed and could not be held earlier."

DR. V. K. JOHN :—" We depend upon you, Sir, to protect the rights and privileges of every section of this House, both the official and the non-official. It appears that the Government had been sleeping till now. They woke up at the eleventh hour and said 'To-day is the 20th; we must get the assent of the Governor-General by the 30th.' That is no reason why they could not bring forward this Bill which is an urgent one, before this House earlier. I protest that this should be taken up by a Resolution that Government business be transacted on a non-official day. I should like to tell the Government that hereafter such a Resolution should not be the rule but should be the exception. Till now, it has been the rule for the Leader of the House to get up on every Wednesday and say "We want the day for Government business." Let it be the exception and not the rule. Let us have the advantage of the rule which provides that the Government can agree to non-official business being done on other days. Let us have another

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day allotted for that because there are so many Resolutions brought forward by the non-officials which are very important and of urgent nature and we do not want them to be waiting for months and for years together."

* ABDUL LATIF FAROOKHI SAHIB BAHADUR :— Sir, I would like to submit that the Government should not feel that official Bills have priority over non-official Resolutions and Bills which are also important. We always transact Government business and rarely non-official business. Therefore, this question of superiority complex and inferiority of the non-official business must not find a place hereafter at least in the expressions that are made in this House."

THE HON. SRI K. MADHAVA MENON :—" It is provided in the rules."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Although the rule may be there where particular days are allotted for non-official business, I do not think the Government will be justified in coming forward with this excuse every time.

" The other thing, Sir, as you have rightly pointed out, is this. Every time when the Hon. Minister comes with this Resolution, he says that the Government have to get the assent of the Governor-General to a Bill and that they are in a hurry. Why should they take up this business at the nick of the moment? I submit that they must allow time to take into consideration non-official business also. Hereafter, as the Leader of the Opposition has pointed out, this must be an exception and not the rule. If they refer to the debates of the Council, they will find that on several occasions this privilege of the non-official Members has been snatched away from them on the plea that there is very important Bill which has to get the assent of the Governor-General and that it must be given priority. Therefore, I submit to you, Sir, as the custodian of our rights, not to allow this sort of motions to come hereafter."

* MR. PRESIDENT :—" Since I have also got a hand in this business, I should like to explain the position properly. I do not think the Opposition is quite fair to the Government when they say that almost all the non-official days are being taken away by the Government because I can remember at least two occasions when the Government accommodated the Opposition by giving official days for transacting non-official business. So, I do not think it is a case of the Government trying to take away the privileges of the Opposition. So far as the present motion is concerned, I can very well sympathise with the Government for this reason that the whole of March they were very busy. They wanted to have a meeting of the Assembly on the 6th and the 7th and of the Council on the 8th. Myself and Hon. the Speaker of the Assembly were due to Delhi on the 10th. But still, we could have met on those days, but as you know there was a change in the leadership of the Congress Party and the Ex-Premier felt that he having resigned and the Government being a care-taker Government, it would not be right that he should come and place Bills and other important

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subjects before the House. So, he thought it would be better if we met later so as to help the Speaker and the President to go to Delhi and come back and also to wait till the new Ministry was formed. He considered it better to postpone the meeting of the Houses. Then, Hon. the Speaker, myself, the Hon. the Finance Minister and the Leader of this House sat together, discussed the matter and came to the conclusion that the Premier was right in considering that it was better to wait till the new Ministry came and took up office and then place all the Bills before the two Houses. We could not find any earlier date than April 18th and 19th for the other House and April 20th for this House. Further, so many holidays intervened such as the Tamil New Year's Day, Good Friday and so on, and so we came to the conclusion that 18th was the earliest day on which the Assembly could meet and 20th the earliest day on which this House could meet. So, it was agreed then that the House should be requested to take up official business this day so that this Bill might be passed by both the Houses and made law before the end of this month. So, it is not a case of Government trying to snatch the privileges of the other side or my sleeping over the privileges of the Opposition. The Opposition may very well rest assured that if occasion arises, I will certainly safeguard their cause as well as the cause of any other Member of this House. Therefore, they need not be worried about this. But the present instance was one in which the Government was justified in asking this House to take up official business and I gave my consent to it. It was upon my consent—though of course, it is really a matter for this House—that they did so. So, though my consent or otherwise does not count, yet I gave my consent because Government considered it an urgent matter. That is why I asked the Leader of the House to tell you all these facts so that you may know what passed behind the scenes and realize that neither I nor the Government are oblivious to the rights of the Opposition.

" As regards the point raised by Mr. Farookhi about the official business and non-official business, I think, as a good legislator and Parliamentarian, he ought to know that the accepted principle all over the world is that official business will have priority over non-official business. In fact, it is said that the House exists only for Government business. If non-official business has to be taken up, it has to depend upon Government support if it has to go through. If they like, they can allow it; if they do not want, they need not allow it. When once the Government are in charge of the administration, they are supposed to be the custodians of the rights of the whole country and whatever they bring in is supposed to be in the best interests of the country. As such, it is accepted that all of us, including the Opposition, should co-operate with the Government in trying to see that Bills which are intended to benefit the country are passed as expeditiously as possible. Of course, it does not mean that the Opposition should not be given any opportunity to press their Resolutions or Bills. Whenever the Government find time, I am sure they will be willing and ready to allow them to do it. I am not arguing either the case of the Government or that of the Opposition, but I am trying to place before you in as impartial a

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manner as possible the real position about this matter in the way in which I know it. I, therefore, think that there is not much to be worried about in giving away this day for official business. I am sure the Government will be ready to accommodate the Opposition if non-official business is very urgent and necessary to go through it.

“The question is—

‘That rule 17 of the Madras Council Rules be suspended and the House do resolve to transact Government business on Wednesday, the 20th April, 1949.’

The motion was carried.

VII.—GOVERNMENT BILLS.

(1) THE MADRAS RE-ENACTING BILL, 1949 (L.A. BILL NO. 13 OF 1949).

THE HON. SRI K. MADHAVA MENON :—“Sir, I move—
that this House concurs in setting up a Joint Select Committee of the two Houses consisting of 18 members (12 members from the Assembly and six members from the Council) to consider the Madras Re-enacting Bill, 1949, and that the following members of this House be nominated to the said Joint Select Committee :—

- (1) Sri N. Sankara Reddi;
- (2) Sri M. K. Sundarama Ayyar;
- (3) The Hon. Sri K. Madhava Menon;
- (4) Dr. P. S. Srinivasan;
- (5) Dr. Syed Tajuddin Sahib Bahadur; and
- (6) Sri H. M. Jagannatham.’

11-45 Sir, the schedule to the Bill before the House is not new to this p.m. House. Last year when the Repealing and Re-enacting Bill, 1948 was introduced here, about 160 or 168 Bills were included in the Schedule which were referred to a Joint Select Committee, and these were Acts passed during the section 93 regime by the Governor. The Joint Select Committee sat over the Re-enacting and Repealing Bills and recommended that 15 Acts should be re-enacted only for a period of one year from 29th April 1948 as they required further examination. If these 15 Acts are not re-enacted permanently or temporarily, they will lapse on the 30th April 1949. After an examination of the working of these Acts, it is considered that seven of them should be re-enacted permanently, two permanently with certain modifications, and four re-enacted temporarily for a period of one year, leaving the other two to lapse.

“These Bills have been circulated to all the members. I was asked why we did not bring it earlier. The examination of these Bills took some time. That is why as I said, we decided to drop two of the Bills, re-enacted seven Bills permanently, re-enact two with some modifications, and four Bills re-enacted temporarily for a period of one year.

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“From the Schedule it will be found that the Madras Motor Vehicles Taxation (Amendment) Act, 1940 is an absolutely formal affair. The Madras Motor Vehicles Taxation Act was passed in 1931 and subsequently in 1939 the Government of India passed the Motor Vehicles Act of 1939. The definitions in the Madras Act did not tally exactly with the definitions in the Central Act and the amendments proposed in the Madras Act are only to tally the Provincial Act to be in consonance with the Central Act and nothing more. There is nothing controversial about it. The definitions in the Central Act are adopted and certain other changes have been made in the Provincial Act to make it to be in consonance with the Central Act.

“Then the Madras Elementary Education (Amendment) Act, 1941 is sought to be re-enacted. There was some criticism about it last time also in the Select Committee and also when it came before the other House. The Government were bound to contribute an amount equal to the amount of the elementary education tax collected by the local bodies. The financial condition of the Government is not such now as to undertake this financial responsibility and so the amendment made by the Governor in 1941 was that the local authorities may levy an elementary education tax, but the liability of the Government to contribute an equal amount was not obligatory. The financial condition of the Government has not changed in any way now to repeal that Act. It does not say that Government should not grant an equal amount or any amount, but the compulsory liability to pay an equal amount is being removed.

“Then, Sir, the Madras Proprietary Estates Village Service and Hereditary Village Offices (Amendment) Act, 1941, is also more or less a formal affair, because without this Act, an undischarged insolvent can be a hereditary village officer and this Act provides that an undischarged insolvent can be removed from the office under the Hereditary Village Offices Act. So, Sir, this is very necessary, because they have a good deal of responsibility and money is kept with them and it is not therefore safe to have an undischarged insolvent as a village headman.

“In the Madras Public Health (Amendment) Act of 1941, some grammatical mistakes have been found in many places in the original Act and they had to be corrected. Certain definitions have also to be made more clear and certain mistakes which have been pointed out by the courts have also to be corrected and that is the reason for the amendment of the Public Health Act.

“Now, in regard to the Madras City Police and the Town Nuisances (Amendment) Act, 1941, the main object was to deal with the menace of the Pathan money-lenders who were using violence and all sorts of harassment to collect the debts due from their debtors and in order to prevent such harassment or violence being used against debtors, this Act is very necessary even now.

“The other two Acts, namely the Madras Hereditary Village Offices (Amendment) Act, 1942 and the Madras Elementary Education (Amendment) Act, 1946, are more or less intended to cure the difficulties that were found in the working of those Acts.

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They are very necessary even now. The Statement of Objects and Reasons given under every Act gives the reasons for re-enacting them and I therefore need not dilate upon them further. In the case of the Hereditary Village Offices (Amendment) Act, it is only to prevent the service inams from being alienated by the people to whom service inams have been given. It has no retrospective effect but takes effect only from the date of passing the Act.

"The Madras Elementary Education (Amendment) Act, is also very necessary. In regard to compulsory elementary education in those areas where a parent or a guardian refuses or neglects to send his child, a report has to be made by the educational authority and the punishment is left to the chairman of municipalities and presidents of District Boards and these persons find it difficult to punish the defaulting parents or insist on the law being complied with by the parents. Now it is proposed to give authority to the District Educational Officer to impose penalties on such parents. That is the object of the amendment to the Elementary Education Act.

"These are the seven Acts that are to be made permanent without modifications.

"Then, Sir, in regard to the two Acts mentioned in the Second Schedule, certain modifications have been suggested and there were also certain objections raised in the Select Committee last time which the Government have met by removing the objectionable portions. For instance, in the Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1941, the amendment was made by the Governor in 1943 under section 93 of the Government of India Act. There is no provision in the existing Act as to who should settle the dispute in case there is a dispute between two local boards. By this amendment the Government have taken power to settle the dispute, but when once the Government settles the dispute and then the parties come to a settlement among themselves, the settlement made by the Government cannot be re-opened. Now, a provision is added so that it may be possible for the local authorities to revise a settlement or arbitration or award of the Government. There was no such provision previously and it was suggested last time and so it has been made.

"In the case of the Town Nuisances Act, the officers of the Society for the Prevention of Cruelty to Animals were entitled to arrest persons causing cruelty to animals, but there was no provision to release those people on bail. It was pointed out in the Select Committee and we have made the provision so as to enable the officers of the Society even to release the arrested persons on bail.

"These are the two Bills which are proposed to be re-enacted permanently with modifications.

"The Third Schedule deals with the Acts which are intended to be re-enacted temporarily for a period of one year. Three of them, namely, the Madras Hindu Religious Endowments (Amendment) Act, 1944, the Tirumalai-Tirupathi Devasthanams (Amendment) Act, 1944 and the Madras Hindu Religious Endowments (Amendment) Act, 1946 are introduced one after another

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now under the amendment to the Public Health Act for which a Joint Select Committee has been appointed and it has also considered them. Until that Act is disposed of, life is proposed to be given to the Act for one year and within that one year or even earlier we hope to dispose of the Act which is referred to the Joint Select Committee. If it is not re-enacted there will be absolute confusion and chaos, because all the establishments and other things will have to go now and fresh establishment will have to come in for which fresh orders have to issue when the new Act comes into force. It will be very difficult and so these three Acts are proposed to be re-enacted temporarily for a period of one year.

"So also the Madras City Improvements Trust Act, 1945 is also proposed to be re-enacted temporarily for one year for the present before it can be made permanent after seeing its actual working."

MR. PRESIDENT :—"The question is—

that this House concurs in setting up a Joint Select Committee of the two Houses consisting of 18 members (12 members from the Assembly and six members from the Council) to consider the Madras Re-enacting Bill, 1949 and that the following members of this House be nominated to the said Joint Select Committee :—

- (1) Sri N. Sankara Reddi ;
- (2) Sri M. K. Sundarama Ayyar ;
- (3) The Hon. Sri K. Madhava Menon ;
- (4) Dr. P. S. Srinivasan ;
- (5) Dr. Syed Tajuddin Sahib Bahadur ; and
- (6) Sri H. M. Jagannatham.' "

DR. V. K. JOHN :—"Mr. President, Sir, you have given a ruling that at this stage on this resolution we can discuss the principles of the Bill, but I think, particularly in this matter it is better we discuss the principles of certain Bills so that the Government may not find it difficult to accept our suggestions as they are going before the Joint Select Committee. Now, I do not propose to speak on every one of these Bills or Acts which are to be re-enacted with or without amendments for a year. Sir, I am glad the Hon. Mr. Madhava Menon has given the reasons for introducing this Bill and has explained the reasons for re-enacting the Acts either permanently, or temporarily as the case may be in respect of every one of the Acts mentioned therein. In this connexion, I want to make a very strong request to the Government to transfer from the Third Schedule to the Madras City Improvement Trust Act, 1945, as amended by Madras Act XV of 1947, to the First Schedule. In other words, I would like to have that Act permanently re-enacted instead of being re-enacted only for a period of one year. Sir, I have made a fairly close study of the City Improvement Trust Act. Now, the City is dependent on this Trust to clear all slums and make it habitable and to attend to the needs of the poor and it is only fair for me to say here that we have now a Chairman of the Trust, a very competent gentleman who has undertaken this job and undertaken it very earnestly and in the

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right spirit and he is closely co-operating with the Corporation, another body interested in the removal of slums. The Chairman is appointed for a term of five years. The Trust deals with improvement schemes which may not be finished within one year. They have to appoint the necessary staff for the purpose and certainly competent persons will not come for a temporary job. The trust has to collect betterment contribution, acquire lands and usually acquisition proceedings take more than one year. Surely, it is not the intention of the Government that the duty which has been undertaken by this Trust and the responsibility imposed upon them should stop after one year. It is the intention of the Government to re-enact this perhaps with some amendments which I understand they are considering. I would therefore suggest to the Government to re-enact this measure permanently and bring in whatever amendments they like later and when I say that it should be re-enacted permanently—the Bill itself uses the words 'Acts permanently re-enacted'—it does not mean that the Legislature has no power to amend, repeal or do anything else with a statute. We have to see that it does not lapse. I would very strongly request that in the very nature of the responsibility undertaken by this City Improvement Trust, let us not create an impression that this Trust is going to be in force only for one year. Actually it is not only for one year; it is a permanent statute on the Statute Book, although it might be amended hereafter. I, therefore, suggest that it be removed from the Third Schedule to the First Schedule and the Government may take its own time to bring in amendments. I hope the Government may take its own time to bring in amendments. I hope the Government will consider my suggestion and accept it at the Select Committee stage. I may also point out, that at pages 106 and 107 of this booklet the heading itself says 'Reasons for enacting the above Act.' They have not given reasons for re-enacting it temporarily, whereas the reasons given are for re-enacting it permanently. So, Sir, I would repeat my suggestion that the Government transfer that to the First Schedule and then make any amendments they like. As a matter of fact, the Opposition is as much interested in the clearance of the slums as the Government itself and we are prepared to assist the Government in making any alterations they like to this Act.

12
noon.

"Sir, I now come to another Act, The Madras Elementary Education (Amendment) Act, 1941. Instead of repealing that Act, the Government are re-enacting that Act permanently. I think this is a very wrong thing for a popular Government to do. The Madras Elementary Education Act of 1920 provided for the imposition of the Education Tax by a local body which involved the payment of an equivalent contribution by the Government. The idea, therefore, was to encourage and assist the local body concerned in the spread of primary education. It was a very laudable idea. In 1941 the Foreign Government under financial distress passed an amending Act which took away the liability of the Government to contribute an equivalent amount. Now, Sir, our popular Government—I do not want to say the so-called popular

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Government—want to follow the footsteps of their step-motherly Government in 1941. In 1941, they were in financial distress but to-day we are not in financial distress. The other day, I pointed out to this House that on eight items of State Trading Schemes, the Government have lost about five crores and eighty-eight lakhs of rupees. That was the net loss of one year and the reason given by the Accountant-General who audited the Accounts was that it was due to the loss in transit and in godowns and also to pilferage. After all, the contribution which the Government might make to encourage the local bodies to impose and collect tax for the spread of education may not run into crores of rupees but only a few lakhs of rupees. In the other House, it was mentioned that it would be only twelve lakhs of rupees. I do not know what the correct figure is. Anyway, the Government will create a very bad impression in the minds of the public that they are not out to help the local bodies. Actually, every local body including the Corporation of Madras is suffering from want of funds and I would suggest to the Government to contribute an equivalent amount collected by these municipalities and other local authorities by way of taxes. If the Corporation of Madras collects a crore and seventy-five lakhs of rupees to-day, Government must pay in one-half of one crore and seventy-five lakhs of rupees. Instead of that, the Government are lending money and the Corporation is paying twenty-four lakhs of rupees a year as interest on the loans given by the Government. Sir, the amenities provided by the Corporation in the City are not only meant for the residents of the City but also for persons who come here on business. So, instead of contributing more and more to these local bodies, the Government are now coming forward with a legislation to see that they do not contribute any amount at all. The Hon. Mr. Madhava Menon says that it does not prevent them from contributing any amount to these local bodies. But I say there should be an obligation, a statutory obligation to contribute. And that alone will encourage the local bodies to undertake any scheme of education. They could not depend upon the whim of the Government who are wasting public money to the tune of crores and crores of rupees on unproductive schemes. Therefore, I say that this Government will create a very bad impression in the public mind if they re-enact this Act permanently taking away the liability of the Government to contribute an equivalent amount collected by the local bodies. I do not know why it was done at all. After all, education is the responsibility of the Government. Local bodies take their place and take it up as their responsibility. Now, Government say 'you can do whatever you like but we are not going to contribute anything to you.' It is unbecoming of a popular Government to say like that. Sir, instead of repealing this enactment and amending the Act of 1920 and providing for double the amount of collections made by the local bodies as contribution from the Government, they are now saying that they will not take any responsibility to contribute to the fund of local bodies for the spread of education which they should know and bear in mind is a responsibility of

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the State much more than the responsibility of the local bodies. I say the Government are doing a very wrong thing. Sir, if the Hon. Minister is anxious for the spread of elementary education, he must repeal this enactment and amend the previous Act in such a way as to make the Government contribute double the amount collected by local bodies. With these words, I close my speech."

* SRI B. BHIMA RAO :—" Sir, I want to say a few words with regard to the legislation that is now before the House. If at all I criticise any of its provisions, it must be taken as a *bona fide* criticism and I hope my hon. Friend Mr. Madhava Menon will not misunderstand me. Sir, the public impression is that this Government is rushing through legislative enactments. Therefore, I say let not this charge be levelled against us in future. We had enough time and we could have brought this legislation in January or February or before the budget session. I do not know what prevented this Government from bringing this legislation earlier. Now, Sir, this morning only we have been supplied with a copy of this Bill. Of course, it had been published in the Gazette long ago. Some of us have studied the Bill. A conscientious Member, while speaking on this Bill, will have to refer to the previous Acts passed during the Advisors' Regime from 1942 to 1946, and it takes time. Now the Government want to refer the Bill to a Select Committee to-day itself and it is quite probable that it will be considered in the Select Committee to-morrow and on the 23rd it may be passed into law. Sir, all these things rather smack of hurry. In this connexion, I would only request my hon. Friend to follow the advice given by the learned Chief Justice the other day when he said that the Government should constitute a Legislative Committee to consider such Bills and take their advice before coming in with them before the Legislature. There are very many eminent lawyers like Dr. John and retired Judges of the Federal Court and the High Court in the Madras City and the Government could have sought their advice in the matter. Sir, there was a Legislative Advisory Committee in 1937-39 which was constituted by Mr. Rajagopalachari when he was the Premier of this Province and he used to consult this Committee on every point. I hope my hon. Friend Mr. Madhava Menon will consider the suggestion made by the Hon. Chief Justice and constitute a Legislative Committee for this purpose. These Bills are drafted and printed by the Secretariat and brought before the Legislature. I am sure not even 10 per cent of the members of this House would have studied this Bill which is absolutely necessary. I hope that there may not arise such an occasion in future as to make the public feel that we are rushing through legislation.

" Sir, I now come to the Madras Elementary Education (Amendment) Act, 1941. I am in perfect agreement with my hon. Friend Dr. John on the points raised by him in connexion with this Act. Government should continue to contribute to local bodies the amount collected by them. I do not know the reactions this

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legislation might have had in the mufassal. As far as the Bellary district is concerned, I can say that when the Bellary District Board proposed to raise the tax sometime ago even by one-half per cent, there was such a hue and cry raised against it. Such being the case, the Government cannot stop their contribution to local bodies. It was an easy thing for the Advisors' Regime to do but a popular and responsible Government cannot do like that. In the last two budget speeches, the Hon. Finance Minister mentioned that elementary education will be free and compulsory. Well, I thought and everybody thought that Government would carry out that policy. Now what is being done. We have to contribute for our education in the mufassal. Therefore, it is necessary as a healthy principle that Government also must contribute a sum equivalent to the amount collected by local bodies.

" Now, I come to the Hindu Religious Endowments (Amendment) Act, 1944. Even though this Act is proposed to be extended for one year, I wish to make few remarks. During 1937-39, some Advisory Committees were informally set up by the then President of the Hindu Religious Endowment Board Mr. Kondappa. In my district, they selected eleven members including myself and we used to tender our advice to the then Executive Officer and in most of the cases we were unanimous in our decisions and it also used to help the Executive Officer in the proper discharge of his duties to the Local Government. That being the case, the Act of 1944 which did away with these Temple Committees and substituted Assistant Commissioners should not be repeated even for a year. I think it would be a healthy principle if the Committees are revived and their opinion taken. Now the Assistant Commissioner in each district is supreme; we must not have invested the officials with so much powers. The one suggestion that I would make for my friends on the Select Committee to consider the Bill is that the Assistant Commissioners in taking their decisions shall consult the committees which the local Government should appoint in each district. It is a healthy principle that local people should be invested with some responsibility for the administration of religious endowments in their own district. It has proved a success both in my district as well as in some of the sister districts and I do not know why it should not achieve the same result in all other districts. I am making this suggestion so that the members of the Select Committee may consider whether they could not incorporate this suggestion into the Bill though it is to remain in force for a year only.

" There is another question, namely, the prosecution of 12-15
parents who refuse to send their children to schools in accordance p.m.
with the provisions of the Elementary Education Act. Such power was vested in the Chairman of Municipal Councils and the Presidents of District Boards and now they want to transfer the power to the District Educational Officers. The public are against investing the officials with more powers for they do not want to be under their dictatorship. In any desirable cases, the

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Presidents of District Boards or the Chairmen of Municipal Councils will certainly be ready to use their powers and in no case has the ends of justice been defeated. I do not know why the Government should entertain any doubt or suspicion about the proper use of their power by them and so, I think that the power should not be transferred to the Educational Officers. There are many other points on which I should like to speak but I do not like to take up the time of the House and elaborate upon them. With these words, I support the motion for referring the measure to a Select Committee."

* SRI R. SURYANARAYANA RAO :—" Mr. President, when I read in the statement of objects and reasons that the Government had given their careful consideration to each of these Acts and had formulated the measures as brought in by means of the Bill, I wondered whether the Hon. Minister was speaking for himself or to the other members of the Government.

" The Leader of the Opposition drew pointed attention to the Madras City Improvement Trust Act. If really the Government had given their most careful consideration to the measure, they would not have put it in the third schedule. The Madras City Improvement Trust has been functioning for some time and the Trust has initiated 22 schemes, of which two have already been sanctioned by the Government, seven more have been published and are awaiting sanction and thirteen schemes are under various stages of preparation, preliminaries such as physical and social survey having already been completed. The officials appointed under it have been carrying on the duties laid down under the Act in the hope that their life would not be extinguished by such a provision as this introduced in the Bill. What is the object of extension of the Hindu Religious Endowments Act for one year? It is with a view to see that there is continuity of administration before the Act lapses and the new Act comes into force. What is the alternative that the Hon. Mr. Madhava Menon has for the Madras Improvement Trust Act? If it is to come to an end at the end of one year, who is to carry out all the various schemes? Have the Government thought over it and does it not show that the Government have not given their most careful consideration to it? They have put some Acts under Schedule I, some in Schedule II and the rest in Schedule III without taking into account the consequences of permanent enactment or repeal after one year. I wish more attention had been paid before such action was taken.

" My hon. Friend, the Leader of the Opposition, also drew the attention of the Government to the Madras Elementary Education Act. It has been my hobby. If hon. members refer to the speeches made on the Budget, they will find that I referred to this Act and showed how it has retarded the progress of elementary education. I would in this connexion like to draw the attention of the House to a few figures from the quinquennial

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report of the Director of Public Instruction. This Act came into force in 1941 and since then there has practically been no spread of education in the municipal or local board areas. In 1942, the number of schools in municipal areas was 975 and in 1947 the number was 976; under district boards, the number in 1941 was 12,351 and in 1947, it was 12,665. The increase is due to the fact that in certain areas compulsory education has been introduced. The Act of 1941 has worked havoc and has retarded the progress of elementary education. There has been a decrease in the percentage of villages provided with schools and all this is due to the fact that local bodies and municipalities do not receive the aid that they were entitled to under section 34 of the Act of 1920 and, in spite of that, this Government wants to place this Act in the first schedule and make it permanent which means that they do not want to accept any obligation for the spread of elementary education. While, all over the world, people are agitating that the State should undertake the responsibility for it, our Government here in this Province do not want even to take partial responsibility or partial obligation towards that end. This is a most retrograde measure passed by the Adviser regime in 1941. But times have changed and if elementary education is to make any progress, local bodies and municipalities at least must be helped under section 34 of the Act of 1920. My hon. Friend the Leader of the Opposition even wanted that that Act should be amended so as to ensure double the contribution that is provided for. I plead only that they accept responsibility to the extent provided for under the Act of 1920 and nothing more; do not go back from that position. That obligation was discharged up to 1941, but after that, during the war, the Government then in existence felt that they could not afford to bear that burden. Now the war is over and normal conditions have been restored and we are not so bad financially as to feel that we cannot find the amount to finance elementary education. It is wrong on principle. The Leader of the Opposition and Mr. Bhima Rao drew attention to Act VIII of 1946, by which power of punishing recalcitrant parents is to be transferred to District Educational Officers. I was rather amused that this Government should have thought of this. It was only the other day we heard the Hon. Minister for Local Administration proclaiming that the Chairman of Municipal Councils will be endowed with more powers; but here I find they cannot even be entrusted with the powers to deal with recalcitrant parents. There is no consistency in the policy of this Government. They speak in one voice here and quite another in another place. We hear members of Government saying that the chairmen are responsible people, they should be entrusted with more powers, they must be elected directly and they are not able to discharge their duties to the electorate in a manner they should and so, an adjustment of power between them and the executive officers must take place in their favour. But here the Hon. Mr. Madhava Menon does not want to give this power of dealing with parents who refuse to send their children to school. I submit, Sir, it is not

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fair. For purpose of elementary education, the District Educational Officer may not be subordinate of the District Board President but neither is the Chairman of municipal Council or the President of the District Board subordinate to the District Educational Officer. It is quite clear my Hon. Friend Mr. Madhava Menon did not realize its import when he said that he had given most careful consideration to it. The fact is no consideration has been given because the 29th of April is coming and afterwards all these enactments will lapse, each Minister has put in what he thinks best to bring forward and the whole thing has been compiled into a bulky Bill. I do not think it is fair to the public that these Bills should be rushed through in this manner. But, however, I hope these points will be borne in mind by my hon. Friends who are on the Select Committee.

"Not only that, when the retrenchment committee went into the figures, they pointed out that the progress of elementary education is slow and that they should have a plan of development for 20 or 15 years and all the available resources should be given for the spread of elementary education. Instead of at least giving effect to that recommendation and heeding to the cry of the public and give the municipal councils and the local bodies more assistance to enable them to do more for the progress of elementary education, this Government want—I do not know if it is parliamentary to say so—to shirk their responsibility. I wish, Sir, the Hon. Minister will agree in the Select Committee to delete the Act of 1941 from the first schedule and will also bring the Madras Improvement Trust Act from the third schedule to the first schedule."

12-3)
P.m.

THE HON. SRI K. MADHAVA MENON:—"The hon. Leader of the Opposition said that 'City Improvement Trust' be removed from the third schedule and put in the first schedule. I have also considered the same point, and it was put there only after careful consideration. It is a mistake to say that I have not carefully considered. I admit that there may be certain defects and these will be examined by the Joint Select Committee.

"Regarding 'Elementary Education Act' and the contributions of Government, I have been in the municipality for a considerably long time and have been complaining that the Government should pay more money for elementary education. In the statement of objects and reasons, it has been made clear that Government found it necessary to protect themselves from financial liability by withholding their sanction for the levy of the tax. It was therefore decided that municipalities might be left free with regard to the imposition of the tax. It was pointed out in the other House by Mr. Viswanatham more vehemently than by Mr. Suryanarayana Rao here that it was improper to re-enact this. Regarding the objections of Mr. Bhima Rao, I may say that these Bills have been in the statute for the last four years and they have come for criticism in the very same form for enactment this

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year. Now it has been published in the Gazette and in most cases only formal amendments are required to correct some mistakes in the former Act.

"With regard to the Hindu Religious Endowments Act, I have already answered the fundamental objections to the Act itself that was raised in the other House by members. The Select Committee will consider them. I agree that advisory committees should be constituted for temples. That can be moved as an amendment to the Bill which has been before the Joint Select Committee and they will incorporate it if they think it necessary.

"Regarding compulsory elementary education, I am sorry I cannot agree with Mr. Suryanarayana Rao. I found, while I was chairman of a municipality, that it was impossible for any chairman to work the Act. The chairman has only the power to punish and not to condone. So no Chairman would be very desirous of punishing. Also influence is often brought to bear upon the Chairman not to punish the offender. So the suggestion has been made that the 'Educational Officer' be substituted for the 'Chairman.' That power was vested in him even prior to the Advisers' regime. The Act was enacted in 1946 and it is proposed to enact it permanently. If the House is particular it should also be given further examination, I have no objection."

MR. PRESIDENT:—"The question is—

that this House concurs in setting up a Joint Select Committee of the two Houses consisting of 18 members (12 members from the Assembly and six members from the Council) to consider the Madras Re-enacting Bill, 1949, and that the following members of this House be nominated to the said Joint Select Committee:—

- (1) Sri N. Sankara Reddi.
- (2) Sri M. K. Sundarama Ayyar.
- (3) The Hon. Sri K. Madhava Menon.
- (4) Dr. P. S. Srinivasan.
- (5) Dr. Syed Tajuddin Sahib Bahadur.
- (6) Sri H. M. Jagannatham."

The motion was put and carried.

THE HON. SRI K. MADHAVA MENON:—"I may say for information that the Joint Select Committee will meet at 11 o'clock to-morrow."

(2) THE MADRAS TEMPLE ENTRY AUTHORIZATION (AMENDMENT)
BILL, 1949 (L.A. BILL NO. 14 OF 1949)

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

that the Madras Temple Entry Authorization (Amendment) Bill, 1949, as passed by the Assembly be taken into consideration at once."

"The Temple Entry Authorization Act had a lacuna in the definition of public temple and it was taken advantage of by

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certain sets of people. In the case of sectional temples, though they are Hindu temples, some are of opinion that they are not public temples within the meaning of the Act. That was also questioned in the courts of law. I may quote an instance from my personal experience. There is a big temple belonging to the Saraswats community. Under the Temple Entry Act, when Harijans entered the temple they resisted. The District Magistrate had to come to the rescue and restore peace. When Government declared it was a public temple, the matter was taken to the court of law. So Government thought it necessary to amend the Act so that every Hindu temple, whether it belonged to a section of the Hindu community or otherwise, may be open to all classes of Hindus. With that object in view, an amendment has been proposed. There is also one other amendment. Under the present Act, the offences are not cognizable and some authorities are not taking cognizance of the offence and leave it to the courts themselves to redress. The Government do not want this to happen. They want to make it cognizable. If the amendment pointed out by Mr. Vaidyanatha Ayyar in the other House is accepted, the position will be that a Harijan may enter a Sourashtra temple but I cannot though I am a caste Hindu."

MR. PRESIDENT :—" The question is—

' The Madras Temple Entry Authorization Bill, 1949, as passed by the Assembly be taken into consideration at once '."

DR. V. K. JOHN :—" I must compliment the Government on introducing this piece of legislation. I am against legislation which interferes with the social structure of society generally. But on one point, I want it. The so-called excluded or depressed classes, the Harijans, should come up to the level of higher classes so that in a period of four or five years we shall have no more excluded classes or Harijans in this country. This Bill will assist in creating or promoting the creation of a casteless and classless society which should be our aim. The social structure must be such that there should not be any class or caste in it and it is only just and equitable to pass this Bill although you may be interfering with the religious sentiments of some orthodox people. For promoting a casteless and classless society, we must allow every section of the Hindu public to go into the temple to whomsoever it belongs. And God makes no distinction between one man and another man, one caste and another caste and one community and another community. I heartily compliment the Government on introducing this Bill."

The motion was put and carried.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried..

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

' that the Madras Temple Entry Authorization (Amendment) Bill, 1949 (L.A. Bill No. 14 of 1949) as passed by the Assembly be passed into law.'

" I thank the Leader of the Opposition for the sympathy he has shown to the Bill and the compliment he paid to the Government for bringing this measure. You, Sir, Mr. President, enquired whether the Bill will not affect the desire of the founder. Yes, it is true. I remember a very old gentleman telling me—he was aged about eighty years—whether it would not be possible to save the Guruvayur temple from being thrown open to other people and he pleaded for doing so. I felt sympathy for him; for there is no use of trying to convert those who are steeped in rural beliefs. We have to take things in the present set up, even though any change in them might create heart-burning to some people, who may honestly believe that temples may lose their sanctity."

* MR. PRESIDENT :—" I was not thinking of those temples. I was thinking on the analogy of private temples, where the founder can exclude all others except himself and the members of his family. Similarly there may be temples where the founder meant them to serve only the interests of a class of Hindus. Such temples will be affected by this measure."

THE HON. SRI K. MADHAVA MENON :—" Such cases it will be hard to save. Sri T. Viswanatham pointed out in the Assembly that in the case of mutts of Swamis, the Swamis and their disciples had some lingams for private worship. The lingams were used for worship by the Swamis and their disciples only. The hon. Member wanted to know whether they could not be saved from the ambit of this measure. I replied that no exception could be made to them."

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

(3) THE TANJORE CHATRAM ENDOWMENTS UTILIZATION (AMENDMENT)
BILL, 1949 (L.A. BILL NO. 15 OF 1949)

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

' that the Tanjore Chatram Endowments Utilization (Amendment) Bill, 1949 (L.A. Bill No. 15 of 1949) as passed by the Assembly be taken into consideration at once.'

" Sir, this Bill came up before this House last year along with other repealing and re-enacting Bills. The original Act was passed by the Governor in 1942. The necessity for this measure will be seen from the objects and reasons of the original measure. It runs as follows :

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'Whereas the Maharatta Rulers of Tanjore founded a number of chattrams on the main road to Rameswaram for the accommodation of pilgrims and created various endowments in connexion therewith;

'And whereas no documents expressly defining the objects of the said endowments are now available;

'And whereas the income from the said endowments has for over a century been utilized not only for feeding and otherwise helping pilgrims to Rameswaram but also for other charitable purposes such as the maintenance of schools and the distribution of medicines.'

"The Governor passed the Tanjore Chatram Endowments Utilization Act, saying that the income from those properties may be utilized for the maintenance of twelve institutions mentioned in the Schedule to the Act. As a matter of fact, there is absolutely no record to show what the donor intended in founding the chattram endowments. After the advent of the train service to Rameswaram, I do not think any person travels to Rameswaram by road. So the property was treated as escheat to Government, and the Board of Revenue was administering it for some time. But later on, they entrusted the management to the Tanjore District Board, and they are now administering it. They have accumulated some income, and out of that income certain schools and medical dispensaries are being run. The Tanjore District Board requested that one of the empty buildings in Orathanad may be used as an agricultural school, and that they would meet all the expenditure for it from out of the Chattram funds. Government agreed to the proposal, as it was a very good proposal and they also agreed to contribute half the cost of maintenance of the institution. But till the Act is passed the district board will have to meet the entire cost from their funds and then they can recover it from Government. Last year when this Bill came before the lower House, Government took power to add to the schedule items whenever necessary. That contemplated that Government should bring an amending bill to the legislature whenever they wanted to add to the schedule. Now by this amending Bill Government propose to do away with that necessity but take power to simply notify that such and such institutions might be added to the Schedule as and when the district board thinks it necessary. So I request the Bill may be taken into consideration at once."

SRI B. BHIMA RAO :—"Sir, I rise to make a suggestion to Government. No doubt, now, these chattram endowments are not being utilized for the purpose for which they were originally intended by the Rajas, because most of the pilgrims to Rameswaram go by rail rather than by road."

MR. PRESIDENT :—"Almost every district has some such thing."

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SRI B. BHIMA RAO :—"So the accumulation of funds must be properly utilized. The only thing I want to suggest to Government is with regard to the notification which they have mentioned in the Preamble and the third clause. I suggest in the application of what is called cypres doctrine it would be expedient in order to avoid public criticism, to take the opinion of the High Court of Madras and then issue the notification rather than Provincial Government taking power themselves. So I suggest that at the end of the Preamble and clause 3 of the Bill, the following words be added : 'after obtaining the opinion of the High Court of Madras thereon.' This would relieve Government from any criticism that may be passed against it. My suggestion may be accepted; or it may not be accepted. If it is accepted, there is no harm, as the Assembly is meeting to-morrow and this Bill may be passed there."

SRI K. NATARAJAN :—"Mr. President, Sir, the Bill contemplates the application of the cypres doctrine. The word 'Cypres' itself indicates that if a particular specified object of an institution is satisfied, and if there is a surplus in the income after meeting the expenditure of the institution, then that surplus may be devoted to a purpose, which is cypres to it, that is, which is cognate to it, which is not inconsistent with it, but which is of the same nature. But it does not depend upon the object to which it is diverted, being a beneficent object—it may be a very good object. The word 'Cypres' indicates the limitations under which this diversion of this trust fund pertaining to chattram will have to be used."

"Sir, having had some acquaintance with the records connected with these chattram endowments, I do not know how the administration in 1942 declared—

'Whereas the Maharatta Rulers of Tanjore founded a number of chattrams on the main road to Rameswaram for the accommodation of pilgrims and created various endowments in connexion therewith;

'And whereas no documents expressly defining the objects of the said endowments are now available;'

Sir, the statement that 'no document expressly defining the objects of the said endowments are now available, is, to say the least is not quite correct. We have a letter written by Raja Sarubhoji and some writings of his subordinate officers saying with respect to particular chattrams, for what purposes their income are to be spent. They mean no doubt that pilgrims to Rameswaram should be fed; they also contemplate giving of alms to poor people; they also contemplate education of children; and also the pregnant women who are brought to chattram be accorded treatment. So there is not much of accuracy in the statement made in the original Act '*whereas no documents expressly defining the objects of the said endowments are now available*'. But I am not concerned with the original Act now. I am concerned with the purposes for which the funds are now to be utilized. They

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were summed up in the schedule of the original Act. They are six medical institutions and six educational institutions. Even at that time, Government had to consult legal advice to spend the income of the fund on those institutions; and that is why they say in the original Act: *'And whereas doubts are entertained as regards the validity of such contributions and it is expedient to remove such doubts.'* Even though contributions from the income derived from the Tanjore Chatram Endowments were made for nobler causes than the feeding and helping of pilgrims, maintenance of schools and the distribution of medicines, doubts were entertained regarding the validity of such contributions. I will quote one instance from the Madras Hindu Religious Endowments Act in which the cypres application of funds is dealt with. That is in section 67 of that Act. A Select Committee which sat on a Bill to amend the original Act said:

'The corresponding clause in the original Bill (clause 33) has elicited the largest volume of criticism. We have considerably narrowed the application of the doctrine of cypres, as embodied in the original Bill. The Board to which an application is made has first to determine whether there is a surplus; it has then to determine whether any portion of the surplus should be retained as a reserve fund for the religious institution. If it finally finds that after providing adequately for the original objects and a reserve fund for the institution, funds are available for application elsewhere, it may sanction but only to purposes within the meaning of the expression "religious, educational or charitable purposes not inconsistent with the objects of such math or temple".'

I crave the indulgence of the House to quote the court decisions concerning the cypres application of funds:

'A gift to erect and endow alms-houses cannot be applied in building an hospital.'

'A fund intended for the relief of physical destitution cannot be applied for educational purposes.'

'Gifts for the benefit of the poor may be applied for education but not for rebuilding a cathedral.'

I want to draw the attention of this House to these decisions to show that, when the income from a fund cannot be spent on an object not much allied to the original object of the fund, the Government have to be very careful in selecting the objects on which could be spent the surplus income from the Tanjore Chatram Endowments.

"The 1942 Act contains a schedule of six educational institutions and six medical institutions on which the surplus income from the Tanjore Chatram Endowments can be utilized. Probably that schedule is intended to apply to this Bill also. The omission of that schedule in this Bill is a mistake. The object of this Bill is to retain those twelve items and to add to it the agricultural training school at Orathanad. I don't think anybody in Tanjore district

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will object to this addition. The only thing which we have to consider is whether this object is not inconsistent with the objects of the endowments.

"The Bill seeks also to add 'such other institutions as may be notified in this by the Provincial Government' on which the surplus income from the Chatram Endowments could be utilized, I think that the giving of such a wide power to the Provincial Government is not justified. If some other objects cognate with the objects of the Endowments have to be financed, there will be no difficulty in bringing forward a Bill to add that object to the items in the schedule. We do not know what the personnel and policy of the Provincial Government will be. We do not know how far they will conform to the wishes of the founders of the Endowments in selecting the institutions. Some Members of the Government may be orthodox and some may not be. There may be change of parties who run the Government and there may be change in policies. Therefore I suggest . . ."

MR. PRESIDENT:—"The hon. Member suggests that the clause may be omitted. In other words, leave it to future legislation."

SRI K. NATARAJAN:—"That is the gravamen of my speech to-day. I would be very glad if it is omitted. But if this is not acceptable, I would at least suggest that the following be substituted for the wording proposed:—

'Such other institutions as may be notified in this behalf by the Provincial Government after consulting the wishes of the people, the High Court Judges or the Advocate-General, expert lawyers or an advisory committee of experts.'

"The Hon. Mr. Madhava Menon may give an assurance on the floor of this House that they will select only such institutions as will satisfy the object of the endowments. We cannot rely very much on the assurances of individuals who happen to be Members of the Government for the time being. The Governments may change. The assurances given in the House are not of much value. We have got to be guided by the Act. This is all that I wish to submit."

SRI K. VENKATASWAMI NAYUDU:—"May I know what the capital of the Endowments is?"

THE HON. SRI K. MADHAVA MENON:—"I am not in a position to give the exact capital of the endowments. The property is in the form of lands and other immovable property and rent is derived from them. I think the annual income is between Rs. 2 to 3 lakhs."

SRI K. NATARAJAN:—"The income in 1943 was Rs. 3 lakhs. The property consists of villages. The donor has built certain chatrams in the name of his wife, certain chatrams in the name of his mother and so on. The income derived from the landed property set apart for each chatram must strictly be utilized on that chatram."

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MR. PRESIDENT:—"I know that the Chatram Endowments were maintaining a Deputy Collector, as Manager."

SRI K. NATARAJAN:—"It was not a case of escheat. Under the Madras Endowments and Escheats Regulation, 1817, the Government have power to take over the management of endowments."

THE HON. SRI K. MADHAVA MENON:—"Under the Madras Endowments and Escheats Regulation, 1817, the Revenue Board took charge of the endowments and handed them over to the Tanjore District Board. The annual income from the endowments is between Rs. 2 and 3 lakhs."

"As regards the suggestion of the hon. Mr. Bhima Rao that the opinion of the High Court may be taken as to the objects on which the surplus income could be utilized, there is no need for the Government to ask for the opinion of the High Court. I do not know whether there is any provision in the Government of India Act, calling upon the Government of India to take the opinion of the Federal Court. There is no provision either in the Letters Patent Act, or in any other Act for the Government taking the opinion of the High Court."

"The hon. Mr. Natarajan referred to the doctrine of cypres. The cypres doctrine comes in only when we know the actual objects of the endowments. Before enacting the Tanjore Chatram Endowments (Utilization) Act of 1942, the Government examined all the available records but found no documents expressly defining the objects of the endowments. Therefore we have provided for including 'such other institutions as may be notified in this behalf by the Provincial Government.'"

"The hon. Mr. Natarajan said that the omission of the Schedule to the 1942 Act in this Bill was a mistake. This is only an amending Bill and the schedule is there in the Act which this Bill amends. There is no need to repeat the schedule in this Bill."

"As I said, we have no record from which to deduce the objects of the donors of the Endowments. Instead of the surplus money lying idle, we are providing for utilizing it on objects to which the Tanjore District Board and the Government agree. That is the only object of this Bill."

1-15 P.M. The motion was put and carried.

Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 4 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

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

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MR. PRESIDENT:—"The question is

'that the Bill to amend the Tanjore Chatram Endowments (Utilization) Act (L.A. Bill No. 15 of 1949), as passed by the Assembly be passed into law.'

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

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

The House then adjourned for lunch.

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

(4) THE WEST GODAVARI DISTRICT (ASSIMILATION OF LAW ON PROVINCIAL AND CONCURRENT SUBJECTS) BILL, 1949

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

'that the West Godavari District (Assimilation of Law on Provincial and Concurrent Subjects) Bill, 1949 (L.A. Bill No. 16 of 1949) as passed by the Assembly be taken into consideration at once.'

"Sir, thirty-seven villages in three firkas of the West Godavari district, which originally formed part of a partially excluded area in that district, ceased to be part of that area as from the 1st day of July 1948, by virtue of the Madras Partially Excluded Area (Cesser) Order, 1948. But this order did not, however, contain any provision for the application to those villages of the laws in force in the ordinary tracts of the district. The result is that contrary to the intention, the laws which were in force in the villages when they were a partially excluded area, continue to be in force there. The object of this Bill is to make the laws in force in those tracts applicable to the villages. The scope of this Bill is confined to laws dealing with matters included in the Provincial and Concurrent Legislative Lists which alone are within the competence of the Provincial Legislature. The Central Government have already passed an Act in regard to laws dealing with matters in the Federal Legislative List and these apply to the excluded areas in the Agency Tracts. We are now bringing forward this Bill in order to see that the laws which are within the Provincial and Concurrent List may be applicable to those areas. That is the object of this Bill and I move that it may be taken into consideration at once."

MR. PRESIDENT:—"The question is—

'that the Bill to assimilate certain laws in force in different parts of the West Godavari district (L.A. Bill No. 16 of 1949) as passed by the Assembly be taken into consideration at once.'

The motion was put and carried.

Clauses 2, 3 and 4 were put separately one by one and carried.

The schedule was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

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

MR. PRESIDENT :—" The question is—

'that the Bill to assimilate certain laws in force in different parts of the West Godavari district as passed by the Assembly be passed into law.'

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

(5) THE MADRAS CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, 1949

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

'that the Madras Co-operative Societies (Amendment) Bill, 1949 (L.A. Bill No. 17 of 1949) as passed by the Assembly be taken into consideration at once.'

"Sir, as has been clearly stated in the Statement of Objects and Reasons to this Bill, this is a reciprocal arrangement made with the Mysore State. Now the awards passed in that State cannot be executed in this Province against people residing here. Similarly awards passed in this Province against persons who reside in Mysore cannot be executed. Some complaints have been brought to the notice of the Government with regard to this matter and so a provision has been made for a reciprocal arrangement with the Mysore Government. We have got a similar reciprocal arrangement with the Orissa Government also and on the same lines we are enacting this Bill. I move, Sir, that the Bill be taken into consideration at once."

MR. PRESIDENT :—" The question is—

'that the Bill further to amend the Madras Co-operative Societies Act, 1932 (L.A. Bill No. 17 of 1949), as passed by the Assembly be taken into consideration at once.'

The motion was put and carried.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI K. CHANDRAMOULI :—" Sir, I move that the Bill be passed into law."

MR. PRESIDENT :—" The question is—

'that the Bill further to amend the Madras Co-operative Societies Act, 1932 (L.A. Bill No. 17 of 1949), as passed by the Assembly be passed into law.'

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

VIII—NON-OFFICIAL BILL.

THE MUSLIM PERSONAL LAW (SHARIAT) APPLICATION (MADRAS AMENDMENT) BILL, 1947 (L.A. BILL NO. 27 OF 1947).

MR. PRESIDENT :—" The hon. Member who is to move this Bill in this House is not in his seat. The question is since it has been put down in the agenda for to-day, what will become of it, if the House adjourns now? "

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THE HON. DR. T. S. S. RAJAN :—" Since the hon. Mover is not there, I move that the House be adjourned, Sir."

ABDUL FAROOKHI SAHIB BAHADUR :—" Sir, to-day has been converted into an official day and this is a non-official business. How can it lapse automatically, if it is not taken up to-day? "

MR. PRESIDENT :—" It is not a question of official or non-official day. The object of the motion is that official business is to be given precedence. As soon as the official business is over, we can take up the non-official business. There is no question of the whole day being set apart for non-official business."

(At this stage Mr. K. T. M. Ahmed Ibrahim Sahib who is the mover of the Bill entered the House.)

MR. PRESIDENT :—" It is proposed that the House might meet on the 22nd at 4 o'clock in the evening. The other House will sit till about 4 o'clock and finish the Re-enacting Bill and it will come to this House at 4 o'clock. It is suggested that we finish the business the same day and as soon as the business is finished it is proposed to prorogue both the Houses. I think the Re-enacting Bill will not take much of the time of the House and we would be able to finish the work the same evening. I think there are some functions that evening—I have received some invitations—and therefore it will be better if we finish the business before 5.30 p.m.

Mr. Ibrahim, you must thank me for having kept the House waiting so long for your arrival."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" Mr. President, Sir, I must apologise to the House for not being in the House when the item was reached. I thought, Sir, that it might take some time."

MR. PRESIDENT :—" There is no question of apology. You must thank me for having kept the House waiting for you."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" After apologising to the House, Sir, I have to thank you also for having waited for so long and not having allowed the Bill to lapse."

"I beg to move, Sir,—

'that the Muslim Personal Law (Shariat) Application (Madras Amendment) Bill, 1947 (L.A. Bill No. 27 of 1947), as passed by the Assembly be taken into consideration at once.'

"Sir, the provisions of the Bill are quite simple. The object of the Bill is only to extend to this Province the application of the Muslim Personal Law Act of 1937 so far as certain items which were omitted from the original Act are concerned. They were so omitted on account of the fact that those subjects came under the Provincial List of the Government of India Act. Item 22 of List 2 of Schedule VII to the Government of India Act, includes

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 'Agricultural lands' and item 34 includes 'Charities and charitable institutions and charitable and religious endowments.' These two items were not therefore included in the Central Act and the present Bill seeks to apply the Central Act to these two subjects also."

MR. PRESIDENT :—" I will just request you to repeat your arguments. I do not quite follow you. My difficulty is this. As lawyers we have studied Muhammadan Law as found in the text-books. Is it not Shariat Law?"

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" The Central Act as passed in 1937 is not applicable so far as the agricultural lands and charitable and religious institutions are concerned. That is my point, Sir."

MR. PRESIDENT :—" That is not my point. We have read the text-books on Muhammadan Law. I suppose you have also read it. Are they not based on Shariat Law?"

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" They are, Sir. But in certain Provinces some customs have been established contrary to the Shariat Law and the Central Act was intended to abrogate those customs in order that the Muslims may observe the Shariat Law in all parts of the country. The Central Legislature could not make the Act applicable to agricultural lands and charitable and religious institutions because these items are in the Provincial List. This Bill seeks to extend the application of the Central Act to these two provincial subjects also. This is so far as the objects of the Bill are concerned. The original Act as passed by the Central Legislature has been welcomed by the Muslim community unanimously. The present Bill also has been passed in the Legislative Assembly unanimously and certain alterations that have been made by the Select Committee to the original Bill as given notice of by Mr. Seethi Sahib have also been made unanimously. The original Bill was circulated for public opinion and the Muslim public of the Province also welcomed the Bill and they have given their wholehearted support to it. That being the case, I do not think there will be any difficulty for this House to accept the measure and pass it into law. I do not want to make any further amendments to it. Sir, because they will go further than the original Central Act. If any further provisions are necessary they may be done by bringing separate Bills. We are only anxious that so far as agricultural lands and charitable and religious institutions are concerned, the Central Act must apply."

S. K. SHAIK ROWTHER SAHIB BAHADUR :—" I beg to second, Sir, the motion made by my hon. Friend Mr. K. T. M. Ahamed Ibrahim Sahib Bahadur that the Muslim Personal Law (Shariat) Application (Madras Amendment) Bill, 1937 (L.A. Bill No. 27 of 1947), as passed by the Assembly be taken into consideration at once."

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MR. PRESIDENT :—" The question is—

that the Muslim Personal Law (Shariat) Application (Madras Amendment) Bill, 1947 (L.A. Bill No. 27 of 1947), as passed by the Assembly be taken into consideration at once."

DR. V. K. JOHN :—" Mr. President, Sir, I wish to make a few observations on this Bill. In doing so, I do not commit the opposition, i.e., my party to these observations which are personal.

" Now, Sir, I think a Bill like this brings into prominence a policy, which we as citizens of a free country should not encourage. I think our attempt should be not to consolidate one community by consolidating its personal laws and allowing different persons to have different personal laws. Our object should be to have one personal law for all Indians. It may be, that in evolving that personal law we might follow to some extent the Muslim Law in so far as it is in advance of the Hindu Law. For instance the Muslim Law allows women to inherit property. The Hindu Law is trying to approximate it. I am only giving this as an instance. There are instances in which the Hindu Law can lead the Muslim Law. My point is this. Our attempt hereafter should be to produce one nation and not a nation divided into communities based on religion and consolidated by personal laws. Sir, the foreign ruler here wanted to consolidate the communities and divide one from the other. Therefore he took particular care to see that there was one type of law for Muslims and another for Hindus and a third for the Christians. As a matter of fact I know that the Muslims in Malabar, particularly the Moplahs who hold property follow the Marumakkattayam law and they would like to follow that law in spite of the fact that they are Muslims. That is the law that is prevalent in that part of the country. The Kojas and the Cutchimmons follow the Hindu Law. To-day a majority of them would like to follow the Hindu Law of inheritance. During the last few years an attempt has been made by power politicians to consolidate the Muslim community for political purposes. And attempts have been made before to consolidate that community by giving them specific personal laws, that is, the law found in their Books. I must point out, Sir, that at no time in the history of this country was the Muslim personal law as found in the Muslim text-book were applied to the Muslim, 90 per cent of whom were converts from the Hindu community. Large numbers of them followed the Hindu Law and to-day also they would like to follow the same. Now step by step the Muslim community has been consolidated by political agitation, separate electorates and separate organizations with the result that the country has suffered and the future of the country is not so bright as it should have been, if we felt that we were Indians first and Indians last and not as Muslims, Hindus and Christians. Now, Sir, that we have attained our freedom it should be the attempt of every patriot not to consolidate communities with different personal laws based on religion but to have one personal law for all communities as Indians. I do not

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see why we should not have one personal law for all of us. Our attempt should be at least to approximate to that. As far as possible we must effect compromises and evolve one system of law for all Indians. Instead of doing that we are now attempting by this Bill the consolidation of the Muslims. I ask this question, Sir. First of all is it in the interests of our country that the Muslim community should still feel themselves as one politically different community and have separate electorates, a separate law, separate organizations exclusively for them alone? Is it in the interests of the country? I say, decidedly not. Is it in the interests of at least their community? I say, Sir, that it is not in the interests of the Muslim community either, that they should have personal laws different from the laws of others inhabiting this country, their fellow citizens with whom they have to live and with whom they have to share their fortunes and sorrows. Now, Sir, the mover of the Bill is trying to extend the Central Act and consolidate the personal laws of the Muslim community so far as agricultural lands and charitable and religious institutions and endowments are concerned. I say it is a wrong and retrograde step. I say that the Central Act ought to have been repealed. If some Muslims have followed the Hindu Law and the Hindu customs and habits they should be allowed to continue to do it, because we do not want communities based on religion to be separated from one another.

8 P.M. Now the Kojas, Moplahs and Cutchmemons of the Muslim community follow their customs which are not the personal law in their text-books. I think the Mover of this Bill is doing a grave injustice not only to the development of national unity, the solidarity and integrity of this great country, but also to the community which would otherwise feel as a part of the population not on religious ticket but on their patriotism to the country. Communalism, Sir, is a narrow loyalty. There should be no communalism in public life. One might follow his religion. But there should not be communalism in public life. Communalism, Provincialism, parochialism and sectarianism are all narrow loyalties which should not be encouraged. All these disruptive forces should be discouraged and neutralized as far as we can. This Bill will develop communalism on the basis of law. We have divided the country on the basis of Muslims being a separate nation. When they were not separated, they were a part of this great nation. They followed largely Hindu customs and usages. The vast majority of them are converts from Hindus. A great attempt was made to consolidate them by the Muslim League into one separate nation, separate from the non-Muslims inhabiting this country. We have suffered on account of the separation. We had separate electorates, and we are going to do away with them, because separate electorates are inimical to the interests of the nation. Why should we enact laws separately for Muslims, Christians, Hindus and Parsis in this great country? Can we not have one unified law? This Bill, Sir, is a highly retrograde step not in the interests of the nation as a whole and not in the larger or true interests of that community. I say that boldly, and I have

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said this many times before. That community has been misled by a political organization, and as a result of that misleading this country has been divided. Millions have been uprooted from their homes and places of worship. They have suffered very much. We should not create communal consciousness. I think it is a very bad attempt which goes against nationalism and against the true interests of the community which it proposes to consolidate."

MR. PRESIDENT :— " You can take it that till that unified law comes in, this has to remain. This would not militate against such unified law being framed."

THE HON. SRI K. MADHAVA MENON :— " Sir, I was the Chairman of the Select Committee which considered this Bill. I want to clear one misunderstanding that has arisen in the speech of Dr. John. I certainly agree with him in the sentiments he has expressed. It is a consummation to be devoutly wished for to have one unified law for property and other things, and that there should be no separate Hindu Code or separate laws. The Hindu Law is now being considered by the Central Assembly. Why not we have one Code for the whole country? That is the consummation which we all must pray for. Let us pray for that time when we will have a unified law for all. Till then we have to face facts. What is the idea of the present Bill? Sir, you may remember that a few months ago we passed the Hindu Women's Rights to Property (Amendment) Bill. That was an Act passed by the Central Legislature giving property rights to Hindu women in certain conditions. There also the Central Legislature could not legislate for agricultural lands and charitable endowments. They were omitted in that Act. They were taken up by this Government, and we amended the Hindu Women's Rights to Property Act to include agricultural land and charitable endowments because the Provincial Government alone could legislate in respect of them. Similarly in the case of this particular Act, the Central Act omitted this portion relating to agricultural land and charities. Section 2 of the Central Act is—

'Notwithstanding any custom or usage to the contrary, in all questions (save questions relating to agricultural land), regarding intestate succession, special property of females, including personal property inherited or obtained under contract or gift or any other provision of Personal Law, marriage, dissolution of marriage, including talaq, ila zihar, lian, khula and mubaraat, maintenance, dower, guardianship, gifts, trusts and trust properties, and wakfs (other than charities and charitable institutions and charitable and religious endowments) the rule of decision in cases where the parties are Muslims shall be the Muslim Personal Law (Shariat).'

The Central Legislature could not legislate in respect of agricultural land. So also, they could not legislate in respect of charities and charitable institutions and charitable and religious endowments, because the Provincial Government can pass legislation for all these. The Central Act includes gifts, trusts and wakfs and not agricultural

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lands and charities and charitable and religious endowments. They have been omitted, because it is the Provincial Legislature which should pass legislation in respect of them. The objection that Dr. John mentioned should be attributed to the original Act itself. Mr. Seethi Sahib wanted to omit section 3 of the original Act. Section 3 of the original Act is not compulsory on anybody. It is only optional. Section 3 of the original Act reads—

‘3. (1) Any person who satisfies the prescribed authority—
(a) that he is a Muslim, and

(b) that he is competent to contract within the meaning of section 11 of the Indian Contract Act, 1872, and

(c) that he is a resident of British India, may by declaration in the prescribed form and filed before the prescribed authority declare that he desires to obtain the benefit of this Act, and thereafter the provisions of section 2 shall apply to the declarant and all his minor children and their descendants as if in addition to the matters enumerated therein adoption, wills and legacies were also specified.’

Mr. Seethi Sahib wanted to omit this section 3 by making it compulsory on every Muslim, whether he is governed by the Mappilla Marumakkattayam Act or any other law. The opinions received from even the Marumakkattayam families favoured the retention of the option. I pointed out to Mr. Seethi Sahib that the original Act gives the option to be governed by Marumakkattayam Act or any other law, and that the option need not be taken away. Mr. Seethi Sahib then withdrew his amendment. But he wanted to bring in those items which the Central Legislature could not legislate for, and which they could have legislated for if they had the power to do so. This was agreed to by the select committee, and agricultural lands and charitable and religious endowments were brought under the provisions of the Act.

‘The argument that it is anti-national to have different laws may be very good, but it may not be quite relevant to the Bill.’

* DR. SYED TAJUDDIN SAHIB BAHADUR:—‘Sir, I am afraid the Leader of our party has flown off at a tangent. (Interruption by Dr. V. K. John). I very much sympathize with his very lofty ideal of making the whole humanity into one family, as it were, by having one personal law. Perhaps he means to have one religion also. I am for it. Dr. John must know that the Arabian Prophet never created a new religion at all. What he preached to the world is that there is one true religion from the very pre-historic times. There has been one true religion and there should be one such religion. That is what he preached. Humanity being what it is, communities and sections grew up. There are many millions of Muslims all over the world and there are ever so many sections among Muslims also. I cannot understand Dr. John’s saying that simply because there are several personal laws in this world at the present moment, the world should be less nationalistic and more communalistic. That is a view which

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I cannot subscribe to. We must work out the old Adam in us. We should try to understand other communities, become friendly with them and identify our interests with their interests. There is no point, at this stage in attempting to have one personal law for all. It is left to the Muslim community itself to see to that. It is not for other communities to come in and preach to us that we should have this law or that.

‘Beyond this, I have nothing to say, Sir.’

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR:—‘Sir, I am sorry that the hon. Member, Dr. John, has brought into the discussion of this Bill quite irrelevant points. We are not now considering as to what should be the ultimate aim and ideal of this land so far as laws relating to family status, rights, etc., are concerned. We are only filling up a lacuna, as it were, which has been left in the Central Act on account of the fact that the Central Legislature had not the necessary powers to fill up that lacuna. The Hon. the Law Minister has explained the scope of the Bill so far as that aspect is concerned. I do not think that it is necessary for me to add anything more to what he has already said. Dr. John has not only raised irrelevant points, but he is also inconsistent in his statements. He says that the nation should not be divided into communities on the basis of religion. At the same time he also said, at a later stage, that every man should be free to follow his own religion. I cannot understand how the one is consistent with the other. (Dr. V. K. John: ‘In public life we should have no religious consciousness.’) Sir, we are dealing with the Shariat Bill. We are not dealing with public rights, but with the personal laws relating to the family life and status of Muslims. Dr. John also stated that because Muslims are converts they do not follow the Muslim law. I do not know wherefrom he got those statistics to venture upon that statement. The whole world knows that the vast majority of the Muslims of this country as well as other countries follow the Islamic law. What is the harm, Sir, in one being a convert? Christianity, Islam and Buddhism are missionary religions. It is necessary and proper that people belonging to other religions should be allowed to embrace any religion they like. That does not, however, take away the fact that converts to Islam are not Muslims. When they prefer to follow a particular religion they must follow the personal law and other tenets of that religion. Because the ancestors of the large majority of Muslims of this land are Hindus, does it mean that they should continue to be Hindus in their outlook on life and ideals? Certainly not. (Dr. V. K. John: ‘What about Cutchmemons?’) Sir, Dr. John has forgotten that as early as 1937 the Central Legislature passed the Cutchmemon Act making the Islamic Personal Law obligatory on all the Cutchmemons and Kojas. By the Cutchmemon Act of 1920 or 1924, Cutchmemons were given the option to declare themselves that they would follow Islamic law. In 1936 the Central Legislature gave permanence to the unanimous wish of the community. Now, the

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personal law or the Shariat law is compulsorily applicable to the Cutchmemon. Here again, my hon. Friend, Dr. John, has forgotten the law. I am sorry for it."

MR. PRESIDENT :—" I think the hon. Member may give one short reply to Dr. John. You have no objection to everyone adopting Shariat law and the passing of this Bill only facilitates such unification. I don't think the hon. Member will object to all of us coming under Shariat law."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" There is another aspect of the Bill, Sir. It is a very huge problem. First of all by a mere stroke of the pen or by passing a legislation, you cannot make all the heterogenous elements of the country into one homogenous whole. Well, Sir, we want cordiality."

MR. PRESIDENT :—" The hon. Member has not understood me correctly. What I am saying is if the hon. Member makes his own laws, whether he will object to any of us adopting them."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Of course, there will be no objection. But we are only concerned with ourselves now. This Bill concerns the Muslims."

DR. V. K. JOHN :—" If it is extended to the Hindus and the Christians, I have no objection."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" We will be glad if this law is adopted by other communities. As a matter of fact, my contention is that the whole world is tending towards Islamic laws. Many of the Islamic laws are being adopted in other countries and also by other communities. I do not want to go into details. But my hope is that ultimately our laws will be adopted by Dr. John and others. (Sri M. Narayana Menon : ' I hope you will adopt the Hindu Code also. ') Let us not tamper with the laws of any particular community by forcible legislation. Let us leave it to the test of survival of the fittest. (Dr. V. K. John : ' Let all Hindus become Muslims. ') Legislation should not decide which is the fittest thing so far as personal laws are concerned."

" My friend was very much loud with regard to the name being divided into several communities. I want to ask him ' Is he not a Christian ' ? Does he not call himself ' John ' ? Why should he not call himself ' Krishnamurthy ' or ' Ramamoorthy ' ? "

DR. V. K. JOHN :—" I do not call myself ' John. ' It was my ancestors who named me ' John '."

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR : " We are separate communities and we must face realities and facts. We must bring about, by facing realities, complete harmony, cordiality and amity in this land among the several communities so that the country may prosper. This cannot be done by obliterating all differences and all distinctions. Communities will exist but we must

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work for a healthy co-operation between all of them so that there may be harmony in the land. Dr. John said that by consolidating the personal laws of the Muslims, they are made to feel that they are a separate community and that it would affect the country's prosperity. Certainly not. If only he reads the history of Islam and the history of the Muslims not of this country alone but also of other lands, he will realize that the Muslims never have been and have never conducted themselves against the interests of the nation or the country. Their religion preaches them to be true to their country and to fight for their country. If only he had read the history of Islam, he would have known how in other lands and in other climes, the Muslims have fought shoulder to shoulder with other communities of the country for the protection of their own country against *Muslim* invaders. He must read the history in the proper manner and proper light and he will find that the Muslims have fought against Muslims for the defence of their country. Therefore, I must repudiate completely this aspersion on the Muslims. The more the Muslims are consolidated, the more would they be able to serve the country and to work for the prosperity of the land. We cannot create this harmony and cordiality by forcing a community to give up its personal laws. The right to follow your religion means nothing if you simply call yourself a Muslim but are not allowed to follow your personal laws. There are tenets and doctrines in each religion and the respective followers must be allowed to follow them. Even the Draft Constitution has made it the fundamental right of every citizen to follow his own religion. Therefore, I am not able to understand Dr. John saying that a community should not be allowed to follow its religion. The remedy he proposes is very very worse than the disease and is not practicable."

" After all, this Bill does not go beyond the scope of the Central Act which is in force in this land. As the Hon. the Law Member said there is the Hindu Code. Have all other communities been asked to give up their personal laws? Is it possible now or even at any time? If that is done, then it is an interference with religion. This is a secular State and each community will have the right to follow its own religion. That is one of the fundamental bases of a secular State and that right cannot be taken away by a legislation."

" I am glad that Dr. John has not after all opposed the legislation. The sentiments he expressed are very very harmful to the prosperity and the interest of the country. If his sentiments are given effect to, there will be widespread discontent in the minds of several communities in this country. They will have to think that they have not got the right to follow their own religion."

MR. PRESIDENT :—" Dr. John only gave a piece of advice."

DR. V. K. JOHN :—" Not to have separate electorates."

DR. SYED TAJUDDIN SAHIB :—" We want separate electorates."

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* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" We hope we will have separate electorates at the proper time. I will be able to satisfy any reasonable man that separate electorates will not produce and has not produced any kind of separateness. On the other hand, it has contributed to the closer association and harmony between the several communities of the land. It has been responsible for removing all possible frictions between the communities. We must devise our institutions according to the genius and abilities of our land. There is no use of simply referring to the west. If one reads the history of other countries, it will be found that the Muslims have never betrayed their country but on the contrary have fought for the defence of their country."

MR. PRESIDENT :—" I think the hon. Member need not trouble himself any further."

DR. V. K. JOHN :—" I am glad I agitated him a bit."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Therefore, Sir, I commend the Bill to this House and I hope that this House also would pass this measure as unanimously as it was done in the other House."

MR. PRESIDENT :—" The question is—

'that the Muslim Personal Law (Shariat) Application (Madras Amendment) Bill, 1947 (L.A. Bill No. 27 of 1947), as passed by the Assembly be taken into consideration at once.'

The motion was put and carried.

Clause 2.

Clause 2 of the Bill was put and carried.

Clause 3.

MR. PRESIDENT (addressing Abdul Latif Farookhi Sahib Bahadur) :—" What about your amendment?"

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Sir, whether my amendment is accepted or not, I think I must give expression to certain views which are held by Muslims. I am not opposed to the Bill."

MR. PRESIDENT :—" Is the hon. Member moving the amendment or not?"

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

'that in clause 3, after the words "dower, guardianship, gifts," add the words "wills, legacies, adoption".'

THE HON. DR. T. S. S. RAJAN :—" Is the hon. Member in order in moving the amendment because the Bill has been passed?"

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MR. PRESIDENT :—" The Bill has not yet been passed."

DR. V. K. JOHN :—" I should like the Leader of the House to be more attentive. The Bill has not been passed yet."

THE HON. DR. T. S. S. RAJAN :—" I am very attentive."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" To call this a Shariat Bill is a misnomer because it is mutilated. As the Hon. Sri Madhava Menon himself admitted, the Mover of the Bill in the Assembly, Mr. Seethi Sahib, wanted something else (The Hon. Sri K. Madhava Menon : 'Something more'), wanted something more. All that he wanted was not accepted and the Bill has therefore lost its object. There are certain issues which have to be taken into consideration and without which it cannot be called a Shariat Bill. There are certain matters where the personal law of the Muslims has to be applied. For instance, there is 'adoption'. My amendment is that the personal law must be complete. The original Bill moved by Mr. Seethi Sahib contained the words 'wills, legacies and adoption.' I do not know why the Select Committee did not like them. It was probably due to the anxiety that a particular measure should be placed on the Statute Book and that a particular gentleman should have the credit that he was the Mover of that particular Bill. Perhaps, Government wanted to give an eye-wash to the Muslims saying that they had accepted at least one Bill of the Opposition."

MR. PRESIDENT :—" I do not think the Government would have refused, if they wanted, other measures also. It is not a matter for the Government, but only for the community."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" If what you say, Sir, is correct, then Government should not have issued any whip with regard to this particular measure. (Sri Narayana Menon and the Hon. Dr. T. S. S. Rajan : 'Government have not issued any particular whip.')

"This is a very important matter. After all, personal law means that you should not act up to certain customs. For instance, the Holy Quoran is wholly opposed to 'adoption'. In certain cases, my Friend, Mr. Ibrahim, has told me that there is no custom at all. Therefore, we need not bother about the question of adoption."

MR. PRESIDENT :—" May I point out that the hon. Member should not go into a general discussion of the Bill? He must restrict himself to his amendment."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" That is what I was trying to do. I was pointing out how my amendment was relevant. My amendment really seeks to make the Bill what it ought to be."

MR. PRESIDENT :—" How?"

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ABDUL LATIF FAROOKHI SAHIB BAHADUR :—
“Because, Sir, the original Bill contained certain things which
were taken away in the Select Committee.”

MR. PRESIDENT :—“Why does the hon. Member say
‘certain things’? Let him say what are the words that existed
and what were omitted.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“Section
3 of Central Act XXIV of 1937 should be amended so that
the people who wish to exercise . . .”

MR. PRESIDENT :—“The amendment is to clause 3 of the
Bill. The hon. Member may please tell us why he wants that
amendment.”

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p.m. ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“I
want this amendment because without these words, the Shariat
law or the Muslim personal law is not complete. For instance,
the word ‘adoption’ is inserted in my amendment. Under the
present Bill, as it is, if there is any custom anywhere in our
Presidency with regard to adoption, then does the Muslim Shariat
law allow the Muslims to adopt? It does not. The Holy Quoran
is opposed to adoption and there is a revelation in the Quoran
which says that Mahomed is not the father of any adopted son,
though people were under the impression that he adopted
Hazarat Zaid as his son. But, the Holy Quoran contradicts this
idea by saying that Mahomed could not have adopted any sons
because there is no provision for adoption in Islam. So, Sir, if
these things are not added, it is merely a misnomer to call this a
Shariat Bill. On the other hand, we may keep the present Act
as it is and nothing is going to be lost, and in fact, we have been
going on under the British Government for more than a century
without any such personal law being enacted in this manner.
So, we can go on without this for centuries together and Islam
is not going to be affected if this law is not enacted. We can
still continue to be Muslims. But, if you want to enact a law,
it must be complete and there should be no loop-holes in it.
My submission is, why should you call it a Shariat law when it
is not complete. If the Government think that Muslim public
opinion should be respected, then my amendment should be
accepted.”

MR. PRESIDENT :—“Why does the hon. Member appeal
to the Government. He may as well appeal to his Friend.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“My
friend will be there and we will be all right but it is all in the
hands of the Government whether to accept the amendment or
not because they have got the majority in their hands. Why
should we deceive ourselves when we know what the position is.
Whether it is a question of Ministry-making or making laws or
anything of the sort, everything is theirs and we have been
seeing such things all these days. Whether they accept my
amendment or not, I am not concerned. We may be crying

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hoarse, but everything is in the hands of the Government. My
hon. Friend, Mr. Ibrahim Sahib feels as the Government have
always been feeling all these days, that if we alter a comma or
make any changes in the Bill here, it has to go back to the
Assembly and more time will be taken up in getting it passed.
The question is not whether a particular thing is good or bad
and whether there are loop-holes in it or not and if there are
loop-holes they should be rectified. My hon. Friend thinks that
no amendment should be moved or accepted and he says that a
separate Bill can be brought forward if any amendment is
needed.”

MR. PRESIDENT :—“Who said so?”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“Mr.
Ibrahim Sahib, Sir. Sir, he feels the need for this amendment
in the Bill but he does not think that it should come in now
because he feels, as I have already stated, that it has to go back
to the Assembly. What I feel is, I am not concerned whether it
goes back to the Assembly or not. I am not worried about the
fact whether if this Bill is passed the credit goes to Mr. Ibrahim
Sahib, or Seethi Sahib or the Hon. Sri Madhava Menon. But
what I am concerned with is, when a Bill is enacted it must be
made as complete as possible and it is not a question of anybody
taking credit for it. It is the Legislature whose reputation is at
stake. If after passing this Act, we go out and say, this is the
Shariat Act, I think, people will simply laugh at it and say,
what! you call it Shariat law when it is going against the Shariat.
Knowing fully well that there are loop-holes in it and allowing
them to remain in it you do not want those loop-holes to be
removed—and then say here is the Shariat Act. It is all a
misnomer to call it Shariat Act. You may, of course, pass it in
any manner you like as you have passed many other Bills hastily
and then tomorrow you may come forward with an amendment or
Mr. Ibrahim Sahib will come forward with an amendment. That
is the reputation we have got for this House. I will not be
considered irrelevant if I point out here what the Judges of the
High Court have observed in respect of our Legislature. They
have stated that this Legislature is passing Acts which are hasty
and therefore committees should be appointed to scrutinize
whether a particular Bill is capable of being introduced in the
Assembly or not. This is one of the Bills which has to be gone
through and scrutinized properly and particularly if these things
are not inserted in the Bill, it will not have the effect which it is
intended to create. The intention of the hon. Mover of the Bill
is that certain safeguards should be introduced in order that there
should not be any inroads upon the Islamic religion . . .”

MR. PRESIDENT :—“I think the hon. Member's case is
that the Bill is incomplete. That is all and not that any inroads
are made into the religion?”

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ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ I say, Sir, if this Bill is enacted it will do more harm than good to the Muslim community. I therefore suggest that this amendment should be accepted. As I have stated in the beginning, I am not opposed to the Bill as such and the very fact I have moved an amendment to it shows that I am in agreement with the principle of the Bill, but what I want is, it should be made complete. As my hon. Friend, the Leader of the Opposition, said there may be a general law for all people. He said, why do you not want a Shariat Act or a special enactment for the Muslims? The sponsors of the Bill think that instead of moving an amendment, it would be better to bring in a separate amending Bill. I do not understand the difference between an amending Bill and an amendment, excepting the fact that an Act will be on the Statute and people will think that the Act has been passed. It is only deceiving the public, if I may be excused for saying so.”

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ Is it parliamentary to impute motives by saying, it is only deceiving the public? ”

MR. PRESIDENT :—“ I think the hon. Member has the right to deceive the public if he can.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ If it is not deceiving the public, it is a fraud on the public. I have nothing more to say. If the Government are prepared to accept the amendment they may do so and I think there is no harm in allowing some more time to pass this Bill. If this Bill is not passed to-day and placed on the Statute Book within three or four months the Muslim community is not going to die. On the other hand, the Muslims will still be here, they will live in this country and they will continue to be Muslims even without the favour of the Hon. Leader of the House. We shall continue to be Muslims in spite of the fact whether there is such an Act or not, because religion is a different thing from Acts of the Legislature and the Legislature should not go on creating differences among the followers of our religion. Religion is a very big matter between the creator and the created. It is not a question of coming here, sitting here and saying these Acts should be passed. The Holy Quoran teaches us that it is not a question of asking anybody to do a particular thing for us in order that we may become Muslims. Religion, in fact, is a very different thing altogether. I am not going to enter into a controversy over the matter. Therefore, Sir, I would appeal to hon. Members on the other side to consider this aspect of the question carefully.

“ I want to make another suggestion in this connexion. Even according to the Hindus, adoption has done much harm to the Hindu community and therefore let us not have adoption in this case. What I say is, adoption should be prevented. I hope the gentleman in whose hands our destinies are for the present

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will do justice not only to the Muslims but to all the communities and do justice to the Legislature itself. Of course, I am not concerned with this party or that, with this community or that community, but what I am concerned with is, that any Act that is passed by the Legislature should redound to its credit. Whatever Act is passed, it must be for the good of the humanity. If it is not for the good of the humanity let God save us. Whether it be the Muslims or the Hindus”

MR. PRESIDENT :—“ We can pass Acts for animals also.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ In fact, we have passed Acts relating to animals also in this House itself.”

MR. PRESIDENT :—“ All legislation relating to humanity, I said, can be for animals also.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Humanity includes animals also and so we must be humane to animals also. I do not want to say anything more. I only want that this amendment should be put in, namely, —

“ In clause 3, after the words “ dower, guardianship, gifts ” add the words “ wills, legacies, adoption ””

MR. PRESIDENT :—“ I want to know whether anybody seconds the amendment.”

DR. SYED TAJUDDIN SAHIB :—“ I second it, Sir.”

THE HON. SRI K. MADHAVA MENON :—“ Sir, all this talk was absolutely unnecessary, I think, because my hon. Friend has not seen the original Act of 1937. As I was a member of the Select Committee, I know that this was considered at the Select Committee. It was thought that when once section 3 of the Act is retained, adoption, wills and legacies cannot come in under section 2, because section 3 of the 1937 Act says this : “ Any person who satisfies the prescribed authority that he is a Muslim, and that he is competent to contract within the meaning of section 11 of the Indian Contract Act, 1872 and that he is a resident of British India may by declaration in the prescribed form and filed before the prescribed authority that he desires to obtain the benefit of this Act and thereafter the provisions of section 2 shall apply to the declarant and all his minor children and their descendants as if in addition to the matters enumerated therein adoption, wills and legacies were also specified.”

“ So that, Sir, section 3 gives the option to people who want to come within this law. Why Mr. Seethi Sahib did not press in the Select Committee that section 3 should be deleted, was that in certain families in Malabar they have been following the Moplah Marumakkattayam Act which is now in force and there was some doubt whether this will supersede the Marumakkattayam Act. Lawyers say that special Acts will not be superseded by

[Sri K. Madhava Menon] [20th April 1949]

any Act. Some sections of the Muslim community following the Marumakkattayam law do not want the Moplah Marumakkattayam Act. It was agreed in the Select Committee that section 3 of the original Act should remain and if section 3 remains, wills, adoption and legacies are there. One thing follows from the other. As it is, wills and legacies cannot come in section 2 as long as section 3 is there and my hon. Friend did not realize that."

MR. PRESIDENT :—" According to the Hon. Minister, it is not necessary to take in this amendment because wills, adoption and legacies are there."

THE HON. SRI K. MADHAVA MENON :—" This applies only to people who want to take the option of coming into this law."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" If the Hon. Minister has taken care to see, he will find that my next amendment is for repealing section 3."

THE HON. SRI K. MADHAVA MENON :—" Supposing this amendment is accepted and the next one is not accepted, it will be most ridiculous position."

3-45 P.M. K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" Mr. President, I am sorry I am not in a position to accept this amendment of Mr. Farookhi Sahib. I feel it is unnecessary also as the Hon. Law Minister has pointed out even if there is an established custom regarding adoption, wills or legacies, among some persons they can take advantage of section 3 of the original Act and declare before the prescribed authority that they want to follow the Islamic law with regard to those subjects. Then the Shariat Law will apply to them also. But my point is that so far as my knowledge of law goes and so far as this Province is concerned, there is no section of the Muslim population of this Province among whom there is any custom contrary to the Islamic law regarding adoption, wills and legacies. And even with regard to Mappillas, there is the Mappilla Wills Act which lays down that the Islamic law shall apply to them. Therefore, my hon. Friend Mr. Farookhi Sahib's fear has no foundation at all. So far as our Province is concerned, by the adoption of this Bill, the Personal Law of the Muslims will be complete. I challenge him to point out any section of the population in this Province which is governed by any customary law regarding adoption, wills and legacies. I am sure, he cannot nor can any lawyer. So his amendment will not produce any good result. On the other hand it will only delay the passing of this Bill. He said that this Bill will do harm to the country and to the Mussalmans of this Province and that rather than accepting this Bill, he would be content to follow the general law of the country and throw overboard the Islamic law. I am very sorry for him."

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MR. PRESIDENT :—" He never said that he will throw the Islamic law overboard."

DR. V. K. JOHN :—" I said that and not he."

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" But he is not able to show how it will be harmful to the country. It is only his assertion. He says that there are one or two omissions and therefore it would not be complete. He seems to be under the illusion that one must have everything he wants or nothing at all. I do not agree with him on that point. Whatever possible must be done. If one gets fifteen annas in a rupee, he must be satisfied with it and afterwards he can try to get the balance of one-anna. I do not know how he can say that it is a misnomer to call the present Act a Shariat Law. Sir, the Central Act has been in force from 1937. Has any Muslim raised his little finger against it? Has my hon. Friend Mr. Farookhi Sahib raised his voice of protest against it? No. He now comes here and says that it is a misnomer to call this Shariat Act and that it is harmful to the country and he has also made so many assertions without any foundation whatsoever. He also repeatedly pointed out that certain gentlemen are anxious that this Bill should be placed on the statute book in their name. He must know that when this Bill is passed into law, the statute book would not mention who moved the Bill in the Lower House or in the Upper House. Let him rest assured that we are not anxious to get any credit whatever with regard to this Bill. We are only anxious that a long-standing lacunæ in the Central Act should be removed by the passage of this Bill. It ought to have been put on the statute book long long ago but due to some reason or other it was not possible to bring it before this House earlier than now. In this connexion, we must thank Mr. Seethi Sahib for having brought forward this measure. If Mr. Farookhi Sahib feels there is any lacunæ in this Bill, he can bring another Bill later on and nobody prevents him from doing so. Therefore, let him not stand in the way of this Bill being passed into law. So, I cannot accept this amendment."

MR. PRESIDENT :—" Is the hon. Member pressing his amendment."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Yes, Sir."

MR. PRESIDENT :—" The question is—

‘ that in clause 3, after the words “ dower, guardianship, gifts ” add the words “ wills, legacies, adoption ”.’ ”

The amendment was put and declared carried.

(Mr. K. T. M. Ahamed Ibrahim demanded a poll.)

The motion was again put and declared lost.

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(Mr. Abdul Latif Farookhi demanded a poll and a poll was taken with the following result :—

Ayes.

- | | |
|---------------------------------------|--------------------------------|
| 1 Sri R. Suryanarayana Rao. | 5 Sri H. M. Jagannathan. |
| 2 Mrs. M. Hensman. | 6 Sri B. Narayanaswami Nayudu. |
| 3 Sri M. D. T. Kumaraswami Mudaliyar. | 7 Abdul Latif Farookhi Sahib. |
| 4 Dr. Syed Tajuddin Sahib. | 8 Dr. V. K. John. |
| | 9 Sri N. Sankara Reddi. |

Noes.

- | | |
|----------------------------------|--|
| 1 The Hon. Sri K. Madhava Menon. | 7 K. Muhammad Rahimatullah. |
| 2 The Hon. Dr. T. S. S. Rajan. | 8 S. K. Sheik Rowther Sahib. |
| 3 Sri K. Venkataswami Nayudu. | 9 K. T. M. Ahamed Ibrahim Sahib Bahadur. |
| 4 „ P. Veerabhadraswami. | 10 Sri K. Manathunainatha Desigar. |
| 5 „ S. K. Satagopa Mudaliyar. | 11 „ C. Perumalswami Reddiyar. |
| 6 Dr. P. S. Srinivasan. | |

Neutrals.

- | | |
|----------------------------|----------------------------|
| 1 Dr. S. Gurubatham. | 5 Sri N. Venkatachalamaji. |
| 2 Sri A. Gopalakrishnaiah. | 6 „ G. Venkata Reddi. |
| 3 „ B. Bhima Rao. | 7 „ N. Ranga Reddi. |
| 4 „ M. Narayana Menon. | 8 „ K. Natarajan. |

Ayes : 9. Noes : 11. Neutrals : 8.

The amendment was lost.

Clause 3 was put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

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

‘ that the Bill be passed into law ’.”

MR. PRESIDENT :—“ The motion is—

‘ that the Bill to amend the Muslim Personal Law (Shariat) Application Act, 1937 (Central Act XXVI of 1937), in its application to the Province of Madras (L.A. No. 27 of 1947) be passed into law ’.”

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

MR. PRESIDENT :—“ The House will now stand adjourned to 4 p.m. on 22nd instant.”

The House then adjourned.

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

1. Notification appended to G.O. Ms. No. 541, L.A., dated 18th March 1949, regarding the supersession of the Tenali Municipal Council for a period of six months.

2. G.O. No. 292, Finance, dated 29th March 1949, relating to the Schedule of the Supplementary Statement of authorized further expenditure for 1948-49 as authenticated by His Excellency the Governor.

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3. G.O. No. 315, Finance, dated the 31st March 1949, relating to the Schedule of authorized expenditure for 1949-50 as authenticated by His Excellency the Governor.

4. Bills passed by the Assembly and received therefrom in the Council.

* 1. The Madras Re-enacting Bill, 1949.

* 2. The Madras Temple Entry Authorization (Amendment) Bill, 1949.

* 3. The Tanjore Chattram Endowments Utilization (Amendment) Bill, 1949.

* 4. The West Godavari District (Assimilation of Law on Provincial and Concurrent Subjects) Bill, 1949.

* 5. The Madras Co-operative Societies (Amendment) Bill, 1949.

* 6. The Muslim Personal Law (Shariat) Application (Madras Amendment) Bill, 1947.

[20th April 1949]

APPENDIX I.

[Vide answer to starred Question No. 283 asked by Sri B. Bhima Rao at the meeting of the Legislative Council held on the 20th April 1949, page 676 supra.]

Inspectors promoted as Deputy Superintendents of Police between 1st April 1947 and 31st December 1948.

Serial number and name.	Qualification.	Date of entry into service in Police Department.	Caste or community.
1 Sri P. Ranga Rao Naidu ..	S.S.L.C. ..	1st November 1923.	Non-Brahman.
2 „ E. K. Narayana Nair ..	B.A. ..	2nd November 1925.	Do.
3 „ M. Nagabhushanam ..	Do. ..	17th October 1928	Brahman.
4 Mr. W. Creswell ..	European High School Examination.	3rd November 1919.	Anglo-Indian.
5 Sri I. Ramakrishnayya ..	B.A. ..	22nd October 1929.	Brahman.
6 „ D. Subbarao ..	Do. ..	12th October 1927.	Do.
7 „ S. D. Loganathan ..	S.S.L.C. ..	14th October 1926.	Non-Brahman.
8 Mr. Shik Hammed ..	Do. ..	18th February 1927.	Muslim.
9 Sri M. V. Venkatappa Naidu.	Do. ..	1st November 1923.	Non Brahman.
10 Mr. S. John ..	Do. ..	7th December 1922.	Christian.
11 Sri C. A. Subbiah Pillai ..	B.A. ..	17th October 1928.	Non-Brahman.
12 „ Pasupathi ..	Do. ..	22nd October 1929.	Brahman.
13 „ T. D. Ramabharan ..	S.S.L.C. ..	12th October 1927.	Non-Brahman.
14 „ V. Krishnaswamy Chetty.	Do. ..	3rd November 1924.	Do.
15 „ K. S. Krishna Ayyangar.	B.A. ..	20th October 1927.	Brahman.
16 „ T. V. Veeraswami Ayyar.	Do. ..	22nd October 1929.	Do.
17 „ A. C. Aditya Nadar ..	Do. ..	Do.	Non-Brahman.
18 „ A. Krishna Reddi ..	S.S.L.C. ..	12th May 1913.	Do.
19 „ V. Subbiah Mudaliar ..	Intermediate.	3rd November 1924.	Do.
20 „ G. B. Ramachandran ..	B.A. ..	31st March 1924.	Brahman.
21 „ V. Janakiraman ..	Do. ..	17th October 1928.	Do.
22 „ V. Kulandaivelu ..	Do. ..	22nd October 1929.	Non-Brahman.
23 „ C. K. Narayana Panikkar.	B.A. (Hons.).	Do.	Do.
24 Mr. S. Syed Rehman ..	S.S.L.C. ..	27th October 1919.	Muslim.
25 Sri N. Kolandai ..	B.A. ..	15th October 1930.	Non-Brahman.
26 Mr. C. C. N. Beale ..	S.S.L.C. ..	3rd November 1924.	Anglo-Indian.
27 „ Muhammad Jar ..	Do. ..	Do.	Muslim.
28 Sri M. Pattabi Ayyar ..	Intermediate.	17th October 1928.	Brahman.

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Serial number and Name.	Qualification.	Date of entry into service in Police Department.	Caste or Community.
29 Sri P. Gopalan ..	B.A. ..	18th October 1927.	Non-Brahman.
30 Mr. Syed Hussain ..	S.S.L.C. ..	7th June 1920.	Muslim.
31 Sri S. Solai Chettiar ..	B.A. ..	17th October 1935.	Non-Brahman.
32 „ C. Nataraja Pillai ..	S.S.L.C. ..	22nd August 1927.	Do.
33 „ N. S. Muthuswamy Pillai.	B.A. ..	22nd October 1929.	Do.
34 Mr. J. D. Thomas ..	Do. ..	15th October 1930.	Christian.
35 Sri E. A. Narayanan ..	S.S.L.C. ..	19th October 1932.	Non-Brahman.
36 „ S. Nagalingam Pillai ..	Intermediate.	15th October 1931.	Do.
37 „ V. Krishnan Nair ..	B.A. ..	18th October 1934.	Do.
38 „ V. B. Venugopal ..	.. ..	15th October 1931.	Do.
39 „ A. Rangareddi ..	S.S.L.C. ..	7th November 1923.	Do.
40 „ M. Sivasankara Menon ..	Intermediate.	17th October 1928.	Do.
41 Mr. D. M. Selvaraj ..	Do. ..	15th October 1930.	Christian.
42 Sri K. Sethumadhavan Nair.	B.A. ..	Do.	Non-Brahman.
43 „ T. S. Veekaturaman ..	Intermediate.	17th October 1928.	Brahman.
44 „ M. T. Deenayalu Naidu.	Intermediate (Part I).	Do.	Non Brahman.
45 „ K. Sekhara Menon ..	S.S.L.C. ..	15th October 1930.	Do.
46 „ V. R. Arumachalam ..	Do. ..	16th July 1927.	Brahman.
47 „ P. Kameswara Rao ..	B.A. ..	19th October 1932.	Non-Brahman.
48 „ S. Palaniappan ..	Intermediate.	17th October 1936.	Do.
49 „ W. Subbarao ..	S.S.L.C. ..	15th October 1931.	Do.
50 Mr. T. D. John ..	B.A., B.L. ..	19th October 1933.	Christian.
51 Sri A. Rangabashyam ..	B.A. ..	16th October 1930.	Non-Brahman.
52 „ M. Alwarappan ..	Intermediate.	2nd November 1925.	Do.
53 „ P. N. Ramachandra Reddi.	B.A. ..	26th October 1928.	Do.
54 Mr. D. Vijayarangam ..	Do. ..	15th October 1930.	Christian.
55 Sri K. Ramaswami Ayyangar.	S.S.L.C. ..	8th November 1923.	Brahman.
56 „ G. P. Tiruppam ..	Intermediate.	22nd October 1929.	Non-Brahman.
57 Mr. S. Abdul Khader ..	B.A. ..	15th October 1930.	Muslim.
58 Sri G. Kuppuswami Naidu.	S.S.L.C. ..	1st November 1923.	Non-Brahman.
59 „ M. Rangareddi ..	B.A. ..	22nd October 1929.	Do.
60 „ S. Satyanarayanamurthi Reddi.	B.Sc. ..	17th October 1935.	Do.
61 „ P. Narayana Rao ..	S.S.L.C. ..	19th October 1933.	Do.

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APPENDIX II.

[Vide answer to starred question No. 285 asked by Sri P. Virabhadraswami at the meeting of the Legislative Council held on 20th April 1949, page 679 supra.]

List of major and minor irrigation works in the Visakhapatnam district, which are either under execution or the investigation of which has been completed or is being made.

PART I.

A. Works, under execution—Nil.

B. Works, the execution of which is just being taken up.

1. Remodelling and extending the Mahadevivalasa west distributory of Nagavalli Project.

2. Improvements to Ralla tank of Gadivada of Sarvasidhi taluk.

Expenditure to date on the above works—Nil.

C. Work sanctioned but not yet taken up for execution.

Construction of a dam across Sarugudugedda in Vedurupalli village limits in Golugonda taluk.

PART II.

A. Works, the investigation (both preliminary and detailed) of which has been completed and which are pending sanction.

1. Construction of Polipalli anicut across Gostani river.

2. Remodelling of Rayavaram channel and branches.

3. Construction of an aqueduct at Mile 0-6-158 of Kothapalem channel.

4. Excavation of a channel for connecting Bayana Banda and Darbesu tanks with Pedda tank, in Veeravalli taluk.

The question of sanction of the above scheme is under examination.

B. Works, the preliminary investigation of which has been completed and the detailed investigation of which has to be taken up after the preliminary proposals are examined.

1. Gammidigedda project for the formation of a reservoir on the gedda, a tributary of River Nagavalli.

2. Mandagedda project for the construction of an anicut across the gedda and excavation of a channel on its left side.

3. Rallagedda (North) or Ummigedda project for carrying out repairs to the existing zamin anicut across the gedda for bringing additional area under irrigation.

4. Rallagedda (South) project for the construction of an anicut across the gedda in the place of an existing anicut, to maintain higher F.S.L.

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5. Gambhirangedda project for the formation of a reservoir on the gedda near Gambhiram village of Bimlipatam taluk.

6. Hamsaralli Sagaram tank project for the restoration of the ruined Hamsaralli Sagaram tank to standards.

7. Surapadu project of Salur estate for the construction of an anicut across Addarigedda, a tributary of River Swarnamukhi near Surapadu.

8. Mamidipalligedda project for the construction of an anicut across the gedda (upper reaches of River Swarnamukhi) near Mamidipalli.

9. Bantamakkuva or Makkuvagedda project for the construction of an anicut across Mamidipalligedda about five to six miles below the site of the Mamidipalligedda Project.

10. Vonigedda anicut scheme for the construction of an anicut across the gedda near Palakonda.

11. Janghavati project for the formation of a reservoir on the river.

12. Excavation of a right bank channel from the Nagavalli river above Thotapalli regulator.

13. Bahuda project for the construction of an anicut across the river near Arakabhadra in Ichapur taluk.

14. Construction of an anicut across Relligedda (upper reaches of Gambhirangedda) near Ayyavanikanamam and Yetakanamam.

15. Pakalapadu or Ravanapalli project for the formation of a reservoir on Varaha river at Ravanapalli.

16. Gadigumma project for the formation of a reservoir on Bodderu near Mulagalumetta village.

17. Sekharapalli channel extension scheme for the construction of an anicut across River Swarnamukhi and shifting the present head of the channel on the left side of the river.

18. Kottakota project for the formation of a reservoir on Varaha river at Kalyanapuram Lova.

19. Construction of a dam across Varaha river in Kota Uratla estate.

The preliminary proposals relating to the above schemes are under examination.

C. Works, the preliminary investigation of which is in progress or is just being taken up.

1. Mahendratana (South) project for the formation of a reservoir on the southern tributary of Mahendratana river.

2. Construction of an anicut across Sarada river near Maddurti.

3. Padigam project for the construction of a head sluice on the left side of Mahendratana (North) river at Batupuram without an anicut across the river and to take a channel therefrom.

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D. Works, the preliminary examination of which has been completed and the preliminary investigation of which has to be taken up shortly.

1. Vamsadhara project for the formation of a reservoir on the river and taking two main channels on both sides.
2. Nagavalli project for the construction of an anicut across the river 35 miles below the Thotapalli regulator.
3. Vegavati project for the construction of an anicut across the river at Karivalasa near Salur.
4. Tuni or Thandava project for the formation of a reservoir on the river at Pottinagannadorapalem.

APPENDIX III.

[Vide answer to starred question No. 287 asked by the Sri R. Surya narayana Rao at the meeting of the Legislative Council held on 20th April 1949, page 681 supra.]

Technical services Oral test (interview).

Non-technical services—

- (1) *Group I*—Madras Civil Service (Executive Branch), Madras Co-operative Service, Madras Registration Service, Madras Commercial Taxes Service. Written test of the B.A. (Hons.) standard and oral test.
- (2) *Group II*—(a) Madras Commercial Taxes Subordinate Service (Assistant Commercial Tax Officers), Madras Co-operative Subordinate Service (Co-operative Sub-Registrars), Madras Co-operative Subordinate Service (Junior Inspectors of Co-operative Societies—Communities other than Harijans and Backward Classes), Madras Local Fund Audit Subordinate Service, Madras Registration Subordinate Service (communities other than Harijans and Backward Classes), Madras Secretariat Service (upper division clerks), Madras Ministerial Service (Probationary Revenue Inspectors and upper division clerk in charge of classification work, Connemara Public Library). Written test of the B.A. (Pass) standard and oral test.
- (b) Madras Secretariat Service (lower division clerks other than those in the Central Branches) and Madras Ministerial Service (clerks in the Local Fund Audit department and upper and lower division clerks in the office of the Board of Revenue). Written test of the B.A. (Pass) standard only.

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Non-technical services—cont.

- (3) *Group III*—Madras Co-operative Subordinate Service (Junior Inspectors of Co-operative Societies—Harijans and Backward Classes only), Madras Fisheries Subordinate Service (Sub-Inspectors), Madras Registration Subordinate Service (Harijans and Backward Classes only).

Written test of the Intermediate standard and oral test.

- (4) *Group IV*—Madras Secretariat Service [typists, steno-typists and lower division clerks (Central Branches)], Madras Ministerial Service (except posts classed as technical, Probationary Revenue Inspectors, clerks in the Local Fund Audit department, upper division and lower division clerks in the office of the Board of Revenue and upper division clerk in charge of classification work, Connemara Public Library), Madras Judicial Ministerial Service (except Official Receivers).

Written test of the S.S.L.C. standard only.

- (5) Deputy Inspectors of Municipal Councils and Local Boards. Oral test only.

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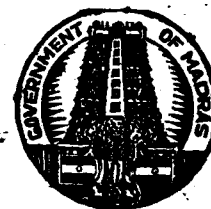
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MADRAS LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

FRIDAY, 22ND APRIL 1949

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THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 22nd April 1949.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Number of electric connexions existing in Madras City.

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

(a) the number of electric connexions existing in Madras City, for the last three years (yearwar) (i) for domestic services, (ii) agricultural services and (iii) industrial services;

(b) how many new connexions were given during the last three years (yearwar) for domestic services;

(c) how many applications for domestic services were pending at the end of last year; and

(d) whether the department observes any, and if so, what system of priority in granting new connexions?

THE HON. SRI M. BHAKTAVATSALAM :—“(a) to (d) Attention is invited to the paper^a placed on the table.”

Decisions on the recommendations of the Retrenchment Committee.

* 293 Q.—SRI K. SURYANARAYANA RAO : Will the Hon. the Minister for Finance be pleased to state whether all or any of the recommendations of the Retrenchment and Reorganization Committee have been considered and what the decisions of the Government are on such recommendations, indicating roughly the savings, if any, which accrued on that account?

THE HON. SRI B. GOPALA REDDI :—“A statement^b showing the action taken on the various recommendations of the Madras Retrenchment and Reorganization Committee so far and indicating roughly the amounts of savings as far as information is available is placed on the table of the House.”

DR. V. K. JOHN :—“Will a day be allotted to discuss the proposals of the Retrenchment Committee?”

THE HON. SRI B. GOPALA REDDI :—“A statement showing the anticipated savings in respect of the recommendations of the Retrenchment and Reorganization Committee so far accepted by the Government, is placed on the table of the House and that must satisfy the hon. Member.”

^a Printed as Appendix I on page 762 infra.

^b Printed as Appendix II on page 763 infra.

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MR. PRESIDENT :—" Is the hon. Member satisfied? "
(Laughter.)

Details regarding subscriptions in the National Savings Movement.

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

(a) whether any targets have been fixed for each year and for each district in regard to subscriptions in the National Savings Movement;

(b) what is the basis on which these targets are fixed;

(c) if the answer to (a) is in the affirmative, what the targets fixed for the districts of Anantapur, Bellary, Cuddapah, Kurnool and Chittoor were for the years 1945-46, 1946-47, 1947-48 and 1948-49;

(d) what the actual subscriptions received in these districts during these years are (districtwar and yearwar); and

(e) what special steps, if any, are being taken to promote national savings in the Province in general and in these districts in particular?

THE HON. SRI B. GOPALA REDDI :—" (a) to (e) The answers * is placed on the table of the House."

Acquisition of lands for the Tungabhadra Project.

* 295 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have received representations on behalf of the persons owning lands which are being acquired for the Tungabhadra Project to invest the District Munsif's Court at Hospet with special jurisdiction under the Land Acquisition Act or to appoint a special judicial officer under the Land Acquisition Act, to enquire into cases at Hospet only, in order to save unnecessary expenditure for them and if so, the details and dates of receipt of such representations; and

(b) whether any action has been taken on such representations and if not, the reasons for the same?

THE HON. SRI H. SITARAMA REDDI :—" (a) & (b) No such representation has been received by Government from the persons referred to. But on a representation received from the hon. Member himself, from the Secretary, Bar Association, Hospet and also from Sri Gopala Menon, Advocate, Kozhikode, the Government are considering the general question of empowering District Munsifs to enquire into land acquisition cases."

SRI B. BHIMA RAO :—" When will the consideration be completed and the decision arrived at? "

THE HON. SRI H. SITARAMA REDDI :—" Very soon."—

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SRI R. SURYANARAYANA RAO :—" May I know, as a special case in respect of lands under the Tungabhadra Project, cannot District Munsifs be empowered to hear appeals against awards under the Land Acquisition Act and also cannot this decision be immediately arrived at so that the persons concerned may not be put to much difficulty in going to district courts? "

THE HON. SRI H. SITARAMA REDDI :—" That is exactly what I have said. We are considering that question so that the procedure may not be delayed and we are expected to take an early decision in the matter."

SRI B. BHIMA RAO :—" Why should Government take as much as four months to consider this simple question? "

THE HON. SRI H. SITARAMA REDDI :—" Because it is a Government."

SRI R. SURYANARAYANA RAO :—" Is any amendment to the Act necessary to give effect to this decision? "

THE HON. SRI H. SITARAMA REDDI :—" That is one of the aspect to be considered. Several aspects have to be examined. It is not the work of only one department. The Legal Department also has to examine it. It is not as though we are not anxious to arrive at a quick decision."

Assistant Inspectors of Labour.

* 296 Q.—SRI N. SANKARA REDDI : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) how many Assistant Inspectors of Labour have been recently appointed for the whole Province;

(b) how many have been appointed for the Kurnool district; and

(c) whether any persons from the Kurnool district, either from the departments or from fresh applicants have been appointed to that cadre?

THE HON. SRI H. SITARAMA REDDI :—" (a) 185.
" (b) 4.

" (c) Yes, Sir. Two candidates from Kurnool district have been appointed by direct recruitment."

SRI M. NARAYANA RAO :—" May I know the basis on which these appointments are made. Is it districtwar? "

THE HON. SRI H. SITARAMA REDDI :—" No."

SRI M. NARAYANA RAO :—" May I know the qualification of an Assistant Inspector of Labour? "

THE HON. SRI H. SITARAMA REDDI :—" Sir, the qualifications, etc., are published in the Gazette and I do not have a copy of it just now. I would like to draw the attention of the hon. Member to the notification issued in the Gazette. Most of the direct recruits are graduates and so far as

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persons who come on transfer from other departments are concerned, their qualifications, service and personal records, etc., are taken into consideration in making appointments."

SRI R. SURYANARAYANA RAO :—" May I know who is the appointing authority? "

THE HON. SRI H. SITARAMA REDDI :—" The appointing authority is the Commissioner of Labour."

SRI R. SURYANARAYANA RAO :—" When temporary appointments were made, did the Commissioner of Labour advertise these posts to be filled up and call for applications? "

THE HON. SRI H. SITARAMA REDDI :—" No, Sir. The Public Services Commission which is to recruit them has already advertised those posts. About two to three thousand applications were received. After the preliminary examination, which is being conducted now, is over, they will be recruited for appointment."

SRI N. SANKARA REDDI :—" May I know, what is the difficulty in selecting the required number of people from the same district? "

THE HON. SRI H. SITARAMA REDDI :—" There is no question of a particular difficulty. The qualifications of each candidate are taken into consideration. It is not as though these appointments are made on a districtwar basis. It is done on a Presidency basis."

Paddy cultivation in the Province.

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

(a) the area under paddy cultivation in Madras Province during the five years ending 1948-49 (yearwar);

(b) the estimated yield of paddy during the same years (yearwar); and

(c) the districts in which the area under paddy in 1948-49 is less than in the previous years?

THE HON. SRI K. MADHAVA MENON :—" (a) & (b) The acreage and estimated production of paddy in the Madras Province during the five years ending 1948-49 are as follows :—

Year.	Area cultivated with paddy.	Estimated production of paddy.
	ACRES.	TONS.
1944-45	11,613,530	7,543,250
1945-46	10,202,580	6,330,590
1946-47	10,986,124	7,342,450
1947-48	10,434,149	6,462,150
1948-49 (Estimates).	10,329,006	6,381,000

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The figures of acreage and production given above for the year 1948-49 are based upon the final forecast report on the paddy crop issued in March 1949.

" (c) The area sown under paddy during 1948-49 is estimated to be lower than the average area in the previous four years in the districts of East Godavari, Anantapur, Cuddapah, Nellore, Chingleput, South Arcot, Chittoor, North Arcot, Salem, Tiruchirappalli, Tanjore, Mathurai, Ramanad, Tirunelveli, Malabar, South Kanara and the Nilgiris."

SRI R. SURYANARAYANA RAO :—" May I know, how in spite of the ' Grow More Food Campaign ', the acreage is going down and the yield is going down? "

THE HON. SRI K. MADHAVA MENON :—" The main reason for the decline in paddy area which is noticed in 1945-46, 1947-48 and 1948-49 was the unfavourable nature of the season. In 1945-46 there were cyclone and floods in the Circars and the rainfall in other districts was insufficient. The seasonal rains in 1947-48 and 1948-49 failed, resulting in considerable reduction in supplies of water for irrigation and consequently there was reduction in the sowings of paddy. In 1948-49, the rainfall was much below the normal in the districts of Anantapur, Cuddapah, Nellore, Chingleput, South Arcot, Chittoor, North Arcot, Salem, Coimbatore and Tanjore. But for the ' Grow More Food Campaign ', our position would have been much worse."

SRI B. BHIMA RAO :—" Are the Government aware of the fact that commercial crops yield a better return than food crops? "

THE HON. SRI K. MADHAVA MENON :—" That is not exactly the position. Of course, there has been some increase in the area under commercial crops such as sugarcane, etc., due mainly to the high prices fetched by the crops. The area under sugarcane increased from 155,596 acres in 1944-45 to 272,680 acres in 1947-48. The decrease under paddy may be attributed to some extent to the increased cultivation of commercial crops, chiefly sugarcane. I may also say that procurement figures this year show an increase of paddy over previous years, 1946-47 and 1947-48."

SRI B. BHIMA RAO :—" May I know whether the Government have under contemplation any legislation to the effect that certain proportion of acreage should be devoted for the growing of food crops? "

THE HON. SRI K. MADHAVA MENON :—" An Agriculturists Bill is under the consideration of the Government."

DR. V. K. JOHN :—" May I know whether this Government have any scheme in view for making this Province self-sufficient in paddy? "

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THE HON. SRI K. MADHAVA MENON :—" That is the ambition of the Government."

SRI M. NARAYANA MENON :—" Is this Province self-sufficient in sugar? "

THE HON. SRI K. MADHAVA MENON :—" No, Sir. We are producing only 20 per cent of the sugar that we need for consumption."

SRI M. NARAYANA MENON :—" Why then you prevent sugar cultivation? "

THE HON. SRI K. MADHAVA MENON :—" We are not preventing sugar cultivation now."

SRI R. SURYANARAYANA RAO :—" May I know whether the Government are satisfied that their ambitions are being fulfilled? "

THE HON. SRI K. MADHAVA MENON :—" We are trying our best to fulfil that ambition. It is very good to have ambition and then only we will have incentive to produce more food."

SRI M. NARAYANA RAO :—" If people take to jaggery instead of sugar, will not this sugar problem be solved? "

THE HON. SRI K. MADHAVA MENON :—" We would be grateful to the hon. Member if he conducts propaganda in such a direction."

4-15 p.m. DR. V. K. JOHN :—" May I know, have the Government drawn up any plan for making this Province self-sufficient in food within a measurable period of time? "

THE HON. SRI K. MADHAVA MENON :—" Yes, Sir. A five-year 'Grow More Food' plan has been prepared and at the end of five years, it is expected that we can increase the production of foodgrains by six lakhs of tons which is our deficit."

DR. V. K. JOHN :—" Have any of their plans been put into execution till now? "

THE HON. SRI K. MADHAVA MENON :—" Yes, it has been put into execution for the last one-and-a-half years."

SRI B. BHIMA RAO :—" Is it a fact Sir, that if foodgrain is grown, the return is considerably less than that of a commercial crop? "

THE HON. SRI K. MADHAVA MENON :—" I do not think the return is considerably less. Commercial crop is grown because it fetches a better price."

SRI R. SURYANARAYANA RAO :—" May I know if in their estimate for the several years Government have taken into account variations in season? "

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THE HON. SRI K. MADHAVA MENON :—" Yes, Sir, unfavourable conditions of nature have been taken into account."

SRI MOTHEY NARAYANA RAO :—" Do Government consider jaggery as a better food than sugar? "

THE HON. SRI K. MADHAVA MENON :—" It is better my friend takes advice from a nutrition authority."

SRI N. SANKARA REDDI :—" May I know what is the reason for not utilizing the Central Government grant under 'Grow More Food Campaign' fully? "

THE HON. SRI K. MADHAVA MENON :—" The Central Government grant depends on our Government contributing an equal amount; that is if we want four crores from the Central Government as grant, the local Government should contribute four crores. There is a limit beyond which we cannot work; further on things of doubtful value we did not want to spend any money."

SRI R. SURYANARAYANA RAO :—" Do this Government have any five-year plan under this, like the Central Government? "

THE HON. SRI K. MADHAVA MENON :—" Yes, we have a five-year plan, and we have been working that for the last two and a half years."

Abolition of Zamindaris.

* 298 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have received communications from the Government of India on the question of abolition of zamindaris;

(b) what those communications are and when they were received;

(c) whether the Government were perfectly aware of the financial and legal difficulties involved in the reform pointed out by the Government of India when they proceeded with the Zamindari Abolition Bill;

(d) what steps the Government have taken to overcome those difficulties;

(e) whether the Government have under consideration any preliminary arrangements to give effect to legislation such as survey and settlement operations in the unsurveyed zamindari areas of the Province; and

(f) whether the Government propose to make a comprehensive statement to allay the fears caused by the inordinate delay in enforcing the legislation enacted?

THE HON. SRI H. SITARAMA REDDI :—" (a) & (b) Yes. Some communications were received from the Government

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of India. The gist of the communications was that the inflationary situation in the country should not be intensified or made worse by anything which this Government might do. The whole position was explained to the Government of India and they were satisfied with the explanations furnished by this Government. There was also a Conference of Finance Ministers at New Delhi in which the Hon. the Minister for Finance represented this Government. As a result of what transpired at the Conference, the Government of India agreed to let this Government go ahead with the Bill.

"(c) Yes.

"(d) Many of the answers are to be found in the Act itself which has since received the assent of His Excellency the Governor-General. The Government will be taking necessary further steps in the matter shortly.

"(e) Yes. The Government have arranged for the training of men in survey work for the formation of survey parties to survey estates. Orders for the formation of the parties will issue shortly. No concrete steps have been taken to form settlement parties but certain rough plans exist. In any case, survey or re-survey as the case may be has to precede settlement.

"(f) The Government consider it unnecessary to issue any comprehensive statement on the subject at present. They do not agree that there has been any inordinate delay in enforcing the legislation or that fears have been caused. As the assent of His Excellency the Governor-General to the Bill has now been received, steps will be taken to implement the legislation as quickly as possible."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, whether His Excellency the Governor-General in giving assent to the Bill has made any suggestions to this Government, and if so, what they are? "

THE HON. SRI H. SITARAMA REDDI :—" I had occasion to answer a short-notice question on this subject in the Assembly this morning. I am sorry I do not have the papers with me here. If the hon. Member wants the information he may put a separate question, or he can take the information furnished to the Assembly."

MR. PRESIDENT :—" The Hon. Minister can give a gist of it here."

THE HON. SRI H. SITARAMA REDDI :—" The rules that are to be framed under section 40, so far as compensation is concerned, must be framed in consultation with the Governor-General before they are promulgated by the Provincial Government; and so far as mining rights are concerned, this Government should fall in line with the general mining policy of the Government of India."

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THE HON. SRI H. SITARAMA REDDI :—" As I have said, the words used are 'the Governor-General must be consulted before the rules are promulgated'."

SRI R. SURYANARAYANA RAO :—" May I know in respect of the points raised by the Governor-General, do this Government consider it necessary to amend the Act to satisfy the conditions laid down by the Governor-General? "

THE HON. SRI H. SITARAMA REDDI :—" We are satisfied that there is no need to amend the Act."

Fishermen community in the West Godavari, etc., districts.

* 299 Q.—SRI MOTHEY NARAYANA RAO : Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether it is a fact that the vaddi (fisherman) community in the West Godavari and other neighbouring districts is economically very backward;

(b) whether fishing is the main occupation, if not the only occupation, on which they depend; and

(c) whether it is a fact that the fishing rights which they have been enjoying for generations together are now being taken away from them and given to Harijans?

THE HON. SRI B. PARAMESWARAN :—" (a) It is a fact that the vaddi (fisherman) community in the West Godavari and other neighbouring districts is on the whole economically backward.

"(b) The vaddis depend for their living mostly on fishing. They have, of late, taken up agriculture as an occupation.

"(c) It is not true that the vaddis are being deprived of fishing rights which they have been enjoying from time immemorial."

SRI MOTHEY NARAYANA RAO :—" Is it not a fact that in the Kollair area all the fishing rights have been given away on permits? "

THE HON. SRI B. PARAMESWARAN :—" No, Sir."

Ceasing of membership of certain Councillors in the Vizianagaram Municipality.

* 300 Q.—SRI N. VENKATACHALAMAJI : Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that the Commissioner of Vizianagaram Municipality has disregarded the provisions of the Act by not giving notices to certain Councillors whose membership had ceased under section 50 of Madras District Municipalities Act for not attending the Council consecutively for three months; and

[22nd April 1949]

of India. The gist of the communications was that the inflationary situation in the country should not be intensified or made worse by anything which this Government might do. The whole position was explained to the Government of India and they were satisfied with the explanations furnished by this Government. There was also a Conference of Finance Ministers at New Delhi in which the Hon. the Minister for Finance represented this Government. As a result of what transpired at the Conference, the Government of India agreed to let this Government go ahead with the Bill.

" (c) Yes.

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(b) if so, what action is proposed to be taken against such an officer for such violation of the provision of the Act?

THE HON. SRI K. CHANDRAMOULI :—“(a) Yes, in the case of two municipal councillors.

“(b) The matter is under consideration.”

SRI N. VENKATACHALAMAJI :—“Is it not a fact that on the instigation of the Chairman the notice was given?”

THE HON. SRI K. CHANDRAMOULI :—“It has not been brought to the notice of Government.”

SRI B. BHIMA RAO :—“Cannot the Government issue a direction to the executive officer to act according to rules and regulations rather than be guided by the municipal chairman?”

THE HON. SRI K. CHANDRAMOULI :—“Already proper instructions were given to executive officers. But in special cases they may act independently. Such cases were inquired into and if they were found at fault necessary action was taken against them.”

SRI B. BHIMA RAO :—“Has Government taken any action against the executive officer for not bringing the matter to the notice of the council, which ought to have been done for extending the period of the members?”

THE HON. SRI K. CHANDRAMOULI :—“I have already stated that the matter is under consideration of the Government.”

DR. V. K. JOHN :—“Can Government say, how long that consideration will take?”

THE HON. SRI K. CHANDRAMOULI :—“All the necessary records have been received recently and it will be settled in a day or two.”

Alleged issue of notice of discharge to persons in service in the Secretariat after a service of thirty years.

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

(a) whether the Government have given notice of discharge from service to persons in the Secretariat who have completed or about to complete thirty years of service but not attained the age of 55 years;

(b) if so, whether they would lay on the table of the House a list of those persons to whom such notices have been issued together with the dates of their completing thirty years of service and the dates of their attaining their 55th year;

(c) whether according to their terms of service, the option rests with them to serve till they attain the age of 55 years; and

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(d) whether prior to their giving such notices of discharge from service, the Government consulted the Advocate-General about the legality or otherwise of terminating the services by such procedure?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier) :—“(a) & (b) The only case in which Government have given notice of discharge from service in the Secretariat in connexion with the recent retrenchment is that of Sri V. Narasinga Rao, Officiating Assistant Secretary to Government in the Revenue Department. He completed thirty years of service on the 20th February 1945 and attains his 55th year on the 27th October 1949.

“(c) The date of compulsory retirement of a Government servant is the date on which he attains the age of 55 and ordinarily he has a right to serve till then. This right is, however, taken away by the Retrenchment and Re-employment Rules which govern discharge from service of the various categories of Government servants involved in the retrenchment.

“(d) No. The Government had no doubt about the legality of the action taken in the matter.”

UNSTARRED QUESTIONS.

Number of Health Visitors in the Province.

37 Q.—SRI A. GOVINDACHARYULU : Will the Hon. the Minister for Education and Public Health be pleased to state—

(a) how many Health Visitors are there in the Province and how many are employed in each district;

(b) how many centres, within what radius, are entrusted to each Health Visitor;

(c) whether it is a fact that the minimum qualifications for undergoing Health Visitors training in 1940 has been S.S.L.C. passed or appearing for S.S.L.C.;

(d) whether it is a fact that S.S.L.C. qualifications is now reduced to III Form passed generally for Health Visitors training;

(e) what has been the starting salary of a Health Visitor under the old scheme and that under the present scheme under local boards and municipalities and in Government services respectively; and

(f) why there has been a difference in the starting pay of Health Visitors between the employees of local bodies and those in Government service?

A.—(a) One hundred and three Health Visitors including thirty-five in the Corporation are employed in the Province. The list showing the number employed in each district is annexed ^a. In addition, there are six Health Visitors employed in the Medical department.

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- (b) Generally one centre and occasionally two centres are given to each Health Visitor. The radius of each centre in rural areas is 2 to 5 miles.
- (c) The minimum educational qualification for admission for Health Visitor's training has been S.S.L.C. throughout.
- (d) No. The Director of Public Health is, however, empowered to grant exemption to candidates from the required educational qualification if they have served as midwives in Maternity and Child Welfare schemes under district boards and municipalities and in the Poonamallee Health Unit.
- (e) The old scale of pay for Health Visitors in the Public Health department was Rs. 50—3/2—80 and the revised scale for them is Rs. 60—2—100. The scale of pay applies to employment both under Government and local authorities.
- (f) There is no difference as far as the Public Health department is concerned. In the Government Medical department, Health Visitors are, however, paid Rs. 85—5—150 as they are treated on a par with nurses and as their duties are different from those of the Health Visitors in the Public Health department.

Promotion of Health Visitors.

38 Q.—SRI A. GOVINDACHARYULU: Will the Hon. the Minister for Education and Public Health be pleased to state—

(a) whether all the Health Visitors are eligible to be promoted as Women Medical Officers at any time during their service; and if not, why not;

(b) whether it is a fact that a midwife after some service is eligible to be promoted to Health Visitors Cadre; and

(c) whether the Government propose to introduce a rational scheme of promoting the midwife as Health Visitor and the Health Visitor to a higher cadre or as Woman Medical Officer cadre irrespective of their being employed either in local bodies or in Government?

A.—(a) Health Visitors are not eligible to be promoted as Women Medical Officers at any time during their service as they have no medical qualifications.

(b) & (c) No.

Transfer of Collectors.

39 Q.—SRI B. BHIMA RAO: Will the Hon. the Premier be pleased to lay on the table of the House a list showing—

(a) the names of Collectors transferred from one district to another from 1st April 1947 to 1st December 1948;

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(b) the dates of such transfers;

(c) the reasons for such transfers; and

(d) the cost involved by way of travelling allowance, etc., by reason of such transfers?

A.—(a) & (b) A statement ^a is appended.

(c) Exigencies of public service.

(d) Rupees 15,455-3-0.

[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 the 22nd April 1949 :—

‘ In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras Re-enacting Bill, 1949 (L.A. Bill No. 13 of 1949) as passed by the Assembly on the 22nd April 1949, and signed by me for the concurrence of the Council ’.”

III.—GOVERNMENT MOTION.

MOTION UNDER RULE 80 OF THE MADRAS COUNCIL RULES.

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

‘ that under rule 80 of the Madras Council Rules read with rule 111 (7) thereof, the leave of the House be granted to the Joint Select Committee appointed to consider the Madras Hindu Religious and Charitable Endowments Bill, 1949 (L.A. Bill No. 10 of 1949) to hold its sittings outside Madras whenever the Committee considers it necessary to do so ’.”

SRI B. BHIMA RAO:—“ Sir, I move an amendment to the motion of Government. Add the following at the end of the motion :—

‘ Provided that the members shall not be entitled to claim extra travelling and other allowances than what they would be entitled to, if the meetings were held in the City of Madras.’

Sir, in support of my amendment I wish to say a few words. Prior to 1937, you will remember, it was common for the meetings of the Committee to be held in Ootacamund. At that time, almost all non-official members were taking exception to it, saying that it was an extra burden on the rate-payer. That being so, now since we have got Popular Government, we must be very economical. Otherwise what would the ordinary man in the street say? He will say, ‘ when we have Independence our people want to go to Ootacamund at our expense.’ We should not give room for such criticism. Now from my amendment it is apparent if members want to hold meetings at Ootacamund or Kodaikanal or any other

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hill station, let them bear the extra expense thereby involved personally themselves over and above that which they would incur if the meetings were held in the City of Madras. I hope my amendment will be accepted."

SRI T. PURUSHOTHAM :—" I second the amendment."

MR. PRESIDENT :—" Rule 80 runs thus: 'The Select Committee shall not sit at any other place except with the leave of the Council given on a motion made by the member in charge of the department to which the Bill relates.' The object of this rule is to enable members to draw travelling allowance. So by your amendment you are in effect opposing the motion."

SRI B. BHIMA RAO :—" I only say they may claim travelling and other allowances as if the meetings were held in the City of Madras. Any extra expenditure must be borne by themselves."

MR. PRESIDENT :—" The rule says 'the Select Committee shall not sit at any other place except . . .'. That only means, if leave is not given the Select Committee members cannot draw travelling allowance. Does it go further and say, even for a meeting outside the City of Madras they cannot meet at their own expense."

SRI B. BHIMA RAO :—" The rule says, if this Council gives leave to hold sittings in Ootacamund, then every member of the Select Committee would *ipso facto* be entitled to sit at Ootacamund and enjoy all other amenities there."

SEVERAL VOICES :—" What other amenities are there?"

MR. PRESIDENT :—" Suppose we refuse leave, does it mean then, they cannot sit at Ootacamund at their own expense?"

SRI B. BHIMA RAO :—" They can sit there at their own expense."

MR. PRESIDENT :—" So, you oppose the motion?"

4-30
p.m.

SRI B. NARAYANASWAMI NAYUDU :—" If the Committee holds its sittings at Ootacamund without the leave of the Council, the members cannot draw travelling allowance. If it sits with leave, then they can draw travelling allowance."

DR. V. K. JOHN :—" This motion shows that the Government have become wiser."

MR. PRESIDENT :—" Let the hon. Member please speak on the merits of the motion."

THE HON. SRI K. MADHAVA MENON :—" I am afraid Mr. Bhima Rao has not got the correct copy of the motion. In the motion circulated the hill station was mentioned, but in the motion moved the hill station is not there."

MR. PRESIDENT :—" 'Outside Madras' includes hill station also."

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[Mr. President]

"According to rule 80, if the Committee sits in Ootacamund, are not the members entitled to draw travelling allowance as in Madras?"

DR. V. K. JOHN :—" I think the amendment of Mr. Bhima Rao is not in order. Rule 80 says that a Select Committee can sit at any place other than Madras or the headquarters of the Government with the leave of the Council. It does not say that the leave can be conditional. I don't think this Council has got jurisdiction to grant leave conditionally. If conditions can be imposed, then the rule would have provided for it. The motion only seeks leave to sit outside the headquarters. It may be that the Government can make rules regarding allowance and all that. The Council is concerned only with granting or refusing the leave. How can it impose any conditions?"

MR. PRESIDENT :—" I don't agree with Dr. John. When the Council has got the right to grant leave, in my opinion the leave can be conditional. I do not find any insurmountable difficulty there. The only point is whether the amendment is in order or is an opposition to the motion."

DR. V. K. JOHN :—" Take any legislation. The provision for granting a permit or licence specifically says that it shall be subject to such conditions and restrictions as the Government may be pleased to impose. Under the General Clauses Act, when you confer a power, you cannot attach any conditions. Either you confer or don't confer that power."

THE HON. SRI K. MADHAVA MENON :—" May I point out one absurdity in which the acceptance of this amendment will land us? A number of people have been invited to give evidence before the Select Committee. There are a number of witnesses from Mathurai, Tiruchirappalli, Chidambaram, Tirupati, etc. If this amendment is accepted, a member of the Select Committee, who is residing in Mathurai can draw travelling allowance from Mathurai to Madras and back for attending a meeting of that Committee in Mathurai without actually coming to Madras. A member from Malabar who attends a meeting of that Committee in Coimbatore can draw travelling allowance from Malabar to Madras and back which will be more than the allowance from Malabar to Coimbatore and back. That will be the position if this amendment is accepted."

SRI B. BHIMA RAO :—" I want to state . . ."

MR. PRESIDENT :—" How can the hon. Member state anything now?"

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

MR. PRESIDENT :—" Take it that the motion as well as the amendment are before the House."

DR. V. K. JOHN :—" I feel that the Government are becoming wiser, though only slowly and partially. According to the motion circulated to the members, the intention of the

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Government was to hold the sittings of the Select Committee at any hill station. In my opinion, the Government should have made a hill station their headquarters during summer. In fact, for many years the summer headquarters of this Government was Ootacamund where there is accommodation and other conveniences. Officers and Ministers, who are doing arduous work, should not be made to work in the sweltering heat of the summer sun. Their health has got to be maintained for the efficient administration of this Province. If the Secretaries to Government stay at a hill station for two months during summer, they will turn out good work, and it will have a salutary effect on their work during the remaining ten months. Similar is the case with Ministers also. I understand that many of my hon. Friends will be going to the hills during summer at least for a few days. If only the Government had made Ootacamund their summer headquarters, where they have got all facilities, there would have been no need for a motion of this nature, as, under rule 79, the Select Committee can meet at the headquarters of the Government without the leave of the Council. The hon. Mr. Bhima Rao said that the people would think that the Government were wasting money in going to the hills. The Government must be able to tell the people that the officers and Ministers doing hard work must live in a cool climate in summer. I would go further and say that the session of the Assembly and the Council should be held in a hill station during summer, when important Bills come up for consideration. I say that the President of this Council would be healthier and could discharge his duties better if he were on the hills for two months during summer."

MR. PRESIDENT:—"If the hon. Member can manage it, let him put me on the Select Committee!"

SRI M. NARAYANA RAO:—"The motion moved does not refer to any hill station at all."

DR. V. K. JOHN:—"I am presuming that the place of meeting will be a hill station and I don't think it will be contradicted."

SRI T. PURUSHOTHAM:—"In the motion circulated to the members, there is reference to hill station. But in the motion moved, there is no such reference."

MR. PRESIDENT:—"The motion moved and put before the House is the motion that is under discussion."

DR. V. K. JOHN:—"In the motion originally circulated, there was reference to hill station. Now the Government have changed the wording to 'outside Madras'. Probably the Committee may meet in places where there are many witnesses. The intention of the Government according to the original motion was that the Committee should meet in the cooler atmosphere of a hill station. Subsequently they have changed their mind. I suggest that they should revert back to their original intention. Yesterday the temperature in Madras was 107 degrees, to-day it may be even more, and we do not know what it will be in future."

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MR. PRESIDENT:—"The point of Mr. Mothey Narayana Rao is about the hill station."

SRI M. NARAYANA RAO:—"The Government can say what the whole idea is behind this motion."

THE HON. SRI K. MADHAVA MENON:—"Similar leave has been granted to the Select Committee on the Madras Sugar Factories Control Bill, 1948. The Committee wanted to sit at Bobbili, Vuyyur, Hospet and Nellikuppam, and the House gave permission. The Committee sat at Bobbili and Vuyyur and will sit at Hospet and Nellikuppam."

DR. V. K. JOHN:—"My suggestion is that the Government should make a hill station their summer headquarters."

THE HON. DR. T. S. S. RAJAN:—"That is no part of the motion at all."

DR. V. K. JOHN:—"I am presuming that holding the sittings in a hill station was the original intention of the Government. Those who contend that we should not spend money on exodus to a hill station during summer do not have a correct sense of proportion. This Government have wasted many crores of rupees on their several fads like nationalization. They have wasted six crores of rupees on State Trading Schemes."

MR. PRESIDENT:—"I want the hon. Leader of the Opposition to be as brief as possible as it is nearly 4-45 p.m. now."

DR. V. K. JOHN:—"My suggestion is that the Government should have a sense of proportion. I think the money spent on exodus to a hill station during summer is money worthily spent. If they have made a hill station their summer headquarters, a motion like this is not at all required."

MR. PRESIDENT:—"What is the hon. Member's attitude to the present motion?"

DR. V. K. JOHN:—"If it is going to the hill station, I am supporting."

THE HON. DR. T. S. S. RAJAN:—"He is supporting a motion which is not in existence; that is what it comes to."

(Sri B. Bhima Rao rose to speak.)

THE HON. SRI K. MADHAVA MENON:—"The hon. Member has no right of reply."

MR. PRESIDENT:—"I cannot give the hon. Member a right which he has not got."

SRI M. NARAYANA RAO:—"If the point is made clear whether the meetings will be held in a hill station, some of us would like to speak."

THE HON. DR. T. S. S. RAJAN:—"There is no reference to the hill station at all in the motion. I do not see any reason why some hon. Members should go out of the way and presume that there is a hill station."

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DR. V. K. JOHN :—“ Why should the Government refer to any hill station in the motion circulated to the members? Is it fair to this House that they should change the wording of the motion without notice? ”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ I feel that we should not beat about the bush or mince matters. The fact is that nobody would like the Select Committee to sit in Vijayavada where the temperature will be about 120 degrees. The object of the Government in moving this motion is that the Select Committee should meet in a cooler place. The natural conclusion is that they want the Committee to meet in a hill station, whether the Government say it in so many words or not. There is no need for the Government to fight shy in this matter.

4-45 P.M. “ I for my part feel that it would be more economical and it will facilitate matters if you go to a hill station and write a report. I have heard of Select Committees of the Central Government, that are set up being sent to cooler places like hill stations and asked to write reports, because they will be able to do more work than they will be able to do in other places. I, therefore, support this if it is going to a hill station.”

SRI H. M. JAGANNATHAM :—“ Sir, I do not know why Mr. Bhima Rao has moved this amendment. Wherever we sit, I do not think that according to our Travelling Allowance Rules we can draw anything extra than what is mentioned in them. If we sit at Kodaikanal, Ootacamund or Bobbili and if a member is a native of that place, he will have no allowances at all. If we sit at Ootacamund and if a member from Coimbatore or Pollachi attends the meeting, he cannot claim travelling allowance to the City which will be considerably higher than what he will actually be entitled to. I do not think an amendment is necessary in this connexion. So I oppose the amendment. There need not be any misapprehension that we will get more allowance than what is specified in the Travelling Allowance Rules.”

THE HON. DR. T. S. S. RAJAN :—“ The motion before the House clearly shows that leave of the House be granted to the Joint Select Committee appointed to consider the Madras Hindu Religious and Charitable Endowments Bill, 1949, to hold its sittings outside Madras whenever the Committee thinks it necessary. The fact is that this is a big Select Committee. It consists of thirty members, twenty from the other House and ten from this House. It is a composite House of thirty members. It is going to call witnesses and take their evidence. It is receiving written representations preliminary to their being asked to come. It is quite likely that there will be a large number of witnesses. Therefore the place of the meeting of the Select Committee could not be definitely fixed. This provision will make it convenient to go to places where it would be central for a number of witnesses who may be called to give evidence. It is possible that this committee will be saving a good deal of the Government's money in adjusting the places of enquiry at suitable centres. It may be a hill station but a hill station is not the factor. The work to be

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done by the committee is the real point at issue. The Select Committee may be given the privilege to meet at suitable places. That exactly is what is wanted.”

MR. PRESIDENT :—“ Is the hon. Member Mr. Bhima Rao pressing the amendment? ”

SRI B. BHIMA RAO :—“ Yes, Sir.”

MR. PRESIDENT :—“ I now put the amendment of Mr. Bhima Rao to the vote of the House, namely :—

‘ Provided that the members shall not be entitled to claim extra travelling and other allowance than what they would be entitled to, if the meetings were held in the City of Madras ’.”

The amendment was put and lost.

The original motion was put and carried.

IV.—GOVERNMENT BILL.

THE MADRAS RE-ENACTING BILL, 1949 (L.A. BILL NO. 13 OF 1949).

THE HON. SRI K. MADHAVA MENON :—“ Sir, I move—
‘ that the Madras Re-enacting Bill, 1949 (L.A. Bill No. 13 of 1949) ^a as passed by the Assembly be taken into consideration at once.’”

I have explained in detail the scope of the various schedules in the Bill. It will be seen from the report of the Joint Select Committee that the committee has made only two changes in the Bill. Two of the Acts, namely, the Madras Elementary Education (Amendment) Act, 1941 and the Madras Elementary Education (Amendment) Act, 1946, which, under the Bill as published, were to be re-enacted permanently are proposed to be re-enacted only temporarily for a period of one year, that is up to and inclusive of the 29th April 1950. It is to the first enactment that Mr. Suryanarayana Rao and some other Members took strong objection. They want Government to be statutorily liable to contribute to the Elementary Education Fund an equal amount that the Municipalities and District Boards collect by way of Elementary Education tax. The Government felt considerable force in the argument but this is a matter involving considerable financial commitments. I discussed this with the Finance Minister, and he said that if all Municipalities and District Boards decided upon imposing Elementary Education tax it might amount to 50 or 60 lakhs. This amount could not be thought too much. But there was no budget provision for this grant this year and we do not want any statutory liability. Before the next budget, this will be re-examined as was suggested by the Select Committee, and we hope to meet the wishes of many members in the matter.

“ The other enactment is with regard to the powers of Presidents of District Boards and Chairmen of Municipalities

^a Printed as Appendix VI on page 811 infra.

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to punish all absentees under the Elementary Education Act. Power is given only to punish and not to condone. So it is suggested that instead of the Chairman, the Executive Officer may be authorized. I am not expected to disclose the Select Committee's proceedings. But I may say that, if the Bill is dropped the consequence will be that the Chairman will have the power only to punish and the appellate authority will be the Revenue Divisional Officer. Everyone does not want the Revenue Divisional Officer to be the appellate authority. So the provisions of the Act may be further extended for one year.

"The other change effected by the Joint Select Committee relates to Madras Act VIII of 1911. Under the Bill as published, decisions given by the Provincial Government under section 413 of the Madras City Municipal Act, 1919, section 369 of the Madras District Municipalities Act, 1920 and section 234 of the Madras Local Boards Act, 1920, could be modified or cancelled by the Provincial Government, at the instance of any of the local authorities concerned. The Joint Select Committee altered the words 'at the instance of any of the local authorities concerned' into 'at the instance of the local authorities concerned' and the words 'at the instance of any such local authority' into 'at the instance of such local authorities' with the result that the modification or cancellation can be made only at the instance of all the local authorities concerned. These are the two amendments which were made by the Joint Select Committee."

MR. PRESIDENT :—"Did the Assembly make any further amendments?"

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

"The Hindu Religious Endowments Act is proposed to be re-enacted for one year. The Joint Select Committee said that all the Acts were covered by the Hindu Religious Endowments Amending Bill now under consideration by the Committee, for which you have just now given permission to sit outside Madras."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"Did it come to this House from the Assembly?"

MR. PRESIDENT :—"Yes. The question is—

'that the Madras Re-enacting Bill, 1949 (L.A. Bill No. 13 of 1949) as passed by the Legislative Assembly be taken into consideration at once'."

DR. V. K. JOHN :—"I want to say one word. I want an assurance that the Madras City Improvement Trust Act, 1945, will be re-enacted permanently and that the Madras Elementary Education Act, 1941, will be repealed and will not be re-enacted."

THE HON. SRI K. MADHAVA MENON :—"It is not fair to pin me down to give such a definite assurance. But I have given sufficient indication that I have considered this matter with the Finance Minister and we felt that as far as possible elementary

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education should be helped statutorily. Regarding the City Improvement Trust Act, as I have already said there was some difference of opinion; there are certain amendments already being considered and I hope to bring forward those amendments and place the Act permanently in the Statute Book in the course of the year."

MR. PRESIDENT :—"The question is—

'that the Bill for the re-enactment of certain Acts (L.A. Bill No. 13 of 1949) as passed by the Legislative Assembly be taken into consideration at once'." 5 p.m.

The motion was carried.

Clause 2 was put and carried.

Clause 3 was put and carried.

The first schedule was put and carried.

The second schedule was put and carried.

The third schedule was put and carried.

Clause 1 and preamble were put and carried.

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

'that the Bill be passed into law'."

MR. PRESIDENT :—"The question is—

'that the Bill for the re-enactment of certain Acts (L.A. Bill No. 13 of 1949) as passed by the Assembly be passed into law'."

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

THE HON. SRI K. MADHAVA MENON :—"Mr. President, now that this session of this Council is going to be prorogued, I must thank you, Sir, that we have been able to get through all our business not only in these sittings, but throughout all the sittings of this House expeditiously and smoothly and that is because of your very great abilities and your sympathy and kindness towards us. We thank you once again, Sir, for the manner in which you have conducted the proceedings of this House."

V.—HIS EXCELLENCY THE GOVERNOR'S MESSAGE.

MR. PRESIDENT :—"I have now to announce to the House that the following message has been received by me from His Excellency the Governor of Madras, dated Government House, Ootacamund, 20th April 1949 :—

'In pursuance of clause (b) of sub-section (2) of section 62 of the Government of India Act, 1935, I, Shri Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby prorogue this session of the Madras Legislative Council with effect from the conclusion of business on 22nd April 1949.'

"The House now stands prorogued."

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APPENDIX I.

[Vide answer to starred question No. 292 asked by Sri S. B. Adityan at the meeting of the Legislative Council held on the 22nd April 1949, page 741 supra.]

Clause (a).—The number of electric connections existing in Madras City for the last three years (year-war) (i) for domestic services, (ii) agricultural services and (iii) industrial services.

Clause (b).—How many new connections were given during the last three years (year-war) for domestic services.—The number of electric connections that existed category-war in Madras City during the period the Madras Electrical Undertaking was owned by the Madras Electric Supply Corporation, Limited, is not available in the records handed over by the Supply Corporation. Category-war figures are available only for the period from 29th August 1947 when the Undertaking was taken over by the Government. The information available is as follows :—

Total number of service connections existing during the Madras Electric Supply Corporation period.

As on 31st December 1945	..	..	..	19,950
As on 31st December 1946	..	..	..	20,400
As on 29th August 1947	..	..	..	21,526

Number of new connections given during Government management.

	From 29th August 1947 to 29th August 1948.	From 30th August 1948 to 31st December 1948 (4 months).	Total.
Domestic	2,550	1,076	3,626
Industrial	107	32	139
Agricultural	6	9	15
Total	2,663	1,117	3,780

Clause (c).—How many applications for domestic services were pending at the end of the last year.—Four thousand and eleven applications.

Clause (d).—Whether the department observes any, and if so, what system of priority in granting new connections.—Generally, supply is given according to the chronological order of receipt of applications. Special priority is given to the following domestic connections :—

- (1) Clinics, hospitals or dispensaries.
- (2) Government buildings, Post offices.

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- (3) (a) Gazetted officers requiring to do office work at home.
- (b) Non-Gazetted officers drawing a basic salary of Rs. 250 and over per mensem supported by a certificate from the head of the office in which they are working regarding the necessity to do office work at home.
- (c) Non-Government officers doing essential business work or engaged in services of public utility and drawing a salary (and not income) of Rs. 500 or more per mensem.
- (d) Editors and sub-editors of important dailies, i.e., *Hindu, Mail, Indian Express, Dinakari, Andhra Pathrika and Andhra Prabha.*
- (e) Headmasters of high schools who are to do office work at home.
- (f) Retired Government officers drawing a pension of Rs. 250 and over per mensem.
- (4) Educational institutions.
- (5) Hostels and charitable institutions.
- (6) Temples, churches, mosques and similar public places.
- (7) Refugees from Pakistan who set up business of their own without depending on financial assistance from the Government, the bona fide nature of the case being certified by the Secretary, Refugee Relief Committee, Madras.

APPENDIX II.

[Vide answer to starred question No. 293 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 22nd April 1949, on page 741 supra.]

Statement showing the anticipated savings in respect of the recommendations of the Retrenchment and Reorganization Committee so far accepted by the Government.

Head of account.	RS.
25 General Administration	9,90,877
29 Police	84,102
37 Education	21,233
38 Medical	27,572
39 Public Health	37,790
43 Industries	5,655
85-A Capital Outlay on Provincial Schemes of State Trading.	1,72,000
General	4,074
Total	13,43,303

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Summary of recommendations.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of additional revenue or loss of revenue.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
XI. REGISTRATION.					
1 The concession of granting encumbrance certificates, free of charge in respect of applications for loans from Land Mortgage Banks not exceeding Rs. 2,000 may continue.	Page 215 ..	....	....	....	Under consideration.
2 Concessions granted to Scheduled Caste societies in the matter of registration fees may be made permanent.	Do.	....	....	....	Do.
3 All concessions in the matter of fees payable under the law of registration enjoyed by members of co-operative societies may be withdrawn in respect of documents of value over Rs. 5,000.	Do.	....	....	....	Do.
XIII. OTHER TAXES AND DUTIES.					
1 Levy of sales tax on agricultural produce.	Pages 6-7	....	....	....	Under consideration.

Summary of recommendations.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
8. PROVINCIAL EXCISE.					
1 Prohibition to be enforced by Police Department in all districts.	Pages 24 and 32.	....	....	....	Under consideration.
2 Prohibition—Transfer of ameliorative work to a Director of Cottage Industries.	Page 59	Government have ordered the transfer of ameliorative work to the Registrar of Co-operative Societies from 15th October 1948 and have retrenched some posts.			

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Summary of recommendations.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
10. FOREST.					
1 Reduction in the number of posts of Conservators. (Intermediary officers.)	Page 25	....	....	....	Under consideration.
2 Abolition of the Forest College	Do.	....	....	....	The Madras Forest College already taken over by the Government of India.
3 Abolition of the post of Forest Engineer and subordinate staff.	Do.	....	....	....	Under consideration.
4 Hagari Scheme—Abolition of the post of District Forest Officer.	Do.	Accepted. (Post abolished with effect from 16th June 1948.)	....	....	....
5 General reduction in the temporary staff in the Forest Department created since 1928.	Do.	....	....	....	Under consideration.
6 Delegation of more powers to Conservators and District Forest Officers.	Pages 195 and 204.	Accepted except in regard to appointment of Rangers and Forest Appraisers.			

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Summary of recommendation.	Reference to papers in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
11. REGISTRATION.					
1 Inspector of Registration Offices—Further continuance of the post.	Page 28	.. Permanent retention of the post sanctioned by the Government.	G.O. No. 3000, Revenue, dated 15th December 1948.	Rs. ....	....
2 Amalgamation of Registration Districts of Anantapur and Bellary into one and also the districts of Chittoor and Cuddapah into one.	Do.	..	....	....	Under consideration.
18. IRRIGATION.					
1 Transfer of Minor Irrigation Works from the Revenue Department to the Public Works Department.	Pages 89-91	.. Deferred for a period of two years.	G.O. Ms. No. 3801, dated 20th September 1948.	....	....
25. GENERAL ADMINISTRATION.					
1 Reorganization of the village panchayats and abolition of the Inspectorate.	Page 17	..	....	....	Under consideration.
2 Mufassal staff for Firka Development may be reduced to two officers per firka. Number of peons also is very large. Rural Recreation Officers and ballad singers for Firka and Village Development work might be retrenched.	Page 59	.. Accepted with modification. (Two hundred and four posts of peons, nine posts of Rural Recreation Officers and ballad singers were abolished.)	G.O. Ms. No. 174, Firka Development, dated 25th March 1948 and No. 664, Revenue, dated 23rd March 1948.	1,07,300	

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3 No need for a Special Officer for Broadcasting. If necessary an additional Assistant Director of the Grade Rs. 240-400 might be sufficient.	Page 23	.. Accepted. The present sanction to the post of Special Officer expired on 31st December 1948. Post not continued beyond that date.			
4 The post of artist in the Department of Information and Publicity may be abolished in view of existence of two photographers.	Do.	.. Accepted	....	....	....
5 The post of two out of three upper division clerks in the Department of Information and Publicity may be converted into lower division clerks.	Do.	.. Do.	G.O. No. 4733, P.W., dated 6th December 1948.	....	....
6 Conversion of the post of Editor and Assistant Editor to <i>Daktari Hind</i> into post of Journalist and Hindustani Translator.	Do.	.. Rejected	....	....	....
7 Reorganization of village administration.	Pages 7-9	.. Not accepted	G.O. No. 2245, Revenue, dated 20th September 1948.	....	....
8 Retention of Personal Assistants to Collectors of some districts and abolition of the post in other districts.	Pages 14-15	..	....	....	Under consideration.
9 Reorganization of the method of work in the Revenue Department.	Page 15	..	....	....	Do.
10 Village officers to be summoned from villages very sparingly.	Page 16	..	....	....	Do.
11 Minor irrigation works should be placed under the control of Public Works Department.	Pages 91 and 118.	..			Held in abeyance in view of the experimental scheme sanctioned in G.O. No. 2692, P.W., dated 26th July 1948.

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
13 Delegation of powers to Collectors—	Pages 171-172				
(i) Remission of fishery rentals ..	Do.	...	...	...	Under consideration.
(ii) Cancellation of revenue sales confirmed by Revenue Divisional Officers.	Do.	...	...	...	Do.
(iii) Sanction of arrears claims of Special Fund establishments for pay and allowances.	Do.	...	...	...	Do.
(iv) Write off of irrecoverable arrears of land revenue.	Do.	...	...	...	Do.
(v) Arrear claims of local bodies for cesses.	Do.	...	...	...	Do.
(vi) Sanction of taktavi loans up to Rs. 5,000.	Page 172	Accepted	G.O. No. 2567, Revenue, dated 2nd November 1948.	...	...
(vii) Write off of irrecoverable arrears of taktavi loans.	Do.	Not accepted	G.O. No. 2741, Revenue, dated 18th November 1948.	...	...
(viii) Alienation of lands to local bodies under B.S.O. No. 24.	Do.	...	...	...	Under consideration.
(ix) Alienation of land revenue on roads and appurtenances.	Do.	...	...	...	Do.
(x) Grant of b riz deductions ..	Do.	...	...	...	Do.
(xi) Lease of forest/ore lands ..	Do.	...	...	...	Do.
(xii) Repairs to tents ..	Do.	...	...	...	Do.
(xiii) Construction of and repairs to cattle-pounds.	Do.	...	...	...	Do.
(xiv) Renewal of lease of lankas with-out auction on existing rentals.	Do.	Not accepted	G.O. No. 2544, Revenue, dated 27th October 1948.	...	...

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
14 Delegation of powers to Board and Collectors re—	Pages 170-171				
(1) Sanction of charge allowance ..	...	Accepted	G.O. No. 2809, Revenue, dated 6th December 1948.	...	Under consideration.
(2) Purchase of books ..	...	Do.	Do.	...	...
(3) Appointments, transfers, etc., of clerks by Revenue Divisional Officers.	...	Rejected	Do.	...	...
(4) Purchase of furniture ..	...	Accepted	Do.	...	...
15 Notifications under sections 4 (1) and 17 of Land Acquisition Act and declarations under section 6 of the Act to go to Government direct from Collectors.	Page 172	...	...	...	Under consideration.
16 Abolition of a separate district charge for the Nilgiris.	Pages 174 and 225-226.	...	...	...	Do.
17 Tahsildars to be relieved of Treasury work.	Page 174	...	...	...	Do.
18 Jamabandi—Time-limit to be fixed for each district.	Page 175	...	...	...	Do.
19 Inspection of sub-treasuries and collecting depots by Revenue Divisional Officers and Treasury Deputy Collectors.	Page 172	...	...	...	Do.

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
25. GENERAL ADMINISTRATION—cont.					
19 Transfer of resettlement work from the Director of Resettlement and Employment to the Registrar of Co-operative Societies and retrenchment of staff.	Page 61 ..	Accepted..	G.O. Ms. No. 39, Public (Resettlement), dated 7th January 1948.	2,67,394 per annum.	....
20 Transfer of land colonies from the Director of Resettlement and Employment to the Registrar of Co-operative Societies and retrenchment of provincial staff.	Do. ....	....	....	....	Under consideration.
21 Abolition of the post of Special Officer for Departmental Enquiries and his staff of one clerk and two peons.	Page 17 ..	Accepted	Memorandum No. 3928/47-5, Public (Services), dated 11th February 1948. G.O. No. 112, Public (Services), dated 17th January 1948.	....	....
22 Unnecessary references to Public (Services) to be avoided.	Page 18 ..	Do.	....	....	....
23 Secretariat staff to be pooled together and treated as one unit for purposes of promotion to the extent possible.	Do.	Not accepted	G.O. No. 2366, Public, dated 22nd September 1948.		

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24 Reorganization of the Legislature Secretariat.	Page 20 ..				Under consideration.
25 Installation of an automatic switchboard in Secretariat Telephone Exchange and consequent reduction in the number of telephone operators.	Do. ..	Accepted	....	....	....
26 Separation of judiciary from the executive.	Pages 15, 16 and 27.	....	....	....	Under consideration.
27 Abolition of the scheme of training clerks.	Page 61 ..	Accepted	G.O. No. 789, Public, dated 27th March 1948.	3,16,000 (1948-49).	....
28 Abolition of His Excellency the Governor's Body Guard.	Page 96 ..	Do.	G.O. No. 312, Public, dated 10th February 1948.	2,50,000	....
29 Abolition of His Excellency the Governor's Band.	Do.	Do.	G.O. No. 539, Public, dated 5th March 1948.	50,000	....
30 Statistical staff in the offices of the Board of Revenue and of the Director of Industries and Commerce to be retrenched.	Page 149, paragraph 6.	Not accepted	Memo. No. 3534/48, Public (E. & S.), dated 12th June 1948.	....	....
31 Appointment of District Administration Officers and abolition or reduction in the number of Regional Officers.	Pages 13-14 ..	Do.	G.O. No. 2356, Public (Special), dated 10th September 1948.	....	....

27. ADMINISTRATION OF JUSTICE.

1 Separation of judiciary from the executive.	Pages 15, 16 and 17.				Under consideration.
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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
27. ADMINISTRATION OF JUSTICE—cont.					
2 Establishment of a court of original jurisdiction for the city with, say, six to seven District Judges for the hearing of all original cases of higher denomination and the number of Judges in the High Court reduced.	Pages 27-29	.....	.....	.....	Official Bill for legislation has been drafted.
3 Raising of the limit of jurisdiction of all the Munsifs and Subordinate Judges in view of the rise in prices of movable and immovable properties .	Do.	.....	.....	.....	Under consideration.
4 Examination of the receipts for service of summons and other processes and for execution work in all the courts to be made so that wherever the receipts are far below the costs incurred in the maintenance of the establishment of process-servers and the amlins and the office staff, necessary retrenchment may be effected and that the service of process through parties may be relied upon to a larger extent.	Do.	.....	.....	.....	Do.
5 In respect of criminal courts, one session system may be adopted in all department, viz., that the original police staff should serve papers.	Page 180	.....	.....	.....	Do.
6 Clipping of more work to Official Recorders who, in many districts, do not have sufficient work.	Pages 28 and 180.				Do.

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
28. JAILS AND CONVICT SETTLEMENTS.					
1 Children Act—Certified Schools—Reductions in the number of schools and other suggestions.	Page 30	.....	G.O. Ms. No. 3955, Home, dated 26th October 1948.	.....	Under consideration.
2 Children Act—Private institutions connected with juvenile reformation—The Roman Catholic Girls' Higher Elementary Training Schools, Vellore and Sacred Heart's Poor Home, Palurthi—Grants—Discontinuance.	Page 75	.....	.....	.....	Do.
3 Shifting of Penitentiary to some place outside the municipal limits where suitable buildings can be found or constructed, with plenty of water.	Page 30	.....	.....	.....	Do.
7 Suggestions for economies in expenditure in the Judicial Department.	Page 96	.....	.....	.....	Do.
8 Reduction of establishment in the office of the Official Assignee, High Court, Madras.	Do.	.....	.....	.....	Do.
9 Abolition of the shorthand special pay and another special pay of Rs. 9 given to a clerk of the Official Assignee.	Page 129	.....	G.O. Ms. No. 2394, Home, dated 18th June 1947.	.....	.....
10 Reorganization of Process Service establishment in Revenue Courts so as to ensure that the cost of the establishment is covered by the fees levied. The establishment the cost of which is not so covered should be retrenched.	Pages 28-29				Under consideration.

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Summary of recommendation. (1)	Reference to pages in the report. (2)	Orders of Government. (3)	Number and date of G.O. or Memo. (4)	Amount of savings. (5)	Remarks. (6)
28. JAILS AND CONVICT SETTLEMENTS—cont.					
4 Industries that may be introduced in jails to be investigated and steps taken without delay to bring production in the jails to up-to-date lines.	Page 30 ..	..	....	....	Under consideration.
5 Prisoners in the Rajahmundry Jail to be asked to work in the Andhra Paper Mills and even in other jails; paper-making to be introduced as an industry.	Do. ..	..	....	....	Do.
6 Deputy Jailors and warders to be given some training in Psychology and Jailors and Sub-Inspectors of Police to be trained together, if possible, for their respective work.	Do. ..	..	....	....	Do.
7 Assistant Inspector-General of Prisons to be vested with responsible work and utilized for development schemes.	Do. ..	..	Rejected	....	....
8 Continuance of the present arrangement under which there is a whole-time medical officer for the Central Jail and Women's Jail, Vellore.	Page 139 ..	..	Accepted	....	....

29. POLICE.

1 For the sake of uniformity in the districts in which brass badges and lathis are not supplied at present to talavariis, supply may be made. The Committee does not recommend the withdrawal of the supply already made in some districts.	Page 10 ..	..	Rejected	....	....
2 Imparting of instruction in Psychology to Sub-Inspectors of Police under training.	Page 30 ..	....	....	....	Under consideration.
3 Merging of Prohibition (Enforcement) Department with the Police Department.	Page 32 ..	....	....	....	Do.
4 The present system of abstraction and consolidation of pay bills of District Police Force on a district basis should be dispensed with, that the pay bills should be passed separately for each police station after the necessary check and correction with debit balance account and returned to the station for encashment at the nearest sub-treasury. The system of fixed travelling allowance may be introduced for the Police Subordinates as there would be saving of considerable volume of work.	Pages 32-33 ..	..	Rejected	....	....
5 Menial establishment—Adoption of the following standard scale for the employment of peons in the Police department— District Superintendents of Police—One peon for office and two for residence. Other touring gazetted officers—One for office and one for residence. Other gazetted officers—One peon each. Office—Two peons for offices with a strength of ten non-gazetted officers or less and one additional peon for every eight non-gazetted officers.	Pages 77-78 ..				Under consideration.

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
29. POLICE—cont.					
6 Replacement of District Intelligence Bureau Inspectors by Sub-Inspectors. Replacement of Joint Intelligence Bureau, Mathurai, by separate District Intelligence Bureau for the districts of Mathurai North, Mathurai South and Ramanad.	Pages 96-97	Accepted	G.O. No. 4242, Home, dated 17th November 1948.	62,996 annum. per	
7 Reduction of two sergeants in the Nilgiri district.	Page 97	Do.	G.O. Ms. No. 1078, Home, dated 23rd March 1948.	7,974 per annum recurring and Rs. 132 not recurring.	
8 Abolition of posts of Personal Assistant to District Superintendents of Police, North Arcot and Tirunelveli.	Page 32	Do.	G.O. Ms. No. 2953, Home, dated 2nd August 1948.	13,614 annum. per	
9 Abolition of the Nilgiri Police district and constitution of the districts into a Deputy Superintendent of Police or Assistant Superintendent of Police's Subdivision.	Page 151				Under consideration.
10 Transfer of headquarters of the Deputy Inspector-General, North Range, to Vijayavada and that of Deputy Inspector-General, Western Range, to Combaratore.	Do.				Do.

11 Abolition of post of Personal Assistant to District Superintendent of Police, East Godavari.

Pages 216-217 .. Rejected.
G.O. R. No. 2750, Home, dated 3rd November 1948.

12 Abolition of the post of Personal Assistant to the District Superintendent of Police, Ramanad district.

Do. .. Do.
G.O. R. No. 2681, Home, dated 27th October 1948.

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36. SCIENTIFIC DEPARTMENTS.

1 Amalgamation of the Connemara Public Library, Madras, and the Library of the Registrar of Books, Madras.

Page 20 Under consideration.

37. EDUCATION.

1 There should be a Director and a Joint Director, one of whom should be in charge of University Education and the other in charge of all other Education.

Page 35 .. A post of Joint G.O. No. 2162, Education, dated 1st September 1948.

2 There is no need for a separate Woman Officer in the Director of Public Instruction's office to look after girls' education but it is desirable to have a Woman as one of the Deputy Directors.

Do. .. Under consideration.

3 Posts of four Divisional Inspectors to be abolished.

Do. .. Do.

4 Inspectorates for boys' and girls' elementary schools to be amalgamated.

Page 36 .. Accepted .. G.O. No. 747, Education, dated 2nd April 1948.

5 Four posts of clerks attached to four Regional Physical Directors to be abolished.

Page 35 .. Under consideration.

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
37. EDUCATION—cont.					
6 Engineering Colleges to be placed under Chief Engineer.	Page 36	....	....	....	Under consideration.
7 Introduction of universal compulsory elementary education in ten years—Specific allotment to be made for the purpose every year.	Pages 36 and 74.	....	....	....	Do.
8 Any additional resources available to be earmarked for elementary education.	Page 36	....	....	....	No specific action is called for.
9 'Teaching' to be made one of the optional subjects for S.S.L.C. and those who take this optional course may be appointed as teachers after they practise teaching for one year.	Do.	....	....	....	Under consideration.
10 Employment of larger number of women teachers in elementary schools.	Do.	....	....	....	No action, as recommendation is in keeping with the present policy of Government.
11 Abolition of 'one-teacher' and 'two-teacher' schools.	Do.	....	....	....	Under consideration.
12 No separate elementary schools for boys or girls or Muslims or Fishermen, etc.	Do.				Director of Public Instruction has issued instructions abolishing distinction between boys' and girls' schools.

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13 Closure of uneconomic secondary schools— (a) Government schools	Do.	Accepted in respect of certain classes of forms of certain schools and the decision given effect to so far in respect of the following three schools— (i) Government Secondary and Training School for Muslim Women, Bellary. (ii) Government High School Education, for Girls, Little Kancheepuram. (iii) Government Ismail Secondary School for Girls, Abiramam.	G.O. No. 1364, Education, dated 28th May 1948. G.O. No. 1770, Education, dated 17th July 1948. G.O. No. 2346, Education, dated 16th September 1948.	5,623 1,530 1,080	 Under consideration. Do.
(b) Local body and private schools.	Do.				
14 Transfer of Government Secondary Schools to the management of local bodies or private agencies.	Do.				
15 Special institutions for particular communities—Abolition—Discontinuance of separate schools for Muslims.	Page 37	Not accepted for the present.	G.O. No. 286, Education, dated 7th February 1948.	....	....
16 Compulsory elementary education to be introduced in all urban areas immediately.	Page 74				Under consideration with item 7 above.

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Summary of recommendation.	Reference to Pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
37. EDUCATION—cont.					
17 Educational concessions to children and dependants of soldiers.	Page 74 ..	....	....	....	Under consideration.
18 Revision of the system of grants-in-aid to local bodies for secondary education.	Page 73 ..	....	....	....	Do.
19 Scholarships to students in the P.W.R.I.M., Dehra Dun, K.G.R.I.M. Colleges, Bangalore and Belgaum, and the Royal Indian Navy.	Page 81 ..	....	....	....	Do.
20 Scholarships, fee concessions and boarding grants to backward classes and others.	Pages 81 and 83.	....	....	....	Do.
21 European and Anglo-Indian scholarships and stipends—Abolition of differentiation.	Page 83 ..	....	....	....	Do.

38. MEDICAL.

1 Opening of two more first-class hospitals in the City.	Pages 37-38	Deferred for the present.	G.O. No. 3861, P.H., dated 15th November 1948.	....	....
2 Extension of the system of appointment of Honorary Medical Officers. (In all Government Hospitals the number of Honorary Medical Officers to paid officers should be in the ratio of 3:1 and the essential duty posts should always be filled by paid officers.)	Page 37	....	....	....	Under consideration.
3 Appointment of Deputy Collectors as Levy Secretaries and Treasurers.	Page 38	Decided to make no change in the existing rules.	G.O. No. 725, P.H., dated 10th March 1948.		

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4 Paying wards in hospitals—Gradation of wards and charges to serve the different classes of people.	Do. ..	Do.	G.O. No. 4134, P.H., dated 7th December 1948.		
5 Increased accommodation in the paying wards of the city Hospitals.	Do. ..	....	....	....	Under consideration.
6 The present system of rural medical relief which has not been a success may be abolished and that the amount spent in granting subsidies and stipends to Rural Medical Practitioners and Local Bodies may be utilized in implementing taluk and primary health centre scheme.	Do. ..	....	....	....	Do.
7 Appointment of a small Committee as a Special Officer to examine and to make suggestions for the improvement of the existing system of supply of diet articles, drugs, equipment, etc.	Do.	Accepted	G.O. No. 149, P.H., dated 18th January 1949.	....	Do.
8 Opening of combined Primary and Group Centres under Post-war Reconstruction Schemes Nos. 92 and 93.	Do. ..	Accepted with modification.	G.O. No. 2390, P.H., dated 12th July 1948.	25,700	....
9 Grants to tuberculosis sanatoria should be paid on the basis of aid given to peer patients, a uniform rate for non-paying bed should be arrived at.	Pages 39 and 74.	....	....	....	Under consideration.
10 Reduction in the number of posts of ward sisters employed in Government Hospitals.	Page 39 ..	Rejected	G.O. No. 509, P.H., dated 20th February 1948.	....	....
11 The post of the Special Officer for the Reorganization of the Department of Indian Medicine was not necessary.	Do. ..	The post is retained up to 30th June 1949.	G.O. No. 2208, P.H., dated 29th June 1948.		

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Summary of recommendation.	Reference to pages in this report.	Order of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
38. MEDICAL—cont.					
13 Grants to Tuberculosis Sanatoria and the Victoria Hospital for Women and Children, Visakhapatnam should be given on the basis of aid given to poor patients and the number of non-paying beds.	Page 74 ..	..	.....	Rs.	Under consideration.
13 <i>Cephalotin</i> grants to Leprosy Asylum.—The existing practice may continue.	Do. —	..	.....	Do.	Do.
14 Grants to private missionary medical institutions.—Grants should be paid on the number of the non-paying beds where it is absolutely necessary so that the existing grant is not exceeded.	Do. —	..	.....	Do.	Do.
15 The existing system of grants to the Maternity Hospital, Gudiva a Women and Children's Hospital, Kandramanickam, Free Ayurvedic Dispensary, Mukkamula, Mission Dispensary, Kolimalaisa, and Ramakrishna Vaidyalaya Periapayackan-palayam, Coimbatore may continue.	Page 75 ..	..	.....	Do.	Do.
16 Grants to Missionary Medical College, Vellore.	Do. —	..	.....	Do.	Do.
17 Surgeon-General's Office—Retrenchment—Four additional posts.	Page 77 ..	.. Accepted	.. Memorandum No. 43686/48-2, P.H., dated 7th June 1948.	1,372 per annum.	Do.

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39. PUBLIC HEALTH.

1 Retrenchment of the four posts of Engineering Supervisors attached to the four Regional Malaria Organizations.	Page 39 ..	.. Accepted	.. G.O. No. 1837, P.H., dated 2nd June 1948.	9,780	Do.
2 Abolition of the post of a Second-class Health Officer sanctioned for the Poonamallee Health Unit.	Do. —	.. Do.	.. G.O. No. 240, P.H., dated 27th January 1948.	2,116	Do.
3 Abolition of a post of Assistant Director of Public Health and the staff under him.	Do. —	.. Do.	.. Do.	14,100	Do.
4 Keeping in abeyance the post of Research Health Officer, Madras, and the staff under him.	Do. —	.. Do.	..	11,800	Do.
5 Consideration of the possibility of transferring the Nutrition officers in the Food Department and the limit-Health Department and the limita-tion of staff for investigation and survey in the Nutrition Department.	Do. ..	..	..	Do.	Under consideration.
6 Maternity and Child Welfare centres to be more widely distributed and to have one more Assistant Directress of Public Health.	Do. —	.. Rejected	.. G.O. No. 2275, P.H., dated 6th July 1948.	Do.	Do.
7 The Retrenchment and Reorganization Committee is not in favour of the suggestion of the Water-supply and Drainage Committee for pooling of the taxes levied by all municipalities into a Common Fund. Government will be justified in being more generous in case of municipalities or other urban areas which are too poor to pay their share of capital expenditure.	Pages 88 and 89.	..	..	Do.	Under consideration.

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)

39. PUBLIC HEALTH—cont.

The Retrenchment and Reorganization Committee agrees with the recommendation of the Water-supply and Drainage Committee for the formation of a separate Public Health Engineering Service. Until the Public Health Engineering Service is formed the execution of Rural Water-supply Schemes may be under the control of the Collector.

Pages 88 and 89.

Under consideration.

8 *Water-supply schemes of local bodies*—If the funds at the disposal of Government for financing Water-supply Schemes are not sufficient, Government will be justified in raising a loan for the purpose and spread repayment for a long term of years, providing a sinking fund, in the meanwhile. If the resources of local bodies are not sufficient the repayment of loans to be given to them may be spread over a longer period.

Page 89

Do.

9 Retrenchment in King Institute, Page 96
Quindry.

Do.

10 King Institute, Quindry—Stenographers
—Reduction of.

Do.

40. AGRICULTURE.

1 The Marketing Officers and the four Assistants with necessary subordinate staff for conducting market surveys, working cost, gathering marketing information, etc. The Agricultural Departments should be reorganised so as to cover all these services and serve as an Intelligence Bureau for Agricultural Marketing.

The Government G.O. No. 1645, approved the proposals of the Director of Agriculture for the reorganization of marketing section on a regional basis and these proposals were in consonance with the recommendation.

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Increase of expenditure Rupees 48,100.

2 The Agricultural Department might be reorganized and that eight posts of Deputy Directors of Agriculture be abolished.

Under consideration.

Pages 41-42

3 Audit of transactions in the Agricultural Department should be entrusted to trained audit staff under the control of Examiner of Local Fund Accounts or any competent authority and that an experienced officer should be posted to assist the Director of Agriculture in framing budgets and in dealing with financial matters.

Do.

Page 41

4 The work relating to the supervision, erection, operation and hiring of pumps, boring sets, tractors, bulldozers, etc., which is at present done by the different departments such as Agricultural, Industries, Electricity and other departments individually should in future be done by the Agricultural Department.

Do.

Under consideration in the departments referred to in column (1). The decision so far taken is that supervision, erection, etc., in respect of pumping and boring sets of the Industries Department need not be transferred to the Agricultural Department.

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Summary of recommendation.	Reference to pages in the report.	Order of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
40. AGRICULTURE—cont.					
5 The Committee recommended retention of the Personal Assistants to the District Agricultural Officers even after the trading schemes are taken away from the Agricultural Department.	Page 41	.....	.....	.....	Under consideration.
6 The Committee recommended that a survey should be made by some competent person or persons and advice taken as to the organization, teaching and field work of the Agricultural Department.	Do.	Accepted with modification.	G.O. No. 4956, Development, dated 5th October 1948.	.....	.....
7 Results of research should be popularized and demonstration should be done on ryots' lands by asking the ryots themselves to carry out the improvement guaranteeing them against loss, if any.	Do.	Do.	G.O. No. 4115, Development, dated 8th August 1948.	.....	.....
8 The existing arrangement for the lending of money to agriculturists for the purchase of seeds and manure through the Agricultural Department may be continued.	Do.	Accepted	.....	.....	Under consideration.
9 There should be a large recruitment of agricultural graduates in the Revenue Department so that when the Revenue Officers go to rural parts, they may be able to advise the ryots in matters relating to agriculture.	Do.				

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10 No case for grants to students' ems, and Agricultural Colleges at Coimbatore and Bapatla in view of the fact that clubs attached to other Professional and Arts Colleges do not get a grant.	Page 159	Rejected			
11 Levy of a cess on commercial crops ..	Page 159	.....	.....	.....	.....
41. VETERINARY.					
1 District Veterinary Officers to work in District Veterinary Hospital while at headquarters.	Page 42	.....	.....	.....	Under consideration.
2 Officers of Livestock Section should be qualified men by education and experience.	Do.	.....	.....	.....	Do.
3 Abolition of either the post of Joint Director of Animal Husbandry or Livestock Development Officer.	Do.	.....	.....	.....	Do.
4 Reduction of scholarships granted in the Madras Veterinary College.	Page 81	.....	.....	.....	Do.
42. CO-OPERATION.					
1 Separate department for cottage industries is to be formed with a Cottage Industries Board. The staff now employed under the Director of Industries and Co-operative Societies Registrar of Co-operative Societies and the Ameliorative staff employed in Board of Revenue (Excise) to attend to work relating to cottage industries must be transferred to the new department. This may result in a saving of expenditure to a tune of Rs. 10 to 20 lakhs.	Pages 47-48				Under consideration

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Summary of recommendations.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
42. CO-OPERATION—cont.					
2 The powers of Joint Registrar for the settlement should be abolished when separate Boards are set up for Cottage Industries and Housing.	Page 44	.....	.....	.....	Under consideration.
3 Amds may be separated from administration and the audit of the co-operative functions may be transferred to the control of the Examiner of Local Fund Accounts.	Pages 44-45	.....	.....	.....	Do.
4 Constitution of a Housing Board to deal with problems connected with housing and the appointment of a Housing Committee.	Pages 83-84	.....	.....	.....	Do.
5 The power of punishment of Senior Inspectors may be delegated to Deputy Registrars.	Page 200	Accepted	G.O. Ms. No. 2929, Public (Services) dated 29th November 1948.	.....	.....
6 The power to fix the lending limits of Co-operative Central Banks in respect of short and medium term loans may be delegated to Deputy Registrars of Co-operative Societies.	Do.	Do.	G.O. Ms. No. 4732, Development, dated 17th September 1948.	.....	.....
7 The power to issue audit certificates of all societies in the districts (except those of Central Banks and Central Societies) may be delegated to Deputy Registrars.	Do.				Under consideration.

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Summary of recommendations.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
8 Delegation to Deputy Registrar of Pages 200-201 ..	Accepted	.....	G.Os. Nos. 5131, Development, dated 18th October 1948; 5302, Development, dated 27th October 1948; 5132, Development, dated 18th October 1948; 5130, Development, dated 18th October 1948; 5129, Development, dated 18th October 1948.	.....	.....
9 The powers of declaring Junior Inspectors of Co-operative Societies as approved probationers may be delegated from the Joint Registrar to Deputy Registrar.	Page 200	Do.	G.O. No. 5365, Development, dated 29th October 1948.	.....	.....
10 The power of recommending applications for investment of funds of local bodies in the Co-operative Central Banks may be delegated to the Deputy Registrars of Co-operative Societies.	Page 201	Do.	G.O. No. 5327, Development, dated 27th October 1948.	.....	.....
11 The power to issue orders for adjustment of excess share capital of primary societies towards loans due by them may be delegated to Deputy Registrars.	Do.	Do.	G.O. Ms. No. 5161, Development, dated 18th October 1948.	.....	.....
12 The power to incur expenditure from District Liquidation Fund may be delegated to Deputy Registrars.	Do.	Do.	G.O. Ms. No. 5025, Development, dated 13th October 1948.		

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
13 The power to forward certificates of industrial securities in Central Banks may be delegated to Deputy Registrars.	Page 201	Accepted	G.O. Ms. No. 5046, Development, dated 15th October 1948.	....	....
14 Delegation of powers to the Deputy Registrars regarding the admission of members to and their expulsion from Land Colonization Societies.	Do.	Do.	G.O. No. 5177, Development, dated 19th October 1948.	....	....
15 Exp. Marketing Societies—Abolition of posts of Junior Inspectors and recovery of 80 per cent of the cost of salaries and egg collectors from societies.	Page 213	....	....	....	Under consideration.

43. INDUSTRIES AND SUPPLIES.

1 Super-grade department for cottage industries is to be formed with a Cottage Industries Board. The staff now employed under the Director of Industries and Commerce and the Registrar of Co-operative Societies and the ameliorative staff employed in Board of Revenue (Excise) to attend to work relating to cottage industries must be transferred to the new department. This may result in a saving of expenditure to a tune of Rs. 10 to 20 lakhs.	Page 46	....	....	....	....
2 The industrial and chemical laboratory located in the Government Textile Institute should be developed and properly equipped so as to serve as an analytical research and testing laboratory for all industries.	....	....	....	....	....
3 Post of Director of Industries and Commerce—(Appointment of a business man).	Page 45	Rejected	G.O. No. 5364, Development, dated 29th October 1948.	....	....
4 Abolition of the posts of District Industries Officers and retention of Assistant Industrial Engineers at Madras.	Page 46	....	....	....	Under consideration.
5 Abolition of the manufacturing section of the Industrial Engineering Work-shops, Madras.	Pages 46-47 of the report.	Rejected	Memo. No. 10968-D-II/48-4, 23rd January 1949.	....	....
6 Information Bureau Section in the office of the Director of Industries and Commerce should be a fully equipped institution containing all the information necessary to help industrialists. The institution should be in charge of a capable officer with technical knowledge and reorganized on efficient lines with a library attached to it.	Page 47	Accepted	G.O. No. 5364, Development, dated 29th October 1948.	....	....
7 Pumping and Boring Section in the Industries department—Transfer to Agricultural department.	Do.	Rejected	....	....	....
8 Recommendations relating to Fisheries department.	Pages 48-49	....	....	....	Under consideration.
9 One of the Public Works Department Supervisors working in the Agriculture should be retained.	Page 51	Deferred pending completion of major works in progress.	G.O. No. 6037, Development, dated 30th December 1948.	....	....
10 The post of Breeding Assistant in the Propagation Section of the Annamalai Plantations may be retrenched.	Do.	Accepted	Do.		

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of Govt. Expenditure.	Remarks.
	(2)	(3)	(4)	(5)	
61. <i>Statistical work in the office of the Board of Revenue and of the Director of Industries and Commerce to be reorganised.</i>	Page 149, para- graph 6.	Not accepted	Public (E. & S.) Memo. No. 3534/48, dated 12th June 1948.	Rs. ....	.....
43. INDUSTRIES AND SUPPLIES—cont.					
47. MISCELLANEOUS DEPARTMENTS.					
RECLAMATION OF BACKWARD TRIBES.					
1. <i>Abolition of denominational institutions like Kallar, Koravar, etc., schools whenever accommodation can be found for the pupils elsewhere or by throwing open such institutions to all communities without any special facilities for any particular community.</i>	Page 37	Accepted. (All G.O. Ms. No. 4280, Reclamation Schools for Kallar, Koravar, etc., children should be thrown open to all communities, provided preference is given to children of Kallar, etc., communities.)	Home, dated 15th November 1948.	.....	.....
2. <i>Handing over the Kallar Reclamation work to the Education or Co-operative departments.</i>	Page 37	Only supervision of the work has been transferred to the Labour department without touching the district machinery.	G.O. Ms. No. 2960, Home, dated 2nd August 1948.	Not known	Proposals for transferring the entire reclamation work to the Labour department and retrenching the Police staff are under consideration.

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3 (i) Giving full fee concessions to the children of notified tribes in all stages of education.	Pages 102-103			Do.	Under consideration.
(ii) Extending the existing rate of scholarships given to Harijan children to children of Kallar and other similarly situated communities.	.....	.....	.....	Do.	.....
(iii) Revising the existing rates of non-residential scholarships granted to Kallar, etc., communities.	.....	.....	.....	Do.	.....
(iv) The industrial and midday school scholarships granted to children of notified tribes should be made uniform.	.....	.....	.....	Do.	.....
4. Abolishing the boarding grants given to Korava pupils in the Tiruchirappalli district.	Page 213	.....	.....	Do.	.....
5. Denominational institutions—Abolition of.	Page 37	.....	.....	Do.	.....
6. <i>Special grants—</i> The Committee is of the opinion that the Labour department should not give grants at their discretion to institutions which provide education for Harijans among others. Any grant that is given should be of the nature of a stipendium grant based on the number of Harijan pupils studying in the institution.	Page 75	.....	.....	Do.	.....
7. Scholarships and stipends—Re-organisation.	Page 80-81	.....	.....	Do.	.....

[22nd April 1949]

Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(4)	(2)	(3)	(4)	(5)	(6)
23. Statistical staff in the offices of the Board of Revenue and of the Director of Industries and Commerce to be retrenched.	Page 149, para. graph 6.	Not accepted	Public (E. & S.) Memo. No. 3534/48, dated 12th June 1948.	Rs. ....	....
43. INDUSTRIES AND SUPPLIES—cont.					
47. MISCELLANEOUS DEPARTMENTS.					
RECLAMATION OF BACKWARD TRIBES.					
1 Abolition of denominational institutions like Kallar, Koravar, etc., schools whenever accommodation can be found for the pupils elsewhere or by throwing open such institutions to all communities without any special facilities for any particular community.	Page 37	Accepted.	(All G.O. Ms. No. 4200, Reclamation for Schools for Kallar, Koravar, etc., children should be thrown open to all communities, provided preference is given to children of Kallar, etc., communities.)	....	....
2 Handing over the Kallar Reclamation work to the Education or Co-operative departments.	Page 97	Only supervision of the work has been transferred to the Labour department without touching the district machinery.	G.O. Ms. No. 2960, Home, dated 2nd August 1948.	Not known	Proposals for transferring the entire reclamation work to the Labour department and retrenching the Police staff are under consideration.

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3 (i) Giving full fee concessions to the children of notified tribes in all stages of education.	Pages 102-103			Do.	Under consideration.
(ii) Extending the existing rates of scholarships given to Harijan children to children of Kallar and other similarly situated communities.	....	....	....	Do.	....
(iii) Revising the existing rates of non-residential scholarships granted to Kallar, etc., communities.	....	....	....	Do.	....
(iv) The industrial and midwifery scholarships granted to children of notified tribes should be made uniform.	....	....	....	Do.	....
4 Abolishing the boarding grants given to Korava pupils in the Tiruchirappalli district.	Page 213	....	....	Do.	....
5 Denominational institutions—Abolition of.	Page 37	....	....	Do.	....
6 Special grants—The Committee is of the opinion that the about department should not give grants at their discretion to institutions which provide education to Harijans among others. Any grant that is given should be of the nature of a capitation grant based on the number of Harijan pupils studying in the institution.	Page 75			Do.	
7 Scholarships and stipends—Re-organisation.	Pages 82-83			Do.	

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
47. MISCELLANEOUS DEPARTMENTS—cont.					
8 Amalgamation of boilers and factory inspectors—Complete merger of the two sections under one Chief Inspector and reduction in the number of Inspectors of Boilers.	Pages 52-53, item 17.	....	....	....	Under consideration.
9 Boiler Inspectors should be placed on the same scale of pay as Inspector of Factories and form one cadre.	Page 53, item 17.	....	....	....	Do.
10 Conversion of the post of Assistant Commissioner of Labour in that of Deputy Commissioner of Labour.	Page 52	....	....	....	Do.
11 Transfer of Employment Exchanges to the Labour department.	Do.	....	....	....	Do.
12 Scholarships and stipends for Scheduled Caste boys and girls undergoing training in industrial courses—Adoption of a uniform rate.	Page 82	....	....	....	Do.
13 Reorganization of welfare work among women.	Page 62	....	....	....	Do.
14 Amalgamation of Madras Fire Service with the Police department.	Page 133	....	....	....	Do.

50. CIVIL WORKS.

[22nd April 1949]

1 Centage charges charged for water-supply and drainage schemes is excessive and they be considerably reduced.	Page 75	....	....	....	Under consideration.
2 Amalgamation of P.W.D. and Highways not desirable and that these two departments should be kept separate.	Page 54, item 19, paragraph III (a).	....	....	....	Do.
3 Reduction of the number of Superintending Engineers in the Highways department.	Pages 54-56	....	Accepted. (Orders G.O. No. 4627, P.W. dated 30th November 1948. Bolly Circle.)	....	....
4 Irrigation—Major—Investigation and preparation of estimates—Proposals for expedition.	Pages 55-56	....	....	....	Under consideration.

52-A. OTHER REVENUE EXPENDITURE CONNECTED WITH ELECTRICITY SCHEMES.

1 Abolition of the post of Consulting Engineer (Electricity) to Government.	Page 56, item 19.	Rejected	....	....	....
2 Constitution of a Statutory Board for the administration and management of Government commercial undertaking—Electricity department.	Page 83, item 9.	....	....	....	Under consideration.

56. STATIONERY AND PRINTING.

1 Retrenchment of one post of Deputy Superintendent, Government Press, if the Government did not have yet another branch press as required by the Superintendent, Government Press.	Pages 56-57				Under consideration.
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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
3 Reduction in the number of forms printed for every department.	Pages 56-57	.....	.....	....	Question under consideration by a special staff sanctioned in G.O. No. 3311, Education, dated 28th December 1948.
3 Amalgamation of the Stationery Office with the Government Press.	Do.	.....	.....	....	Under consideration.
4 No printing should be done at private presses as far as possible.	Do.	.....	.....	....	Do.

57. MISCELLANEOUS.

Government Commercial undertakings—

Government Bus Service—

(1) That a statutory Board should be set up and business experience associated with it.

Under consideration.

(2) That the method of maintaining accounts and auditing should be similar to those in private commercial concerns.

....

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63. EXTRAORDINARY CHARGES.

Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
1 To amalgamate the offices of the P.M.T.C. and P.R.O. and thus effect a reduction in staff.	Paragraph 2, page 61.	.....	.....	....	Under consideration.
2 To amalgamate the posts of A.R.Os. and R.T.Os. into one and also the offices under them.	Do.	.....	.....	....	Do.
3 Proposal to delegate larger financial powers to Collectors and the Board.	Pages 209 and 211.	Rejected.	.....	....	....
4 Proposal to amalgamate offices of the Food Department (Secretariat) and the Board of Revenue (Civil Supplies) and the posts of Secretary to Government, Food Department and the Commissioner of Civil Supplies.	Item 3 (e) on page 141.	Do.	G.O. No. 1110, Food, dated 8th December 1948.	....	....
5 Retrenchment of staff in the Civil Supplies Department by reorganisation of the procurement and rationing staff.	Item 6, page 143, pages 227 and 228.	Do.	G.O. No. 715, Food, dated 3rd August 1948.	....	....

65.A. CAPITAL OUTLAY ON PROVINCIAL SCHEMES OF STATE TRADING.

1 The distribution of groundnut cake, seeds and chemical manures should be taken away immediately from the Agricultural Department and handed over to co-operative societies.	Pages 40-41	(1) Groundnut cake—Accepted in toto.	G.Os. Ms. No. 4074, Development, dated 28th October 1948.	1.72 lakhs	....
		(2) Seeds—Accepted with modifications.	Ms. No. 4276, Development, dated 17th August 1948.		....
		(3) Chemical manures—Principle accepted but details under consideration.	No. 6250, Development, dated 17th December 1948.		....
		(4) Distribution of iron and steel agricultural			....

[22nd April 1949]

Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
85-A. CAPITAL OUTLAY ON PROVINCIAL SCHEMES OF STATE TRADING— <i>cont.</i>					
2 The Government Malt Factory to be handed over to the Industries Department to avert a loss in its working. The question of selling it to a private agency should also be examined.	Pages 40-41	Rejected	G.O. No. 4945, Development, dated 4th October 1948.	....	....
3 Government Silk Filatures, Kollegal—Installation of silk twisting and throwing plant.	Page 50	Accepted	G.O. No. 3819, Development, dated 19th July 1948 and No. 5364, Development, dated 29th October 1948, and No. 6437, Development, dated 30th December 1948.	....	....
4 Abolition of Government Milk Factory, Madras.	Item 2 on pages 229-230.	Not accepted—It was decided that the factory should be continued for one more year, i.e., till the end of 1949-50.	G.O. No. 8, Food, dated 4th January 1949.	....	....
5 Appointment of statutory Advisory Boards to help the Government to run their business undertakings efficiently and profitably— (i) (1) Government Milk Factory, Madras, (2) the C.S. units and (3) the schemes for the purchase and sale of food grains. (ii) Government Malt Factory.	Page 83, section 9.	Accepted	G.O. Ms. No. 9, Food, dated 4th January 1949.		
	Do.				Under consideration.

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GENERAL.					
1 Retained personnel—Absorbing in future vacancies.	Page 4, para-graph 5.	Accepted	G.O. No. 108, Public, dated 10th January 1949.		
2 Frequent transfers to be avoided.	Page 22	Do.	G.O. Ms. No. 2787, Public, dated 10th November 1948.	....	....
3 Supplies to officers in camps to be stopped.	Page 22	....	....	....	Covered by orders issued on similar recommendation by the Corruption Enquiry Committee.
4 Permanent retention of temporary sections in Government offices which have been in existence for more than five years and are required for normal work.	Page 70	....	....	....	Under consideration.
Reduction in the strength of posts by about 25 per cent.	Pages 77-78	Accepted	....	....	....
Economy in contingent expenditure.	Page 79 and para-graph 14 on page 149.				To examine the recommendations of the Retrenchment and Reorganization Committee, a Special Officer was appointed to suggest ways and means for effecting economy in contingent expenditure. He has submitted his reports to Government. The reports are individually examined by departments concerned and orders passed as and when the examination of each report is completed.

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
		GENERAL—cont.			
7 Holidays—Penultimate Saturdays—Abolition.	Page 80 ..	.. Not accepted	.. Public U.O. Note No. 2442/47-1, dated 29th January 1948.	....	....
8 No need for an Organization and Methods branch to promote efficiency in Government offices.	Pages 80-81	.. Accepted..	.. G.O. No. 3591, Public, dated 13th December 1947.	....	....
9 All rural development works distributed over several departments to be brought under a single department and under a single Minister (Minister for Rural Development).	Page 134	.. Not accepted	..	....	....
10 Disciplinary action—Rules relating to procedure—Simplification.	Pages 142-143 ..	....	....	....	Under consideration.
11 Delegation to heads of departments in respect of making appointments from the approved lists sent by the Madras Public Service Commission or the High Court.	Pages 220-221 ..	Not accepted	.. G.O. No. 2428, Public, dated 29th August 1948.	....	....
12 Grouping of allied subjects so as to be under a single Minister.	Page 227..	Do.	..	....	....
13 Reorganization of Secretariat procedure—Delegation of powers to write off losses—Enhancement of powers to heads of departments and others.	Item 1 (d), page 18.				Under consideration.

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
14 With reference to the grant of mileage concessions to Grade V officers governed by rule 25 (B) of the Madras Travelling Allowance Rules, the Committee has recommended that where an officer is not required to keep a car, there is no reason for exempting him and placing him in class IV for purposes of travelling allowance.	Page 22 ..	....	Do.	....	Do.
15 Class I and II special pays may be abolished in several cases.	Pages 65-66	....	....	....	Do.
16 For each office or department in which more than two officers are working, a pool of shorthand-writers might be set up, its strength being fixed at about 50 per cent of the number of officers.	Page 66 ..	.. Not accepted	..	....	....
17 A periodical review of the rates of special pays in unhealthy localities may be undertaken on the advice of the Director of Public Health with a view to seeing whether the localities have become less unhealthy and, if so, whether they can be abolished altogether.	Do. ..	.. Reviewed, No reduction or abolition considered necessary.	....	....	....
18 Reorganization of the pension system into one of Pension cum Provident Fund cum Insurance.	Pages 63-70 ..	....	....	....	Under consideration.
19 Motor car allowance given to officers in Madras City may be reduced to Rs. 75 in cases where it is at present higher than Rs. 75 per mensem.	Pages 66-67	.. Accepted with modifications. (It has been decided that the limitation on conveyance allowance will apply only to new posts.)	.. G.O. No. 758, Finance, dated 6th August 1948.		

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
GENERAL—cont.					
20 Increasing the age of retirement from 56 to 58 (as recommended by the Central Pay Commission) not recommended by the Committee.	Pages 67-70	Committee's view accepted and existing age of superannuation, viz., 55 retained.	Memo. No. 60854, P-15, dated 4th September 1948.	....	....
21 Permanent retention of temporary posts after a certain period.	Page 70	....	....	....	Under consideration.
22 Standard scale of peons for all offices and officers.	Pages 77-78	Accepted with modification.	G.O. No. 326, Finance, dated 5th April 1948, and amended in G.O. No. 689, Finance, dated 15th July 1948.	....	....
23 Power to sanction additional charge allowance under Fundamental Rules may be given to heads of departments.	Page 77	Rejected	G.O. No. 863, Finance, dated 2nd September 1948.	....	....
24 A distichwar statement of receipts and expenditure by major heads may be prepared if the cost is not likely to exceed Rs. 1,000 per annum; it is not worthwhile to prepare such statement if the cost will exceed the above limit.	Page 89	Accepted	Finance B.G.U.O. Note No. 2354, B.G./48-3, dated 1st April 1948.	....	....
25 A general reduction of 20 per cent in certain items of contingent expenditure, such as office expenses, miscellaneous, etc.	Page 79 and page 159, paragraph 14.				Under consideration.

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26 Exhibiting office contingent expenditure separately from other items of contingent expenditure in the Provincial Budget Estimates.	Page 159	Accepted	G.O. No. 1177, Finance, dated 13th December 1948.	..	
27 Raising the limits for reference of cases to the Standing Finance Committee.	Page 221	....	....	..	Under consideration.
28 Location of the Secretariat and the offices of the Heads of Departments in the same building or near each other.	Page 227	....	....	..	Not accepted so far as Local Fund Audit Department is concerned. The recommendation is under consideration in regard to offices of other Heads of Departments.
29 Delegation of larger powers to Heads of Departments and subordinate officers.	Page 77	....	....	..	Not accepted in the case of Examiner of Local Fund Accounts. Under consideration in respect of others.
30 Retrenchment in staff (including superior officers) in the Secretariat offices of the Heads of Departments and other offices up to the extent of 12½ per cent.	Pages 227-228	....	....	..	Accepted generally by all departments and given effect to wherever possible to the extent feasible.
31 Unification of audit under a common agency. Transfer of co-operative audit work to the Examiner of Local Fund Accounts.	Page 231, paragraph 4.	....	....	..	Under consideration.
32 Levy of audit fees by Local Fund Audit Department from Local Boards.	Page 231	Rejected	G.O. No. 37, Finance, dated 17th January 1949.	..	

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Summary of recommendation.	Reference to pages in the report.	Orders of Government.	Number and date of G.O. or Memo.	Amount of savings.	Remarks.
(1)	(2)	(3)	(4)	(5)	(6)
		GENERAL—cont.			
33 Reorganization of the Secretariat Procedure—Reference to Legal Department—To be restricted to cases of absolute necessity.	Page 221 of the report.	Accepted	....	..	....
34 Reorganization of Secretariat Procedure—Delegation of powers to Heads of Departments.	Page 18 ..	....	....	..	Under consideration.
35 Appointment of Heads of Departments as Secretaries or Joint Secretaries to Government.	Pages 20-21 ..	....	....	..	Do.
36 Retrenchment in Secretariat staff to be effected by requiring Heads of Departments to submit direct to Hon'ble Minister's proposals which do not require noting in the Secretariat.	Page 21 ..	....	....	..	Do.
37 Unification of conditions of service of Local Board servants—Provincialization.	Page 71 ..	....	....	..	Do.
38 Method of selection of higher officers like Collectors, Executive Engineers, etc., from a list of persons to be obtained from the Federal Public Services Commission.	Page 16 ..	Rejected	G.O. No. 2875, Public, dated 23rd November 1948.	..	....
39 Interchangeability of officers from the Secretariat to the Executive and vice versa.	Page 18 ..	Do.	G.O. No. 2903, Public, dated 25th November 1948.	..	

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40 Office procedure—Person in possession of statistical information to submit it direct to Government.	Page 18 ..	Accepted	G.O. No. 3131, Public, dated 13th December 1948.	..	
41 Office procedure—Method of disposal of petitions, etc., received by Hon'ble Ministers.	Do. ..	Do.	Do.	..	....
42 Office procedure—Personal consultations with departments.	Do. ..	Do.	Do.	..	....
43 Standard outturn of work in the Secretariat per clerk per day.	Pages 19-20 ..	....	....	..	Under consideration.
44 Withdrawal of telephones in the residences of Government Officers.	Pages 78-79 ..	Accepted	....	4,074	The figure in column (5) represents savings on account of 11 residential telephones which have so far been ordered to be disconnected.
45 Delegation of powers to District and other Officers.	Pages 76 and 184-211.	....	....	..	Under consideration.
46 Formation of District Councils	Page 86 ..	....	....	..	Do.

[22nd April 1949]

APPENDIX III.

[Vide answer to starred question No. 294 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on the 22nd April 1949 on page 742 supra.]

The National Savings Movement which was started by the Government of India was under the administrative control of the Provincial Government till 1st June 1948, when it was taken over by the Government of India. The Madras Government have no direct control over the movement at present. They, however, render such help as is needed by the Provincial National Savings Officer from time to time in popularising the movement in this Province. The particulars in so far as item (d) of the question is concerned are therefore given only to the end of May 1948.

(a) Yes.

(b) The targets were calculated at 3½ annas per head of population per month, based on the population of 1941 census.

(c) As the targets were based on the population of 1941 census they do not vary from year to year.

The targets are :

	RS.
	PER ANNUM.
Anantapur	30,73,875
Bellary	27,58,875
Cuddapah	27,74,625
Kurnool	30,08,250
Chittoor	42,84,000

(d) The actual subscriptions received were as follows :—

	1945-46.	1946-47.	1947-48.	1948-49 (to end of May 1948).
	RS.	RS.	RS.	RS.
Anantapur	2,16,245	2,17,955	3,12,880	32,065
Bellary	3,30,780	3,28,475	2,32,690	22,950
Cuddapah	2,60,370	2,13,710	1,10,700	5,390
Kurnool	4,34,530	2,90,230	1,52,810	20,705
Chittoor	3,74,485	3,34,510	3,15,575	48,545

(e) No special steps have been taken to promote National Savings Movement particularly in the districts of Anantapur, Bellary, Cuddapah, Kurnool and Chittoor, apart from those taken generally for the Province as a whole. The steps taken comprise mainly propaganda through motor vans equipped with public address system and with gramophone records. Propaganda and publicity is also carried on through pictorial demonstrations, songs and decorated processions and participation in important exhibitions held in the Province. Annual Savings Weeks are organized throughout the Province whenever possible in which officers of

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the Madras Government participate. Officials of the National Savings Organisation visit towns and villages and address meetings. They also establish contacts with influential people in each place with a view to popularising the movement and form Savings Groups. The Provincial Government have issued instructions to their District Officials asking them to give all possible help to the Savings Officers in popularising the movement. District Savings Committees are formed in order to enlist the support of prominent persons in each area for the movement.

The question of re-introducing in a modified form the system of authorised agents for canvassing investments in National Savings Certificates (which was abolished when the Government of India took over the administration from 1st June 1948) is again being considered by the Central Government.

APPENDIX IV.

[Vide answer to unstarred question No. 37 asked by Sri A. Govindacharyulu at the meeting of the Legislative Council held on the 22nd April 1949, page 751 supra.]

Number and name of district.	Number of Health Visitors employed.	
	Rural.	Urban.
1 Anantapur	1	1
2 Chingleput	..	..
3 Health Unit (Government)	4	..
4 Coimbatore	2	6
5 Chittoor	1	1
6 Cuddapah	..	1
7 East Godavari	1	1
8 West Godavari	2	..
9 Guntur	..	1
10 Krishna	2	4
11 Kurnool	1	1
12 Mathurai	1	7
13 Malabar	..	2
14 The Nilgiris	..	2
15 North Arcot	1	1
16 Ramnad	1	2
17 Salem	..	3
18 South Arcot	..	..
19 South Kanara	..	1
20 Tanjore	4	1
21 Tirunelveli	1	2
22 Tiruchirappalli	..	4
23 Visakhapatnam	..	2
24 Nellore	..	..
25 Madras (Corporation)	..	35
26 Bellary	..	3
Total	22	81

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APPENDIX V.

[Vide answer to unstarred question No. 39 asked by Sri B. Bhima Rao at the meeting of the Legislative Council held on the 22nd April 1949, page 753 supra.]

Names of Collectors transferred from one district to another from 1st April 1947 to 1st December 1948.

Serial number and name of Collector.	Transferred.		Date of transfer.
	From	To	
(1)	(2)	(3)	(4)
1 Sri N. S. Arunachalam, I.C.S. ..	Madras ..	Malabar ..	1st December 1947.
2 Sri T. S. Ramachandran, I.C.S. ..	{ Cuddapah .. Chingleput ..	{ Chingleput .. Nilgiris ..	{ 1st June 1947. 6th September 1947.
3 Sri N. Subramaniam, I.C.S. ..	Chingleput ..	Chittoor ..	5th July 1948.
4 Mr. J. C. Griffiths, I.C.S. ..	Malabar ..	Do. ..	6th December 1927.
5 Sri S. R. Kaiwar, I.C.S. ..	South Arcot ..	South Kanara ..	30th January 1948.
6 Sri S. A. Iyengar, I.C.S. ..	Visakhapatnam ..	Nellore ..	22nd December 1947.
7 Sri B. Madhava Rao Nayudu ..	{ Ramnad .. West Godavari ..	{ West Godavari .. Cuddapah ..	{ 7th August 1947. 23rd July 1948.
8 Muhammad Sultan Mubuddin Hussain Sahib.	Guntur ..	Tiruchirappalli ..	22nd August 1947.
9 Sri R. S. Malayappa ..	{ Chittoor .. Cuddapah ..	{ Cuddapah .. Krishna ..	{ 30th June 1947. 24th October 1947.
10 G. Abdul Sattar Sahib ..	{ Tiruchirappalli .. Salem ..	{ Salem .. Chingleput ..	{ 8th July 1947. 8th July 1948.
11 Sri A. Dorai Raj ..	Guntur ..	North Arcot ..	9th August 1948.
12 Sri C. Vivekanandamurthi ..	Ramnad ..	Anantapur ..	17th September 1948.
13 Sri S. Rajagopala Ayyangar ..	{ Coimbatore .. East Godavari .. North Arcot ..	{ East Godavari .. North Arcot .. Nilgiris ..	{ 15th August 1947. 24th February 1948. 13th August 1948.
14 Sri K. Rama Varma Raja ..	Chingleput ..	Mathurai ..	9th June 1947.
15 Sri M. Rangappa Bangara ..	Kurnool ..	Anantapur ..	30th May 1948.
16 Sri R. Koteswara Rao Nayudu ..	{ Anantapur .. Nellore ..	{ Nellore .. East Godavari ..	{ 25th October 1947. 1st January 1948.
17 Sri S. Joseph Reddi ..	{ Nellore .. Anantapur ..	{ Anantapur .. Kurnool ..	{ 17th October 1947. 27th May 1948.
18 Sri T. K. Sankaravivelu Pillai.	Krishna ..	Malabar ..	15th September 1948.
19 Sri T. Prabhakara Rao Nayudu.	Cuddapah ..	Guntur ..	15th March 1948.

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APPENDIX VI.

[Vide item IV on page 759 supra]

L.A. BILL NO. 13 OF 1949.

A Bill for the re-enactment of certain Acts.

As passed by the Assembly.

WHEREAS the Acts specified in the First, Second and Third Schedules were temporarily re-enacted up to and inclusive of the 29th day of April 1949, by the Madras Re-enacting and Repealing (No. I) Act, 1948, and the Madras Re-enacting (No. II) Act, 1948 ;

AND WHEREAS it is expedient to re-enact the Acts referred to in the First Schedule permanently, the Acts referred to in the Second Schedule permanently but with the modifications set forth in that Schedule, and the Acts referred to in the Third Schedule temporarily for a further period of one year up to and inclusive of the 29th day of April 1950 ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Madras Re-enacting Act, 1949. Short title and commencement.

(2) It shall come into force on the 30th day of April 1949.

2. (1) The Acts specified in the First Schedule are hereby re-enacted permanently without any modification. Permanent re-enactment of certain Acts.

(2) The Acts specified in the Second Schedule are hereby re-enacted permanently, with the modifications set forth in the fourth column of that Schedule.

3. The Acts specified in the Third Schedule shall remain in force up to and inclusive of the 29th day of April 1950, and upon the expiry of the said Acts— Temporary re-enactment of certain Acts.

(a) section 8 of the Madras General Clauses Act, 1891, shall apply as if the said Acts had then been repealed by a Madras Act ;

(b) save as provided in clause (a), the Acts, if any, amended by the said Acts shall have operation as if the latter had never been enacted.

Madras Act
I of 1891.

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THE FIRST SCHEDULE.

ACTS PERMANENTLY RE-ENACTED.

[See section 2 (1).]

Year. (1)	Number. (2)	Short title. (3)
1940	IX	The Madras Motor Vehicles Taxation (Amendment) Act, 1940.
1941	XVIII	The Madras Proprietary Estates' Village-service and Hereditary Village-offices (Amendment) Act, 1941.
1941	XIX	The Madras Public Health (Amendment) Act, 1941.
1941	XXIII	The Madras City Police and Towns Nuisances (Amendment) Act, 1941.
1942	XXVIII	The Madras Hereditary Village-offices (Amendment) Act, 1942.

THE SECOND SCHEDULE.

ACTS PERMANENTLY RE-ENACTED WITH SPECIFIED MODIFICATIONS.

[See section 2 (2).]

Year. (1)	Number. (2)	Short title. (3)	Modifications. (4)
1941	VIII	The Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1941.	In sections 2, 3 and 4, for the words "may be modified" the words "may, at the instance of . . . the local authorities concerned, be modified", and for the words "may be cancelled", the words "may, at the instance of . . . such local authorities, be cancelled", shall be substituted.
1942	XX	The Madras City Police, Towns Nuisances and Prevention of Cruelty to Animals (Amendment) Act, 1942.	In sections 2, 3 and 4 (2)— (i) in the opening paragraph, for the words "the following sub-section", the words "the following sub-sections" shall be substituted; (ii) in new sub-section (2), the portion beginning with the words "and the provisions of" and ending with the words "by a Police officer" shall be omitted and in lieu thereof, the following new sub-sections shall be inserted, after sub-section (2) aforesaid, namely:— " (3) The agent shall have power to release any person so arrested on his executing a bond, with or without sureties, for his appearance before a Magistrate if and when required. (4) The provisions of the Code of Criminal Procedure, 1898, shall apply to any arrest made or bond taken under this section as if the arrest had been made, or the bond had been taken under the said Code."

Central Act
V of 1898.

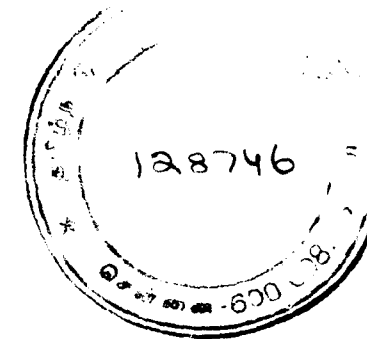
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THE THIRD SCHEDULE.

ACTS TEMPORARILY RE-ENACTED FOR A PERIOD OF ONE YEAR.

(See section 3.)

Year. (1)	Number. (2)	Short title. (3)
1941	XV	The Madras Elementary Education (Amendment) Act, 1941.
1944	V	The Madras Hindu Religious Endowments (Amendment) Act, 1944, as amended by Madras Act X of 1946.
1944	XIII	The Tirumalai-Tirupati Devasthanams (Amendment) Act, 1944.
1945	XVI	The Madras City Improvement Trust Act, 1945, as amended by Madras Act XV of 1947.
1946	VIII	The Madras Elementary Education (Amendment) Act, 1946.
1946	X	The Madras Hindu Religious Endowments (Amendment) Act, 1946.



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