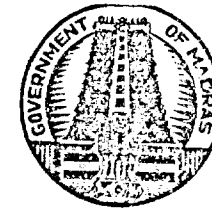


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**MADRAS LEGISLATIVE COUNCIL
DEBATES**

OFFICIAL REPORT

TUESDAY, 10TH JANUARY 1950

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THE HON. DR. T. S. S. RAJAN :—" Certainly everybody is allowed to consult the doctor at the time and the place specified."

JANAB K. T. M. AHAMED IBRAHIM :—" In view of the fact that these doctors receive high pay from the tax-payers' money, is it not advisable that the fee that they should be allowed to charge for consultation should be specifically prescribed by the Government so that there may be uniformity and the doctors' services may be available to the common man especially because they are being paid by the Government? "

THE HON. DR. T. S. S. RAJAN :—" The doctor's fees are certainly controlled by the Government and there are already rules regarding the amount of fees that the doctor could charge. If people want to consult him on all occasions and at any time they please other than the specified hours, the doctor can try to charge any fees he thinks proper. His salary has nothing to do with private patients because his salary depends upon the grade he possesses as an I.M.S. Officer and it does not include any category of fees that he should receive for his private work."

SRI R. SURYANARAYANA RAO :—" When these doctors are permitted to have private practice, may I know whether the Government should not prescribe the fees they can charge from the public because they are already paid by the tax-payer in the form of their salary? "

MR. PRESIDENT :—" That is the question. Are the Government prepared to give a specific answer whether they are prepared to fix the fee? "

THE HON. DR. T. S. S. RAJAN :—" The Government have fixed the rate. By way of certain specific terms the doctor is allowed to charge his own fees for private cases. The mere fact that he is a Government servant in a specified way does not naturally imply that any of the rate-payers can go and call on him and engage him beyond the specified hours of work."

MR. PRESIDENT :—" The question is about consultation fees. Is there any limit to the fee to be charged? "

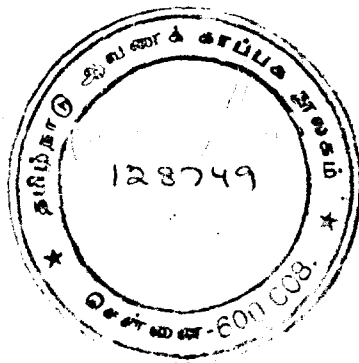
THE HON. DR. T. S. S. RAJAN :—" No, Sir."

SRI R. SURYANARAYANA RAO :—" Will the Government consider the desirability of fixing such ceiling limit for the fees to be charged."

THE HON. DR. T. S. S. RAJAN :—" The matter will certainly be considered. But as I informed the House, there are certain regulations already for charging fees particularly by these high-paid officers."

DR. V. K. JOHN :—" Are the doctors, who are paid a salary by the Government, in full time service of the Government? "

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



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DR. V. K. JOHN :—" Have the Government fixed the time during which their services are at the disposal of the public and at which time they cannot charge a fee? If so, what are the hours? "

THE HON. DR. T. S. S. RAJAN :—" Hours are all fixed when they have got to be in their office rooms and people are entitled to go and demand the services of the doctor at that place at the specified hours."

DR. V. K. JOHN :—" Are the Government aware of the public feeling that when Government doctors who are paid salaries by the Government charge fees which are considered extortionate, the Government become unpopular? "

THE HON. DR. T. S. S. RAJAN :—" I am aware of it, Sir."

JANAB ABDUL LATIF FAROOKHI :—" According to the regulations mentioned by the Hon. Minister, what is the maximum amount of fee to be charged by a doctor? "

THE HON. DR. T. S. S. RAJAN :—" I want notice of the question, Sir."

Provision of roads in villages.

* 97 Q.—SRI M. NARAYANA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether many of the villages in the Province become isolated, especially in the rainy season, as they have not even earthen roads to link up to the main roads;

(b) whether the Government have under consideration in their road programme to provide every village with a good earthen road to link up to the major road;

(c) if so, in what time it is proposed to complete the programme; and

(d) whether it is a fact that the Highways Department have not paid any attention to the construction of roads in panchayat and non-panchayat areas?

THE HON. SRI M. BHAKTAVATSALAM :—" The information asked for is placed on the table of the House."

SRI M. NARAYANA RAO :—" May I know whether the Government think that the completion of the programme is possible in view of the financial position of the Government? "

THE HON. SRI M. BHAKTAVATSALAM :—" That is exactly the question which we have to examine and which I cannot answer now."

SRI M. NARAYANA RAO :—" Will the Government give priority at least to this one scheme? "

THE HON. SRI M. BHAKTAVATSALAM :—" There are several schemes which would need much higher priority than this scheme."

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SRI M. NARAYANA RAO :—" Have rural problems got any priority with the Government? Do the Government feel that rural roads demand higher priority than roads in urban areas? "

THE HON. SRI M. BHAKTAVATSALAM :—" Rural problems are certainly being given all the attention that they should have, but rural problems do not mean only rural roads."

SRI M. NARAYANA RAO :—" Have the Government any comprehensive scheme of rural development including rural roads? "

THE HON. SRI M. BHAKTAVATSALAM :—" As I have said, we have already framed a comprehensive programme which will serve a wider area and we hope to carry it through."

SRI R. SURYANARAYANA RAO :—" Do not the Government think roads are necessary for the agriculturists to carry their produce to the nearest market? "

THE HON. SRI M. BHAKTAVATSALAM :—" There is no doubt about it."

Alleged irregularities in the election to the Madras Medical Council.

* 98 Q.—DR. P. S. SRINIVASAN: Will the Hon. the Minister for Public Health be pleased to state— 2-45 p.m.

(a) whether a Special Officer was appointed by the Government to enquire into the representations made by Dr. Venkappa and others regarding alleged irregularities in the conduct of election to the Madras Medical Council held in 1946;

(b) the expenses incurred by the Government by the appointment of the Special Officer and his staff, office equipment, etc.;

(c) whether the report of the Special Officer was received by the Government; and

(d) if so, whether that report will be placed on the table of the House?

THE HON. DR. T. S. S. RAJAN :—" (a) The answer is in the affirmative."

" (b) Rs. 2,255-8-0."

" (c) The answer is in the affirmative."

" (d) The report is confidential and it is not desirable in public interest to disclose it."

SRI R. SURYANARAYANA RAO :—" May I know whether action will be taken on the report of the Special Officer? "

THE HON. DR. T. S. S. RAJAN :—" Yes, certainly, Sir."

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Grant of annual subsidies to the Madras Medical Council.

* 99 Q.—DR. P. S. SRINIVASAN: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government have been granting annual subsidies to the Madras Medical Council to meet the deficit in the budget of the Council; and

(b) whether the same has been paid this year also?

THE HON. DR. T. S. S. RAJAN :—“(a) Yes.

“(b) Orders sanctioning the payment of grant for 1949-50 have been issued.”

Working of the Firka Development Scheme.

* 100 Q.—SRI M. NARAYANA RAO: Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether Sri G. Ramachandran, Secretary, All-India Village Industries Association, has submitted his report about the working of the Firka Development Scheme;

(b) whether the Government have accepted all the suggestions made by him;

(c) whether it is proposed to implement the scheme *in toto* or in part; and

(d) whether a copy of the report of Sri G. Ramachandran will be placed on the table of the House?

THE HON. SRI B. PARAMESWARAN :—“(a) Yes.

“(b) The Government have already accepted some of the suggestions made by Sri G. Ramachandran. Some others are under consideration.

“(c) The hon. Member is presumably referring to the suggestions made by Sri G. Ramachandran. They are being examined and such of the suggestions as can be accepted will be implemented.

“(d) Copies of the report^a of Sri G. Ramachandran are placed on the table of the House.”

JANAB K. T. M. AHAMED IBRAHIM :—“In view of the fact that the report runs to 26 pages, it will require time to study it and put supplementary questions. I would therefore suggest that this question might be postponed.”

MR. PRESIDENT :—“You asked for the report. You got it. That is all.”

SRI M. NARAYANA RAO :—“May I know how far the Government have taken action on the suggestions?”

THE HON. SRI B. PARAMESWARAN :—“Some of the suggestions are important ones and are for the expansion of the scheme over different areas. They have been implemented.

^a Printed as Appendix on II pages 1069-1094 infra.

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Some other suggestions are being examined. If the Government think that they should be accepted, they would implement them.”

SRI M. NARAYANA RAO :—“Are the Government aware that there must be a lot of co-operation and co-ordination between the various departments and may I ask whether the Government will go into the matter?”

THE HON. SRI B. PARAMESWARAN :—“That is being done.”

SRI M. NARAYANA RAO :—“Have the Government issued necessary instructions to other departments to ensure better co-ordination and co-operation between the various departments?”

THE HON. SRI B. PARAMESWARAN :—“Yes, Sir. We have issued instructions.”

SRI M. NARAYANA RAO :—“Will the suggestions for the development of the Firka Development Department be implemented?”

THE HON. SRI B. PARAMESWARAN :—“They are being examined by the Government.”

DR. V. K. JOHN :—“Is the Hon. Minister aware that there is lack of co-ordination among the various departments?”

THE HON. SRI B. PARAMESWARAN :—“No, Sir.”

DR. V. K. JOHN :—“Then, how can the Hon. Minister say that co-ordination is being effected?”

THE HON. SRI B. PARAMESWARAN :—“The Government are aware that there is co-ordination. The department is in its initial stages and a lot of dust and cobwebs have to be cleaned up before long. In course of time, there should be ample co-ordination of all the departments.”

JANAB K. T. M. AHAMED IBRAHIM :—“The Hon. Minister said that the department is in its initial stages. Then, may I ask how did he allow a lot of dust and cobwebs to accumulate even in its initial stages?”

THE HON. SRI B. PARAMESWARAN :—“It was on account of the neglect of the previous Government, Sir.”

JANAB K. T. M. AHAMED IBRAHIM :—“Is the Government aware that there was no Firka Development Department during the regime of the previous Government?”

THE HON. SRI B. PARAMESWARAN :—“That is exactly the reason why this Government have taken up this question and are doing what they can and what is possible.”

JANAB K. T. M. AHAMED IBRAHIM :—“Since there was no Firka Development Scheme at all during the previous Government, there was no question of cobwebs and dust accumulating in the initial stages. That was my question, Sir.”

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THE HON. SRI B. PARAMESWARAN :—“ The previous British Government did not take so much interest in the village uplift work as it is being done by the Congress Government. Now, we have set apart about a crore of rupees for this uplift work. We are concentrating our attention upon village uplift work. With this object in view we have started a separate department to go into the question. Therefore we have got to speed up the work.”

SRI M. NARAYANA RAO :—“ Have the Government decided to extend the scheme to other firkas? ”

THE HON. SRI B. PARAMESWARAN :—“ The Government have accepted to extend the scheme to more firka areas in about 100 villages.”

SRI M. NARAYANA RAO :—“ When will work start in the extended firkas? ”

THE HON. SRI B. PARAMESWARAN :—“ As early as possible.”

Launching of prosecutions under the control orders.

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

(a) whether any discretion is given according to the present rules to the Collectors of districts not to launch prosecutions under the various control orders relating to foodgrains or rationing rules in petty and trivial or deserving cases where there is no intention to disobey and indulge in blackmarketing;

(b) if not, whether the Government have under consideration the question of permitting the Collectors of districts to use their discretion in launching such prosecution?

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ (a) Yes.

“ (b) In view of answer to clause (a), this does not arise.”

Distribution of iron, steel and galvanized sheets.

* 102 Q.—SRI M. NARAYANA RAO : Will the Hon. the Minister for Industries be pleased to state—

(a) the quantity of iron and steel and galvanized iron sheets received from January 1949 up to the end of September 1949;

(b) the quantity that has been allotted for agricultural purposes; and

(c) how it has been distributed among the various districts?

THE HON. SRI H. SITARAMA REDDI (on behalf of Hon. the Minister for Industries) :—“ (a) 12,106 tons of iron and steel and 2,087 tons of galvanized iron sheets.

“ (b) 4,390 tons of iron and steel and 499 tons of galvanized iron sheets.

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“ (c) A statement * showing the quantity of iron and steel and galvanized iron sheets as distributed to the various districts is placed on the table of the House.”

SRI M. NARAYANA RAO :—“ May I know if there is any basis on which distribution is made? ”

THE HON. SRI H. SITARAMA REDDI :—“ I believe applications are received and that is one of the basis of distribution.”

SRI M. NARAYANA RAO :—“ Is the matter of giving permits left to the will of the officers concerned or whether there is any principle that is laid down by the Government? ”

THE HON. SRI H. SITARAMA REDDI :—“ No principle is laid down by the Government. The idea is to see that every area in the Presidency gets an equitable quantity. But I see from the distribution chart here that most probably some areas did not want that much, and so they did not get. Some have got only that much of what they have asked for. If some areas want more, they are given increased quantity.”

SRI M. NARAYANA RAO :—“ Is it true that some areas did not at all want? I think that it is a universal fact that every district wants these. So, is it true that there is no demand for these from the districts concerned? ”

THE HON. SRI H. SITARAMA REDDI :—“ I would like to draw the attention of the hon. Member to the statement furnished. If his case is that somebody who has applied for these, has been refused, then I would like to investigate into the matter.”

SRI M. NARAYANA RAO :—“ In the statement some districts have not been allotted any quantity of galvanized sheets whereas I know that there is a lot of demand from the districts? May I know the reason for this? ”

THE HON. SRI H. SITARAMA REDDI :—“ The chart that has been placed on the table of the House shows not allotment, but distribution.”

SRI N. SANKARA REDDI :—“ Are the Government aware that in dry cultivation areas more iron implements for agricultural purposes are necessary and so far as Rayalaseema is concerned the supply is inadequate? ”

THE HON. SRI H. SITARAMA REDDI :—“ That is a well-known fact. As I have already stated, if some districts have not received the quantities equivalent to other districts, it must most probably be that they have not asked for it. As I have already stated if it is brought to the notice of the Government that any application was refused, certainly the Government will go into the matter.”

SRI M. NARAYANA RAO :—“ May I mention that there has been a demand for these from many people from the West Godavari

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district and that they have not been allotted? May I know whether the Hon. Minister will go into the matter?"

THE HON. SRI H. SITARAMA REDDI :—" According to the chart laid on the table, the quantity of iron distributed to West Godavari is 215 tons and the quantity of galvanized iron is nil."

SRI M. NARAYANA RAO :—" My question is when there is a demand from that district, why nothing was allotted to that district? May I know if the Hon. Minister in charge could investigate into the matter?"

THE HON. SRI H. SITARAMA REDDI :—" As the hon. Member has raised this question, I shall ask the department concerned to find out whether there has been a demand from that district and if it has been refused. If there was demand, even now I think it should not be difficult to allot them some quantity."

SRI R. SURYANARAYANA RAO :—" In view of the claims from different parts of the House, may I request the Government to ask the officer concerned to review the releases made to the different districts so that at least there is equitable distribution in future?"

THE HON. SRI H. SITARAMA REDDI :—" That will be noted."

SRI M. NARAYANA RAO :—" May I suggest to the Government that they may fix a definite quota for the various districts instead of giving a free hand to the officers concerned?"

THE HON. SRI H. SITARAMA REDDI :—" If there is a definite demand from a particular district, we can give them the necessary quota. So there is no point in these things stagnating in places where they may not be required."

SRI M. NARAYANA RAO :—" I know that it is universally known that injustice is being done by the departments concerned. That is why I would suggest to the Government to see that a fixed quota is allotted for each district. If there is demand for it, the districts will take them. Otherwise, the quota not wanted by the districts could be distributed to the other districts which require it."

THE HON. SRI H. SITARAMA REDDI :—" I may tell that there was a proposal that every district must get an equal quota. I believe it was on this principle the districts were distributed. But from the chart which has been placed on the table, it looks that some districts have not got anything. I was inferring from that that those districts did not actually want these. Anyhow, as I have already said that if a specific case is brought to the notice of the Government, the Government will go into the matter and review the whole position and see that justice is done to everybody in the districts."

SRI S. B. ADITYAN :—" May I know whether the figures given refer only to those relating to agricultural purposes and do

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not take into account the releases for other purposes in the districts? In Mathurai district, I know galvanized iron sheets were released for other purposes. Is it not a fact that the statement refers only to agricultural purposes?"

THE HON. SRI H. SITARAMA REDDI :—" I take it that the whole question and the supplementary questions put by the hon. Member related only to agricultural purposes and not other purposes."

The Chingleput District Wholesale Co-operative Stores.

* 103 Q.—DR. P. S. SRINIVASAN : Will the Hon. the Minister for Food be pleased to state whether it is a fact that the Government have received petitions stating—

(a) that the Chingleput District Wholesale Co-operative Stores are compelling producers to give $1\frac{1}{2}$ to 2 measures of paddy or rice free for every 2 maunds of paddy or rice purchased;

(b) that the producers have no option in the matter as they have to sell their paddy only to the agents of the wholesale stores who take their own time to purchase the paddy; and

(c) that it would be more advantageous to the producers if more wholesalers are appointed by the Government?

THE HON. SRI J. L. P. ROCHE VICTORIA :—" (a) to (c) No."

DR. P. S. SRINIVASAN :—" Have no complaints been received?"

THE HON. SRI J. L. P. ROCHE VICTORIA :—" No complaints are on record here."

Manufacture and sale of Vanaspathi.

* 104 Q.—SRI M. NARAYANA RAO : Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Government intend to prohibit the manufacture and sale of Vanaspathi;

(b) whether it has been found that Vanaspathi is injurious to health; and

(c) whether the Government have under consideration any proposal to decentralize the oil industries and encourage the village ghani?

THE HON. SRI H. SITARAMA REDDI (on behalf of Hon. the Minister for Industries) :—" (a) & (b) No, Sir. The Government of India is conducting investigations. It has not yet been established that Vanaspathi is injurious to health.

" (c) A proposal to discourage the starting of oil mills in rural areas which would displace rural industries is under the consideration of Government."

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Profit earned by the Chingleput District Wholesale Co-operative Stores.

* 105 Q.—DR. P. S. SRINIVASAN: Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that of the net profits earned by all the District Wholesale Co-operative Stores in the Province the net profit earned by the Chingleput Stores for the year 1947-48 was the largest; and

(b) whether the same is due to the large difference in the procurement and selling prices of paddy and rice?

THE HON. SRI J. L. P. ROCHE VICTORIA :—“(a) Yes.

“(b) No. The profit earned in 1947-48 by procurement was Rs. 1,28,270-2-0. Of this amount Rs. 94,824 related to transactions in 1946-47 which however came to be adjusted in the accounts of 1947-48. The balance of Rs. 33,446-2-0 alone represented the profit on about 13,950 tons procured by the Stores in 1947-48 which works out to about one anna six pies per maund. The Stores strictly adhered to the procurement and sale prices fixed by the Government.”

Receipts and expenditure for the Andhra and the Residuary Provinces.

* 95-A Q.—SRI N. SANKARA REDDI (on behalf of Sri O. P. Ramaswami Reddiyar): Will the Hon. the Premier be pleased to state the income and expenditure including income-tax and sales tax under different heads for—

(i) the whole of the proposed Andhra Province, district-war; and

(ii) the rest of the Province of Madras, district-war?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier) :—“A statement giving the available information for the year 1948-49 is placed on the table of the House. The figures of direct receipts and expenditure for the three taluks of Adoni, Alur and Rayadurg of the Bellary district have been assumed to be one-third of those for the district. The figures given in the statement will require adjustments for various purposes, to arrive at a normal forecast of the financial position of the proposed Andhra Province and the residuary Province.”

3 p.m. SRI R. SURYANARAYANA RAO :—“May I know, Sir, whether final adjustments had not been made when the Partition Committee met?”

THE HON. SRI B. GOPALA REDDI :—“We went on the basis of the accounts for 1948-49. We are now at the fag end of 1949-50 and so it makes little difference.”

SRI R. SURYANARAYANA RAO :—“My question was whether final adjustments were made when the Partition Committee

* Printed as Appendix IV on pages 1096-1101 infra.

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reported to the Government of Madras and whether the figures furnished in the statement placed on the table of the House were available to the Committee?”

THE HON. SRI B. GOPALA REDDI :—“It was only a forecast for the proposed Andhra Province and was naturally based on the accounts for 1948-49 and no adjustments were made either by the Partition Committee or the Government of Madras.”

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

II.—MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT :—“I have to announce to the House that I have received the following message from the Hon. the Speaker of the Madras Legislative Assembly, dated 9th January 1950 :—

“In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1949 (L.A. Bill No. 1 of 1950), as passed by the Assembly on the 9th January 1950, and signed by me for the concurrence of the Council.”

III.—MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

I have also to announce to the House that I have received the following messages from His Excellency the Governor of Madras, dated 10th December 1949 :—

“In pursuance of section 299, sub-section (3) of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby accord my previous sanction for the introduction of the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1949, in the Madras Legislative Council.

“In pursuance of section 82, sub-section (3) of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1949.”

IV.—GOVERNMENT BILL.

THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) AMENDMENT BILL, 1949 (L.A. BILL NO. 1 OF 1950).

* THE HON. SRI H. SITARAMA REDDI :—“Mr. President, Sir, I move—

“that the Madras Estates (Abolition and Conversion into Ryotwari) Bill, 1949 (L.A. Bill No. 1 of 1950), as passed by the Legislative Assembly, be taken into consideration at once.”

Sir, under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, as soon as an estate is notified the estate has to be surveyed and then settled in accordance with ryotwari

[Sri H. Sitarama Reddi] [10th January 1950]

principles and until these operations are completed, compensation cannot be paid to the claimants. The survey and settlement operations are expected to take some years and it is therefore considered desirable that provisions should be made for the payment of some portion of the compensation in advance at once, without waiting for the completion of these operations. The Bill makes provision accordingly. A rough estimate will be made of the compensation payable in respect of each estate as soon as it is notified and one-half of the amount as so estimated will be deposited as advance compensation in the office of the Tribunal within six months of the notified date. The advance compensation will be adjusted towards the compensation as finally determined under the Act. Annual interim payments will continue to be made as provided in section 50 of the Act but the amounts will be reduced by one-half, suitable adjustments being made when making the final reckoning.

"Sir, it is also proposed to amend the Act so as to ensure the payment of a minimum sum of twelve and half crores of rupees as compensation for zamindari estates in the Province. According to this amendment, if after the amounts of compensation payable in respect of all zamindari estates have been finally determined, the aggregate of such amounts falls short of twelve and half crores of rupees, an amount equal to the sum by which the aggregate so falls short will be distributed among the estates *pro rata*.

"The opportunity has been taken, Sir, to amend section 40 (2) of the Act so as to make the rules made under that section subject to the approval not only of the Legislative Assembly but also of this House. Hon. Members will remember that I gave an assurance to this effect when I moved the rules in last November before this House for its approval. This amendment also implements the assurance given on the floor of this House by the Revenue Minister then in charge on the 24th November 1948 that any rules framed under the Act would also come up before this House for consideration. I may tell you, Sir, that this amendment will not, however, affect the validity of any rules made before this Bill becomes law."

MR. PRESIDENT :—"The motion is—

that the Madras Estates (Abolition and Conversion into Ryotwari) Bill, 1949 (L.A. Bill No. 1 of 1950), as passed by the Legislative Assembly, be taken into consideration at once."

* DR. V. K. JOHN :—"Mr. President, Sir, I have given notice of an amendment that this Bill be referred to a Select Committee of this House as very serious amendments have been proposed in this Bill. It would appear that in this legislation—Abolition of Zamindaris—Government do not follow any policy or any principle nor are they consistent. Sir, after elaborate discussion in both the Houses only last year, the Government made provision for the payment of compensation to zamindars. In November last—I think on the 18th—the Hon. the Minister for Land Revenue placed on the table of the House certain rules for payment of compensation to be framed by the Government under

10th January 1950] [Dr. V. K. John]

section 41 of the Act. Now it is said that the main Act was passed last year without knowing that there were difficulties in the way of the Government in fixing the compensation. I cannot understand, Sir, how this Government could not make a calculation or could only make a mis-calculation so early as in November last when rules were framed to which amendments are now brought forward. Now, there are two serious amendments . . .

MR. PRESIDENT :—"Does the hon. the Leader of the Opposition refer to rules to be amended by this Bill?"

DR. V. K. JOHN :—"The previous rules were made under section 41 of the Act and now this Bill gives the go by even to those rules."

MR. PRESIDENT :—"I do not think so."

* DR. V. K. JOHN :—"It does, Sir. Because the rules provide that if the basic annual sum in respect of the estate exceeds Rs. 3,000 but not Rs. 50,000 the compensation shall be paid in equal annual instalments not exceeding three in number and if the basic annual sum in respect of the estate exceeds Rs. 50,000 the compensation shall be paid in equal annual instalments not exceeding five in number. Now this present Bill provides that before June this year the Government shall have to pay down half of twelve and a half crores of rupees, in cash. This is different from what was contemplated in November last, that is, just two months ago."

THE HON. SRI P. S. KUMARASWAMI RAJA :—"It is for that reason—that is, because we want to pay that sum—this amending Bill has been brought forward."

* DR. V. K. JOHN :—"What I am suggesting is, Sir, two serious amendments are sought to be made now to this Act. It is a very important matter to consider whether this amount should be shelled out now by the Government when they have no money for nation-building activities. Whether it is for the provision of civic needs or for extension of education or for housing or, last but not least, for reclaiming lands and helping agriculturists under the Grow More Food campaign, Government plead want of funds. But what does this amending Bill provide? The Government must shell down Rs. 6½ crores. There is another curious thing about this Bill. I find a provision which goes to the very basic principle of the Act. According to this provision the Government will pay an aggregate sum of Rs. 12½ crores by way of compensation. This has to be paid without any account whatsoever and without any idea as to how much they must actually pay. I want to know from the Government whether they have any idea or they will be able to get any idea of the amount of compensation to be paid. Is it because they cannot even make a rough estimate that this 12½ crores of rupees has been provided? Again, Sir, what is the basis on which this figure has been arrived at? If this amending Bill is passed, the effect of it will be, the Government may have to pay, even if the compensation amounts to, say, Rs. 6½ crores as

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per the main Act, over and above that an equal sum in order to make up the 12½ crores proposed now. Sir, this measure, first of all, began by expropriating the landholders, by telling them 'you are not landholders at all, you are just collectors of revenue only and so we can give you only so much.' Even then, we protested against enacting such an expropriatory measure. Now, the Government have come to the decision that not only the zamindars should be paid on the basis mentioned in the original Act but they will also be paid over and above that a sum which will constitute the difference between that sum and the proposed 12½ crores. As the Hon. the Minister has stated, it may be one and a half crores or it may go up to 5 or 6 crores of rupees. I ask, 'why should this be paid to the zamindars, why not it be paid for acquiring lands and why not the lands be sold to the agricultural labourers,' payment being arranged by the 'annuity' system. I strongly feel that if the final figure determined after survey and settlement is just equal to the payment to be made in June this year—that is, half of the aggregate amount contemplated by the Government—or more, no more money should be paid to the zamindars. Whether the zamindars are paid the value of the estate or have been over-paid, I feel Government should not come forward with another payment especially when they cannot easily find the money for it. This is what I am emphasizing. This important amendment should and ought to have been examined by a select committee. Sir, you are a lawyer yourself and you will find, if you go closely through this amendment, that many other sections of the original Act will require modification. Sir, when this fact was pointed out in the other House to the Hon. the Revenue Minister, he said 'we will bring in another amending Bill later on if there is need for it' . . .

THE HON. SRI H. SITARAMA REDDI :—" I never said anything like that."

* DR. V. K. JOHN :—" There is the report in *The Hindu* here. Perhaps it might have reported wrongly. But I find he has said like that. Sir, the Act was passed after discussion running to several days in the other House as well as this and certain rules were framed not even two months ago under that Act. Now another set of amendments is brought forward to those rules themselves which are very serious and therefore, deserve a good deal of scrutiny. And I feel that job can best be done by a select committee. I cannot understand why there should be this hurry-burry about it. If you pass this Bill in a haste again the Government may be compelled to come before this House with yet another amending Bill. So, Sir, these amendments, besides being serious in themselves, require consequential and incidental amendment of the other sections of the Act also. We must go through them and only a select committee can go through them. If they think that this Bill can be passed by the Congress Legislature Party and then it can be passed in the Legislature because they have a majority in this House and the other House, then it is different. The usefulness of this House is at stake. We are not going through

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a farce of a discussion. I have given notice that this matter stand adjourned under rule 63. Now I am on the select committee question. If you, Mr. President, will allow me I will speak on the motion for the postponement of the consideration of the Bill also. This Bill is being rushed through. Late in the evening yesterday, this was passed in the Assembly. This is a Bill which will commit the Government to a payment of Rs. 6½ crores in another six months, when we have no money at all. It will commit the Government to pay the zamindars more than what was provided in the original Bill, as if there are no other classes of people except the zamindars who ought to be benefited. It is a very serious matter and it should be examined by the select committee. It will help the Government. Why should the Government hurry through it? In spite of days being spent in the discussion of the original Bill in the Assembly and the Council, the Government have had to come forward with this amending Bill before anything is done under the Act. That means that they are rushing through things, they are not consistent, they have no ideas and no principles. The other day I was reading a book, for which the Government have spent a lot of money in printing. It is a book called 'Three Years Work of the Madras Ministry.' (An hon. Member: 'It is a party publication.') Whoever has published it, it is public money wasted. One of the achievements of the Congress Party is said to be the Zamindari Abolition Bill. I say, Sir, that from every point of view, it is a record of failure of the Government to act on some principle, on some policy and with consistency even if they adopted a wrong policy. They have no consistency at all, they are rushing through everything because they have got a majority. I ask my friends on the other side whether they have understood this Bill. Even a very trained lawyer going through this amendment will take hours and hours to understand the import and the meaning of these amendments."

MR. PRESIDENT :—" I may just inform hon. Members that I waived notice for this for the following reasons. First of all there was some uncertainty about the continuance of this Council. This Bill had gone through the other House and has to be passed by us. The Government did not want it to be left unfinished at this stage. That is one of the main reasons. Secondly I thought that the Bill having been published long ago in the Government Gazette and no amendments having been made in the other House, there can be no difficulty in considering the Bill here. I thought the House would not be at a disadvantage in taking it up to-day. Another reason is this. On the 7th, when we were rising, I informed the House that this Bill was likely to come before this House to-day and that this House was going to be adjourned to this day just for the purpose of this Bill. I requested hon. Members to be ready with this Bill. For these three reasons I thought I was justified in waiving notice. I am giving these reasons for the information of the hon. Members."

* DR. V. K. JOHN :—" We had no idea that no amendments would be made in the other House. Perhaps you are in a better

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position than the Members of the Opposition to know whether amendments would be made in the other House or not. But the Bill was passed by the other House only late in the evening yesterday and I do not see any reason why it should be rushed through. There may have been some reasons on the 7th, but much water has flown down the bridges since the 7th. I find that many of the Hon. Ministers are pleased that the Andhra Province is not coming into existence on the 26th."

MR. PRESIDENT:—"I hope the hon. Member is not questioning my discretion in waiving notice. My discretion has been exercised. The hon. Member's discretion is there. He may move his amendments or not as he pleases. I have told the House what prompted me to waive notice."

DR. V. K. JOHN:—"That is quite true, Sir. We have always been happy that you do what you think proper in the interests of the House."

MR. PRESIDENT:—"I knew that such an objection would be raised and I took care about it."

DR. V. K. JOHN:—"We are now in different circumstances altogether. We then thought that this House would be extinguished."

MR. PRESIDENT:—"I do not know whether the matter is so clear now. The position is in a fluid state and we do not know what will happen."

* DR. V. K. JOHN:—"Everything is in a fluid state. But, Sir, you are the custodian of the usefulness of the House—I do not say of the dignity and prestige of the House—and I ask you why should we rush through this important piece of legislation without having that examined by a select committee? In that select committee the Government will have a majority."

MR. PRESIDENT:—"I am not saying anything against the motion. It is not for me to say whether a select committee should be appointed or not."

* DR. V. K. JOHN:—"At the same time, under certain conditions you agreed to have this Bill discussed. According to the rules, three days' notice should be given for amendments. I have given notice of some amendments. How is this House useful unless we are given sufficient and reasonable time to go into a paper that reaches us this morning at 10 o'clock by post?"

MR. PRESIDENT:—"The hon. Member may adduce these arguments when he moves his adjournment motion. Now he is on the question of a select committee."

* DR. V. K. JOHN:—"Let us have this Bill examined by a select committee. Otherwise I am quite sure that within a short time, in another two months, the Government will bring forward another Bill saying, 'We have hustled this through. Now we find

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it is unworkable.' How did that Bill become unworkable? It was discussed threadbare. Why did it become unworkable within a short time? Why did the Government change their opinion so soon? When they introduced the draft rules in November, they had one opinion and within one month they have changed their opinion. I think that this kind of hustling through legislation pays no respect to the Upper House. In a democratic form of Government, the executive has to respect the legislature and the judiciary. How do they respect the legislature in hustling through this Bill? They should have taken the Bill to a select committee in the other House. The rules provide that if the Bill has not gone through a select committee of the other House, it may go through a select committee of this House. Nothing will be lost by having this matter examined by a select committee. It can be done in a day or two days. What is the effect of the amendment on the main Bill, on the public revenues and no other classes of people besides the zamindars? Let us consider all that calmly. If the Government are wise, they would accept my motion for a select committee in which they can put eminent members on the other side."

MR. PRESIDENT:—"And on which the hon. Member will refuse to work."

* DR. V. K. JOHN:—"I have very little time to serve on a select committee. There are hon. Members on this side who will do better than myself in a select committee. They will find time to serve on it. I am sorry I have not been able to serve on any select committee though I have been requested many times. I do not mind the members of the Government party themselves forming the select committee. The whip is a barrister. But let us have a feeling that this is not a farce, that something is passed through the other house and it comes here, no notice is given to the members and within a few hours it is passed by a majority here. Sir, some of us were quite happy that this Council was going to be scrapped, because we have a poignant feeling that after all no useful purpose is served by the Council and that it is a farce and things are rushed through. The Government have a majority, but let them respect the legislature and make it useful in the public eye. At least let them go through the forms. I ask the Hon. Minister for Revenue, if he does not stand on false prestige, to accept my motion that the Bill be referred to a select committee of this House."

DR. SYED TAJUDIN:—"I second the motion."

MR. PRESIDENT:—"The question is—

'that the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1949, be referred to a select committee'."

* THE HON. SRI H. SITARAMA REDDI:—"Sir, I cannot accept the motion. I oppose it. I have heard very carefully the speech of the hon. the Leader of the Opposition. I am surprised that he should have made those remarks. I know, Sir, he is very

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consistent. He is consistent in opposing anything that comes from the Government. He can certainly claim consistency for that. I do not grudge it. He charged the Government with having no principles. I do not know what kind of principle he refers to. If it is the principle of opposing things for mere opposition's sake, we do not do it. That is not our principle.

"Sir, let me come to the point that has been raised by the hon. Member. I am surprised that he should say that very serious amendments have been proposed and that Government have changed their mind within two months after passing certain rules under section 40. May I ask the hon. Member who is a lawyer to go through the rules that were passed under section 40 in November? They were rules which gave an indication of the manner and method of payment of compensation and other things. The amendments that are now proposed are in pursuance of certain undertakings given on the floor of this House and the other House. I may just recall to his mind certain portions of the speech of the then Hon. Revenue Minister Mr. Kala Venkata Rao when the Leader of the Opposition interjected, 'What about the opinion of the Advocate-General of India?' The then Revenue Minister gave an estimate of Rs. 12½ crores. In the course of his speech he said that the Government proposed to pay Rs. 12½ crores as compensation. The question of payment of Rs. 12½ crores as compensation has come repeatedly before this House when the Bill was being considered and also before the other House and the Joint Select Committee. So the question is nothing new either to the Members of this House or the other House."

DR. V. K. JOHN :—"It was Rs. 17½ crores when the matter was discussed and not Rs. 12½ crores."

* THE HON. SRI H. SITARAMA REDDI :—"I should only like the hon. Member to go through the official proceedings which I have got here and which speak of Rs. 12½ crores. The amendment now only seeks to give effect to the assurance that was given on the floor of the House. In pursuance of that assurance, if the amount falls short of Rs. 12½ crores, the Government propose to pay the zamindars Rs. 12½ crores *pro rata*. That is the amendment."

"The second amendment that is given here is also in pursuance of an assurance given to this Honourable House that in future when an amending Bill was brought forward, the lacuna in the Act that the Council had no powers to expect the rules made under the Act being brought forward before this House would be made up. The third amendment that is sought to be brought forward now is with regard to the question of payment of 50 per cent of compensation, on a rough estimate, as advance payment. There are also some other clauses which are consequential on these three basic principles of this amending Bill. Sir, the hon. Member raised the question that Government had no money and how did they propose to pay. Sir, I am prepared to answer that point. The Government propose to release some of the securities

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for payment of advance compensation to such of the estates as have already been taken over; and as regards the question of taking over other estates, it will be so regulated that they will be notified as and when the Government are in a position to pay the advance compensation as contemplated under the provisions of this Bill. That is how the Government propose to find the necessary money, and that aspect of it has been thoroughly examined not only in consultation with Finance department but also in consultation with the Government of India; and it is only in accordance with the views of the Finance department and of the Government of India that this legislation has now been brought forward.

"Sir, then the hon. Member also referred to my having promised to bring in an amending Bill; most probably he was referring to the reply I made to a charge made by one of the hon. Members in the other House that the Government were bringing in lots of amending Bills. I gave the assurance in that House that the Government would bring in amending Bills if they were necessary to do justice to the people. There is nothing wrong in bringing forward an amending Bill, and there is nothing wrong if that Bill is brought forward to do justice to the people. That is the only principle involved and there is nothing serious going to happen."

"Then the question was raised that the matter was thrust upon the House suddenly. You have rightly remarked, Sir, that this Bill was published long ago in the *Fort St. George Gazette*, and I take it that the hon. Leader of the Opposition and the other hon. Members who are very diligent readers of the Government publications, would have read this Bill and certainly scrutinized it. I take it that the hon. Leader of the Opposition being a very studious lawyer, would have gone through that Bill received along with the official Gazette, and I say he cannot plead lack of notice."

DR. V. K. JOHN :—"I must have at least 24 hours."

THE HON. SRI H. SITARAMA REDDI :—"That is why, Sir, I oppose this reference to a Select Committee; there is nothing here to go before a Select Committee; the principles are simple and there is nothing complicated about them. That is why I oppose the motion for reference to a Select Committee."

SRI R. SURYANARAYANA RAO :—"My friend, the hon. Leader of the Opposition thought I would speak after you have put the motion. Anyhow, I think I can speak on the general principles of the Bill now."

MR. PRESIDENT :—"If you are speaking on the motion to refer the Bill to a Select Committee, that can be disposed of first; and then we shall take up the general aspects of the Bill."

SRI R. SURYANARAYANA RAO :—"My hon. friend, the Minister for Land Revenue twitted my Leader by saying that

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he was in receipt of the *Fort St. George Gazette* and as the Bill was published sometime ago in the Gazette, he must have had an opportunity of perusing the various clauses of the Bill. But may I remind my hon. friend the Revenue Minister that we are dealing with a Bill as sent up by the Legislative Assembly? My friend, the hon. Leader of the Opposition, could not anticipate that the Assembly would pass the Bill as presented by the Hon. Minister for Land Revenue. I think he is perfectly justified in saying that he had not enough time and that this House should be given every opportunity to examine the various provisions of the Bill in detail by referring it to the Select Committee. We do not at all question your discretion, Sir, in waiving notice for this Bill, but in the view of my hon. friend, the Leader of the Opposition, various amendments have been introduced in this Bill, though the Bill appears to be innocuous. As a lawyer, he finds that this Bill introduces various principles which were not contemplated when the Bill was first introduced in this House. On the question of Rs. 12½ crores, I too was wondering how even the previous Minister for Land Revenue arrived at this figure."

MR. PRESIDENT:—"This motion to refer the Bill to a Select Committee is only by way of amendment to the main motion. So, I think you can go on even by way of general discussion. In that view, I think you can move the adjournment motion also."

SRI R. SURYANARAYANA RAO:—"Unfortunately, Sir, as you are aware, the Members of the Opposition refused to take part in the later stages of the discussion on the Zamindari Abolition Bill owing to a hitch we had with the then Revenue Minister. Even then, if we were here, we would have asked hon. Revenue Minister to tell us—and perhaps others here asked him—how he arrived at the Rs. 12½ crores, on what basis he arrived at that figure. My hon. friend, the Leader of the Opposition, said: 'What is this approximate figure of Rs. 12½ crores, how did you arrive at it'. He put that question because the Government want to give half of it immediately. That is the only point now, and there is nothing wrong in his asking for that information. I think the Hon. Minister for Land Revenue need not have felt so much offended at his asking for that piece of information. We all of us repeat and ask, how did you arrive at this Rs. 12½ crores. As a matter of fact, the Government themselves feel that the estimate may be wrong and they have also inserted a proviso to the effect that if it is to be more, they will distribute the extra *pro rata*. That shows they are really not sure of their estimate of it. There is also another provision which the Minister for Land Revenue read from the Statement of Objects and Reasons in introducing this Bill. The first sentence runs like this: 'Under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, as soon as estate is notified, the estate has to be surveyed and then settled in accordance with ryotwari principles and until these operations are completed, compensation cannot be paid to the

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claimants'. Sir, the survey and settlement operations are expected to take some years. Was not the then Revenue Minister aware that always these survey and settlement operations generally take some years? Why was it not thought of? That is because we lack administrative experience, and we do not take the advice of those who have administrative experience. Do you mean to say the Secretariat would not have pointed out that it would be difficult to complete survey and settlement operations in a few months and that it would take a large number of years? This amendment is intended to rectify a mistake which they have now found out. They ought to have found it out long ago, and this provision that they want now, to give half-compensation, should have been made in the original Bill itself. The fact of the matter is that this Government did not want to give any compensation at all to the zamindars till the survey and settlement operations were completed; and it is because they are forced now by circumstances to give this half-compensation that this Bill is being brought forward. I know the Government say that their sense of equity and justice has made them change their opinion and they want to go to the help of these zamindars, some of whom might have said they were starving. But why not say that? Or they can say 'we find now that the Government of India want us not to leave these zamindars in the lurch and they want us to go to their assistance'.

"Another fact which I want to mention is that at the time this Bill came up first, when the then Revenue Minister moved this, I was one of those who questioned him to show us how he would find the money for this compensation; I was one of those who protested strongly that this Government had no business to touch the Revenue reserves for the purpose of liquidating the zamindars. The Revenue reserves have been built up for the purpose of undertaking schemes for the economic uplift of the whole Province. But here it is now contended perhaps that this Abolition of Zamindaris Act and the releasing of the tenants from the clutches of the zamindars is one of the measures of economic development of the country and so the Revenue reserves can be utilized for this purpose—that perhaps must be the argument. Supposing that the survey and settlement operations are not completed for two years more and the Government of India put pressure, or the zamindars themselves put pressure on this Government, then the Government perhaps will come forward and say 'we are willing to pay the full compensation out of the Revenue Reserve Fund'. The Revenue Reserve Fund has been built up by some people and we shall not waste it in this manner. My hon. friend, the Leader of the Opposition, suggested the collection of some amount from those who will be benefited by this legislation. Sir, everybody seems to be touchy about that question; they are prepared to ask the poor pattadar to give double the land revenue that he is paying and treat half of it as loan for the purpose of using it for development purposes; but so far as the zamindari tenant is concerned, he is to them a God, he should not be touched. I do not know why so much concern there is for the zamindari

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tenant alone and not for the poor ryotwari tenant. We are unable to appreciate this. The zamindari tenant is going to get valuable rights; are not tenants under all zamindars in every part of the country being made to pay something towards the acquisition of those rights? Why should the general taxpayer's money be used for the purpose of acquiring rights for a particular class of people who are themselves capable of acquiring those rights by paying that compensation—that is my point. And my point is strengthened by the fact that most of the ryots who are getting this right are not actual cultivators. I challenged the Hon. Revenue Minister to give me the figures of people who will be actual cultivators who will be benefited by this Zamindari Abolition Act. He was not able to do so; and yet he twitted us, as he is an adept in doing that; because he had no figures. If at least the actual cultivator who has been rackrented for so many years now is to be benefited, there may be some justification for putting our hands into the Revenue Reserves and releasing the tenants from the clutches of the zamindars; but it is the middlemen who have been the rent collectors who will be benefited by this legislation. It is true they are the most influential people in exercising votes. Is it for the purpose of pleasing this class of people who have political power in their hands that you are going to use the Revenue Reserves and also to satisfy the zamindars who have been clamouring that you are going to deprive them of their estates without compensation? Sir, it is not fair. At the time of the passing of the Zamindari Abolition Act, we warned that the people who were proceeding with the legislation were not anticipating the difficulties they would come across. The very difficulties which we pointed then are being encountered by the Government to-day, and this Bill itself is a glaring instance of that.

"Sir, I wish the Hon. Revenue Minister had agreed to refer this Bill to Select Committee. After all, what is the object of the motion of the Leader of the Opposition? It is to examine whether there are any other lacunae in the piece of legislation that is now introduced and to set them right. I have rarely served on a Select Committee, Sir; but my experience in the Select Committee on the Hindu Religious Endowments Bill tells me that if people properly apply themselves to the task entrusted to them, a great deal of good can be done in the Select Committee stage by pointing out and rectifying certain defect which might have escaped the attention of the draftsmen. The object of my friend is to see whether there are any other provisions inconsistent with the provisions now introduced or with the existing provisions which can be set right. That is the purpose why my hon. friend wanted to introduce this motion to refer the Bill to a Select Committee.

7-45
p.m.

"Then there is one point about which I have given notice of an amendment to which I would refer. Some zamindars—I do not say most of the zamindars—are indebted to others. Is it

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not the intention of the Government that when this compensation is given—whether it is half or one-fourth or full it does not matter—that the creditors should be paid full for the amounts they have advanced to the zamindars? Should it not be a first charge, at least next to pishkush and other dues to the Government, because it is a contract between the zamindar and the creditor and because he had the property he believed that the zamindar would be exercising his unrestricted rights regarding alienation, mortgage and other rights over the property. In cases where the creditor has advanced money to the zamindar—some of them may be impecunious, but it is not our concern, should he not get his money back, at least what he has paid, especially when the zamindar gets his compensation? Is he to be treated along with other maintenance holders or under-tenure holders and be given only half? It is not fair to the creditors who went to the help of these zamindars. The creditor believed that the zamindar had absolute rights in the property and it is not fair that he should be treated in this manner.

"I find that it is the tribunal that has to decide. This is only a common transaction between the borrower and the lender. In such a case, how can you oust the jurisdiction of the courts and invest it in the tribunal? With the help of my hon. Friend, Dr. John, all these points could have been set right in the Select Committee. Let it consist of only lawyers who know to argue both sides of a case. Let them set right matters so that the interests of all concerned may be preserved and no injustice is done to any one so that the zamindar may be enabled to enjoy half compensation that is paid to him at least without further troubles from these creditors and others. With these few words, I support the motion for reference to Select Committee."

* SRI A. GOVINDACHARYULU :—"Sir, I was really surprised to hear my hon. Friend, Mr. Suryanarayana Rao and his arguments. I was one of the members on the Zamindari Bill Select Committee and this Bill was discussed and discussed for days and days together not only in Madras at the Select Committee but in Delhi also by the High Command. I think no other Bill than this was discussed so clearly and in detail by so many people including many experts. I was one of those people who fought tooth and nail against some of its clauses and I dare say that the zamindars have now got what they actually wanted at the time of the Select Committee. In the Select Committee the zamindari representatives in thier evidence, as well as many members of the Select Committee wanted some compensation to be paid in advance and they wanted us to see that the 12½ crores compensation should be worked out and that it should not be less than that in any way in working out the details and the rules thereof. That is all that the zamindars wanted. Now I must congratulate the present Revenue Minister for his boldness and courage in bringing forward this amending Bill. We really wanted then, not on behalf of the zamindars but on behalf of justice and equity that some compensation should be given in

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advance, because the Congress stood for co-operative commonwealth and not for expropriation of properties and rights of people. We want good distribution of wealth among all classes of people and so the Zamindari Act has come. Somebody said that this is Zamindari Acquisition Act and not abolition Act. We need not worry about the word acquisition or abolition. Whatever it is, the question is that the zamindars from whom we are taking the property should be paid and that they should be paid adequate also.

"Another point raised by my hon. Friend, Mr. Suryanarayana Rao, is what right has the Government got to pay the Zamindars from the general revenues of the Government. I may tell him that because the Government has been now acquiring the revenues that are now being paid to the zamindars from the zamindari ryot. The revenue will hereafter be paid directly to the Government revenues by the zamindari ryot. So, now when the Government will be acquiring the revenue from the zamindari ryot, the Government should pay compensation to zamindars from the revenues of the Government.

"My hon. Friend raised another point. That is, it is the middleman that is being benefited. In the ryotwari area, also the middleman is the proprietor and the actual cultivator of the tiller of the soil is not the proprietor to-day. Whether you call it socialism or anything else, since Congress stands for the principle of co-operative commonwealth, we do not think of the abolition of property rights as they stand to-day. We only want to elevate the ryot from rack-renting and so on. That is all which the Congress stands for. There may be certain defects in the Zamindari Act, but they are now sought to be rectified by this amending Bill so far as the zamindars are concerned. I would have been glad if the Hon. the Revenue Minister brought in certain other amendments also for which we fought, particularly the question of restoring the rights of the judiciary over the question of payment of compensation and other things. In the Zamindari Act, if I remember aright, so far as the powers of the High Court were concerned, they were removed, that is, to sit in judgment over the decision of Tribunals. If this also is restored, I think the Act will be a perfect one and if it is done, of course, it will be a welcome thing. The hon. Members on the Opposition said that when it was less compensation that was proposed they wanted more and when it is proposed to give what the zamindars wanted they now say that much has to be paid. And when we say that the Government should pay it, they say that the ryots should be made to pay. That is all. They always try to speak something which is not good. They must have something to say on important Bills like this. So, there is no point whatsoever about the objections raised by my hon. Friend, Mr. Suryanarayana Rao. I whole-heartedly support the Bill and I hope further amendments also will shortly be placed before this House in regard to the judiciary and other defects which we have shown at the time of the discussions over the original Bill."

The amendment was put and lost.

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* DR. V. K. JOHN :—"Sir, I move under rule 63 that the discussion of this Bill be adjourned or postponed to another date. I do not want to make any speech on this, because I have already mentioned why we should not be hustled in this manner. Moreover, this Bill was passed only yesterday in the other House and it came into our hands only at 10 o'clock to-day. Most of us are busy with other matters also and so we have no time to study this complicated Bill. There are also amendments to it and they have to be studied. Therefore, we must be given sufficient time to consider all the aspects of the Bill.

"Again, Sir, the Ministers seem to forget what happened a year ago, in November 1948, when we were discussing the original Bill. The then Hon. Revenue Minister said at the time that the total compensation payable under the Act would be about 17 crores. Here I have got a copy of the speech he made, but to-day his successor says, it is only 12½ crores. Perhaps the idea struck him just two months back or just a few days ago"

MR. PRESIDENT :—"He referred to the speech of Mr. Kala Venkata Rao made when he introduced the Bill."

DR. V. K. JOHN :—"It is 12 plus 5, 17 crores. I think, Sir, they are not omitting the inams from this compensation, because everything is there."

MR. PRESIDENT :—"Anyhow the amount has come down."

* DR. V. K. JOHN :—"This 12½ crores, is it merely for the zamindars or for the inamdars also, or is it for both? I hope the Hon. Minister has to say that. However, that is only by the way. They forget what has happened. I say, give us some little time, whatever might have been the position a few days ago you thought that under the conditions then existing you might get through this Bill to-day, although it might have been passed yesterday by the Assembly, I say now the conditions have changed and we are sitting. I do not see why they should rush through this Bill. Let us have time. Last time we non-co-operated with the further discussion of this Bill at a particular stage on the ground that the usefulness of this House, the dignity and the prestige of the House were taken away by section 40, according to which the rules will be passed by the Assembly and not by the Council. Then we non-co-operated and walked out. The Hon. Minister then said that he would bring in an amendment, although he would not agree to the amendment then, though they could have done it, because it was a matter of prestige and that we are only a post-office and no amendment could be passed in this House, the reason being, if any amendment is passed here, they must go back before the other House. Sir, the very history of this Congress Government during the last three years is, that not one amendment suggested by us has been allowed as an amendment when any Bill was discussed, but later on they accepted our suggestions and brought

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forward amending Bills in respect of them. So, Sir, even though they would take the trouble of bringing in amending Bills, they would not allow any amendments in this House, thereby telling us in plain language, look here, this is a post-office, you can shout and talk as you like, but we can, by a majority, pass this Bill through. Sir, I ask, is it in keeping with the dignity of this House that such an attitude should be shown by the Government time after time, section after section? They now say, we want to amend the Bill, the Council must be consulted but they would not agree to any particular amendment, though they could have easily accepted such an amendment even then. To-day, if the attitude of the Government is the same, namely, that this House is merely a post-office, there is some shouting going on, there is some speech-making and waste of time, it does not matter, we shall have the Bill passed in the Assembly and passed in this House whatever may be the reasonableness of the amendments, we would not have any amendments in this Council. I say, it is much better, more dignified and more in keeping with our self-respect that we take no part as such in the proceedings of the Council. If that is the attitude of the Government and the party that supports them, it is a very serious matter. I do not see any reason why this should be rushed through. The other day, we suggested that the resolution regarding the High Court might be taken up on another day that is to-day. But the Government said that they wanted to communicate the resolution to the Government of India and we co-operated with them and even regarding the adjournment motion though we had a good case in that the Government did not stick to their original undertaking to consult the House before they made any recommendations to the Government regarding the partition question. I cut short my observations as the Leader of the House explained the circumstances. We always co-operate with the Government. The Upper House is a dignified body and not always in opposition to Governmental measures. How many times have we supported the Government in the interests of the public? But when they bring in measures not in the interests of the public, we must have freedom to say boldly and without fear or favour that the Government are wrong and they should correct themselves. Why should not we be given the opportunity to make this House a useful forum for discussion of Bills: are we to be merely a post-office and are we to waste our time in merely talking and talking over all Bills? What after all is the ground to rush through this Bill without giving Members time to consider the Bill and the nature of the amendments they must give in respect of the Bill? A motion under rule 63, would enable us to have time in which to study the Bill, its implications and the manner in which it could be improved and the amendments to be moved for that purpose. I am sure hon. members of the House had no time to move any amendments to the Bill. Sir, you are the protector of the usefulness of the House—I would not say the prestige and dignity of the House; let us not be hustled. That will afford an opportunity for us to give suggestions to the Hon. Minister though he may not accept them. Though he may not accept them on the floor of the House, he

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might bring another Bill after some time. Sir, you would remember that amending Bills have been brought in based on the suggestions made in the House and I myself have been complimented on several occasions on being responsible for the suggestions embodied in such Bills. Although this House might not exist after some time, we have a right to ask the Government to allow us opportunities so long as we exist to study the Bills before us and do our duty to the public. Nobody would mourn and I for one will never mourn the extinction of this House having regard to the way this House has been treated by the Government on several occasions. I would only think it is so much of time saved for me which I could devote to something more useful. It is now four o'clock and I have many amendments and am I to be hushed by being allowed two minutes for each amendment to enable the Government to pass the Bill? If that is the idea, it is much better not to move amendments not to take part in the discussion of the Bill and allow the Government to have their own way because they have a majority. This should not be the case and I protest against the way in which without any necessity whatsoever the Government want to rush through this measure."

SRI R. SURYANARAYANA RAO :—" Mr. President, Sir, I second the motion."

MR. PRESIDENT :—" I am not inclined to cut down the hon. Member's speech on his amendments."

DR. V. K. JOHN :—" I may not move them at all, Sir."

MR. PRESIDENT :—" The motion is that under rule 63, the consideration of the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1949, be postponed to another date."

THE HON. SRI H. SITARAMA REDDI :—" Mr. President, Sir, let me first assure hon. Members that the Government do not treat this House as a post-office. They do not have any such intention nor did they have such intention at any time; we know the value of the advice that we get from the Members of this House and the hon. Leader of the Opposition knows that we have very great respect for the views of the Members of this House and he himself did say that the Government sometimes accepted his advice and came forward later on with amendments. I should like to take this opportunity of assuring him that no such idea lies behind the mind of the Government to disrespect this House or any member of the House. I do not see any reason why the hon. Leader of the Opposition should feel so hurt about this matter. As I have already said, we have brought forward the amendments in pursuance of the assurances we have already given and there is no question of rushing through any legislation in this House as I am not bringing any new principles to be incorporated in the Bill; these are all things discussed threadbare on the floor of this House and this is only to implement what was discussed at great length before. I do not think that the hon. Leader of the Opposition would press his motion for postponement but he would enable the Government to go through this Bill to-day."

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MR. PRESIDENT:—"The question is that the consideration of the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1949, be postponed to another date."

The motion was lost.

* DR. V. K. JOHN:—"Mr. President, I think I have an opportunity to speak on the general principles of the Bill. Let me take the sentence in the Statement of Objects and Reasons to the effect that the survey and settlement operations will take some years and that it is, therefore, considered desirable that some provision should be made for payment of some portion of the compensation in advance at once without waiting for the completion of these operations. I want to tell the House and through the House the public of Madras how the Government of Madras last year thought differently then but within one year they found out they could not do it but that that would take some years. When did they discover that they would take many years; is this a Government who have no officers, no equipment and no means to find out last year itself that it would take some years? I say, Sir, that the reason given here is not the correct reason at all, the real reason being that they have been asked as I see from certain discussions which took place in the other House, by certain highly placed persons in the Government of India to pay half of the compensation now. Why cannot they state that certain Congress leaders have asked them to do it and therefore, they are amending the Bill? Is it creditable for any Government, who claim to be an efficient Government, to say within a year after the main enactment had been passed, that they had found out that it would take many years to complete the survey and settlement operations? Last year, the then Revenue Minister said that the compensation involved would be 17 crores but now the figure of 12½ crores has been mentioned. How did he make this assessment; what have they done before arriving at this estimate; have they gone through any records? How did the figure come down from 17 crores to 12½ crores of rupees? Is it that some agreement was reached by which the zamindars said that they would take twelve and a half crores? I ask why was it not possible for them to honestly take this House and the other House into confidence and tell them and the public that they had come to some agreement with the representatives of the zamindars under the advice given by leaders in Delhi that the zamindars should be given that amount and why should this scant courtesy be shown to the Houses of Legislature by telling them something which is not true? There is a provision by which, if on the basis of the original Act the amount is not Rs. 12½ crores but less but still, the zamindars will be paid that amount which is in excess of the actual amount. At the time the original Act was passed and when the basis of compensation was under discussion, there were speeches made in the House to the effect that the zamindars were not really the proprietors of the soil and they lost nothing by the zamindaris being taken over and so they should not be paid any sort of compensation at all. Then the Legislature fixed the basis of compensation and both the Houses passed it and it became law and now the

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Hon. the Minister tells us that he wants an amending Act under which although on the basis fixed under the original Act, the compensation would be less than 12½ crores—it may be eight, six or four crores of rupees—yet the excess over that amount to make up the 12½ crores of rupees will be paid. I ask, Sir, why not the Minister tell us? I expect that the amount on the basis originally fixed will be eleven crores and we wish to pay them 12½ crores all the same but 6½ crores now? Can the Government say that they would pay them much more than they deserve on the basis of the compensation fixed by both the Houses in the Bill which was passed by them? What is the answer of the Government? Would it be creditable to any Government to say that we fix such and such a sum as compensation to be paid now, on rough and ready method, for which there is no basis? And then Government say, at the end of the survey and settlement operations if there is anything to be paid to them, they will pay them then. Now, Sir, is it a gift of public money to be paid to the zamindars? Government have passed a Bill before, under which they have fixed a compensation on some basis. Let them follow that basis. If according to that only six crores are to be paid, I do not know why public revenue should be depleted by another six and a half crores. Let them remember that according to them—and that is Mr. Kala Venkata Rao said when he introduced the Bill—the zamindars are not proprietors of the soil to be entitled to any full compensation but are only collectors of revenue. If Government want to spend this 6½ crores, are there not landless agricultural labourers among whom it can be distributed? Are they not our kith and kin? The other day I said that there are two enemies to the peace, prosperity and good order in this Province. One is the Communists with their subversive activities and the other the Government who plough the field for the Communists. Cannot Government look to the welfare of the poor tiller of the soil and distribute these few crores among them? Sir, is this a popular Government representing the people of this Province? I ask, why this solicitude for the zamindar to pay him 6½ crores now and the balance, if any, afterwards? The real truth is the Hon. Minister wants to hide the fact that Government have come to an agreement with the zamindars that the latter should take 12½ crores, whatever the basis of compensation may be! Sir, I cannot understand this arrangement. Why did not Government bring in the original Bill itself this advance payment of compensation? Sir, I have never heard of any Government bringing an amending Bill for payment of advance payment of compensation. If Government want to pay zamindars something more than what was intended to be paid them in the original Bill, let them say so. But have they said anywhere the reason for this? Have they said the reason in this House? Have they said the reason in the other House; or have they said it from the public platform? No, they have not said it anywhere. Sir, when discussing the original Bill they have decided that the zamindars should not be paid full compensation; and they have fixed the compensation on some specific basis even at that stage. Let them stick to that basis. I have never heard

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of any legislature going back on its previous decision in this manner—Sir, my hon. Friends on the other side, or rather, as per the direction of the Speaker in the other House, I should say, the hon. Gentlemen on the other side”

MR. PRESIDENT:—“ You may say, ‘ hon. Friends on the other side . . . ’ ”

* DR. V. K. JOHN:—“ My hon. Friends on the other side will vote for the passing of this Bill; but in doing so, let them care for their political future. Let them remember that the Bill they now seek to pass has no policy or principle behind it. What is the reason given by them for giving 12½ crores. According to them, it is this: it will take a long time to complete survey and settlement operations. But has the Hon. Minister told us from where does he expect to get this money? And then, who computed this 12½ crores compensation; for during the discussion of the original Bill, I think, it was said in the other House that the compensation would amount to less than nine and a half crores.”

MR. PRESIDENT:—“ I think the hon. Member has sufficiently stressed this point. He may proceed to his next point.”

* DR. V. K. JOHN:—“ So, I say Sir, the real reason for this Bill is something else, and the reason mentioned in the statement of Objects and Reasons is intended to cover up that reason. Sir, as per this Bill, one half of the compensation is to be deposited before the tribunal; Now, Sir, Government have entered into a pact with the zamindars to pay them 12½ crores.”

MR. PRESIDENT:—“ In the original Act also there is provision made for interim payment.”

* DR. V. K. JOHN:—“ Yes, Sir; but nowhere is it stated that 12½ crores should be paid, of which 6½ crores should be paid in cash. I say it is an unholy pact Government have formed with the zamindars behind this legislature. The Hon. Minister for Revenue has been unable to say wherefrom he expects to find this money. Are Government going to dip into the revenue reserve fund? Sir, when they are unable to find money for Grow More Food, for irrigation works, for sinking wells, for supplying electricity to ryots, for so many public health activities, are they justified in dipping into revenue reserve fund? Let them not do as they like? I say, Sir, it would be a crowning misfortune for this Province if this Bill were to be passed; and this Government will get into the greatest disrepute. So I tell them, let them consider once, twice and thrice before passing this Bill and putting it into operation. This is a piece of legislation most injurious to the Province and is inconsistent with the principle of the original Act, as is evident from the statement of Objects and Reasons. Never in the history of any legislature has a measure been brought of this sort and rushed through. So I protest against this Bill and I oppose it to the best of my ability with all the emphasis at my command.”

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* THE HON. SRI H. SITARAMA REDDI:—“ Mr. President, Sir, I am indeed thankful to the Leader of the Opposition for giving this advice as to what will happen to us in the future, if we pass this legislation. Sir, we know how to take care of our future; let the Leader of the Opposition take care of his own future. (Laughter.) Sir, he was harping on the 12½ crores and was asking how this was arrived at and so on. I have got with me the official report of the Madras Legislative Council, dated Monday, the 22nd November 1948, wherein it will be seen that Mr. Kala Venkata Rao, my predecessor in office has said this on the floor of this House—

‘ We would satisfy our feelings of justice and equity in respect of this matter and therefore we have arrived at the figure of 12½ crores as compensation to be paid to the zamindars.’

So, Sir, this is nothing new, and so none of the hon. Members on the opposite side need get excited as though suddenly the Revenue Minister is throwing away 12½ crores just to satisfy somebody. I have read out to the House what my predecessor in office has said on the floor of this House, and so I hope there will not be any more controversy about it.

“ Then, Sir, the question was asked, ‘ what will happen to those people who have no money to do this, to do that and so on? ’ And we were accused of throwing good money and all that sort of thing. Sir, I have already said in my opening remarks that in this piece of legislation we propose to give zamindars a certain portion of compensation, and then after the survey and settlement operations are over, if it is found that there is something more to be paid to them as compensation, it will be paid to them. Sir, at first it was thought that it was unnecessary to bring this legislation. We examined the question whether we could get this done under the rules framed under section 40, and it was found that it would be not correct, and so we were advised by legal advisers that it is necessary to bring in an amending Bill. Hence it is that this Bill has been necessitated and brought forward. Then, Sir, Dr. John asked, ‘ did not this Government know before about the delay likely to be caused in the matter of survey and settlement operations, and why should they not have provided for this advance payment in the original Bill? ’ Sir, when the Bill was brought forward, people said that it was an expropriatory Bill, and now when we bring this Bill to pay compensation, those very hon. Members try to out-Herod Herod and speak in terms more than our socialist friends. I hope they practice it in the lives and not merely speak of it in this House! ”

* DR. V. K. JOHN:—“ Is it in order, Sir, for an Hon. Minister to cast personal remarks against an hon. Member that he should practise in life what he says here? ”

* THE HON. SRI H. SITARAMA REDDI:—“ I am very happy to hear that he practises. (Laughter.) Sir, I have already explained there is nothing particularly strange or revolutionary

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or something new in the provisions of this Bill, and so I request the Bill may be taken into consideration at once."

MR. PRESIDENT:—"The question is—

'that the Madras Estates (Abolition and Conversion into Ryotwari) Bill, 1949 (L.A. Bill No. 1 of 1950), as passed by the Legislative Assembly be taken into consideration at once.'"

The motion was declared lost as the 'Ayes' were negligible and 'Noes' were very prominent.

[At this stage Sri S. B. Adityan entered the Council Chamber and took his seat.]

MR. PRESIDENT (After a pause):—"Do you want a poll? I don't think so much time is required to say that."

SRI R. SURYANARAYANA RAO:—"Evidently, Government are not sure of their strength, and that is why they are taking such a long time to make up their mind."

SRI S. B. ADITYAN:—"May I know the ruling of the Chair?"

MR. PRESIDENT:—"The hon. Member was absent and I am not here to repeat my ruling after I have given it once, whenever the hon. Member wants."

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DR. P. S. SRINIVASAN:—"I demand a poll."

MR. PRESIDENT:—"The question is—

'that the Madras Estates (Abolition and Conversion into Ryotwari) Bill, 1949 (L.A. Bill No. 1 of 1950), as passed by the Legislative Assembly be taken into consideration at once.'"

[The Hon. Sri J. L. P. Roche Victoria entered the Chamber and took his seat after the question was put.]

MR. PRESIDENT:—"I think the Hon. Minister has to keep out."

[The Hon. Sri J. L. P. Roche Victoria left the Chamber.]

The motion was put and carried.

Clause 2 was put and carried.

Clause 3.

MR. PRESIDENT:—"The hon. Member Dr. John has given notice of an amendment to this clause."

* DR. V. K. JOHN:—"Sir, we have decided not to take further part in the discussion of this Bill. But in deference to the Chair, we are not walking out. I do not propose to move any amendment or take further part in connexion with this Bill."

Clauses 3, 4, 5 and 1 and the Preamble were put and carried.

THE HON. SRI H. SITARAMA REDDI:—"Sir, I move—
'that the Bill be passed into law.'

THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO 1067
RYOTWARI) AMENDMENT BILL, 1949 (L.A. BILL NO. 1 OF 1950)

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"I am sorry that the Leader of the Opposition found it necessary to take the attitude that he took. As I have already explained, the Government do not mean to take away the privileges of any of the Members of this House including the Opposition. I am sure the Leader of the Opposition will not mind what has happened. I hope that he has taken up his present attitude not as a protest against the provisions of the Bill but perhaps because he felt hurt that adequate time was not given."

DR. V. K. JOHN:—"Both."

THE HON. SRI H. SITARAMA REDDI:—"I take it that so far as the provisions of this Bill are concerned, he is thoroughly satisfied."

DR. V. K. JOHN:—"No."

MR. PRESIDENT:—"The question is—

'that the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1949 (L.A. Bill No. 1 of 1950), be passed into law.'"

The motion was carried.

MR. PRESIDENT:—"I am very sorry to remark that whatever the other faults of the Government might be, I for my part am not satisfied with the way in which the Government and the other Members of their party attended to the work that was going on in this House especially when the Opposition was so strongly objecting to the motion. I would have been perfectly justified in declaring the motion lost, adjourning the House and walking out. Because I knew that the Members did not anticipate such a situation and in deference to the importance of the subject, I waited for some time. I was surprised that even the Whips were not present and nobody challenged my decision immediately. I have been telling the Government more than once that if sufficient voices are not raised on their side, I would have no compunction to decide against their motion. I hope the Government will take a lesson from this. Especially when the Leader of the Opposition was so vehement, I expected the Whips to be vigilant and the Members to be in their places. (Sir S. B. Adityan rose to speak.) I do not want any discussion on this matter. I am mentioning this for future guidance, and I hope that such things will not take place in future."

The House then adjourned to meet again at 11 a.m. on Friday, the 20th January 1950.

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

The Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1949 (L.A. Bill No. 1 of 1950), as passed by the Assembly and received therefrom in the Council.

[10th January 1950]

APPENDIX I.

[Vide answer to starred question No. 97 asked by Sri M. Narayana Rao at the meeting of the Legislative Council held on 10th January 1950, page 1036 supra.]

97 Q.—(a) whether many of the villages in the Province become isolated, especially in the rainy season, as they have not even earthen roads to link up to the main roads;

(b) whether the Government have under consideration in their road programme to provide every village with a good earthen road to link up to the major road;

(c) If so, in what time it is proposed to complete the programme; and

(d) whether it is a fact that the Highways Department have not paid any attention to the construction of roads in panchayat and non-panchayat areas?

A.—(a) At present many villages in the Province do not have access roads. Information as to how many get isolated in the rainy season is not available.

(b) & (c) The Post-war Road Development programme drawn up by the Government aims at providing an adequate net work of roads so that every village with a population of 500 people or more is served with a village road such that no such village is more than two miles from a main road in thickly populated areas and five miles in thinly populated areas. The total mileage of new roads proposed to be formed under the comprehensive programme of Post-war Road Development is about 18,000. Out of this, about a length of 9,500 miles is proposed to be formed in the first quinquennium, ending 31st March 1952 and the remainder thereafter. These roads are being formed by the District Boards with grants-in-aid from Government and the Highways Department is the engineering agency to execute them. The completion of these programmes (5 years and 25 years) depend on the availability of funds mainly. Apart from the Post-war Road Development Programme, District Boards and the major panchayats have separate village road programmes approved by Government in the case of District Boards and by the Inspector of Municipal Councils and Local Boards in the case of panchayats. Half grants are ordinarily sanctioned for works taken up for execution under these programmes and also for approved schemes in the case of minor Panchayat Boards. Works in these programmes are those not included in the Post-war Road Development Programme. The village road programme supplements the Post-war Road Development Programmes.

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As regards villages with a population of less than 500, there is no special provision in the Post-war Road Development Programme for providing them with access roads but quite a good number of them lie on or very close to the roads existing or proposed under the programme. It is anticipated that the present programme will serve nearly 95 per cent of the rural population.

(d) No distinction is made between panchayat and non-panchayat areas in regard to provision of roads. As stated in the answer to clauses (b) and (c) the Post-war Road Development Programme aims at providing an adequate net work of roads so that every village with a population of 500 and more is served with a village road to connect with the nearest main road. The formation of further roads, streets and lanes, etc., required in each village is not contemplated in the Post-war Road Plan. These are to be formed by the Panchayat Boards in panchayat areas and by District Boards in non-panchayat areas. The Highways Department has to prepare plans and estimates for the works, if required by the Panchayat Board or the District Board. In the case of the District Boards, the Highways Department will execute them but in the case of Panchayat Board works, the Panchayat Board ordinarily executes them through contractors and the Highways Department only checkmeasures the work. Where however technical supervision is required the Highways Department executes them or supervises them. The employment of special staff for preparing plans and estimates for Panchayat Board works and for supervising their execution is being sanctioned wherever necessary.

APPENDIX II.

[Vide answer to starred question No. 100 asked by Sri M. Narayana Rao at the meeting of the Legislative Council held on 10th January 1950, page 1038 supra.]

INSPECTION REPORTS OF SRI G. RAMACHANDRAN, M.L.A., ON THE FIRKA DEVELOPMENT WORK IN CERTAIN FIRKAS AND CENTRES.

Letter from Sri G. RAMACHANDRAN, Secretary, A.I.V.I.A. (Wardha), to the Provincial Firka Development Officer, Madras, dated camp Madras, the 18th May 1949.

Herewith is a brief interim report from me on Firka Development work as I have studied it in four typical firkas. Due to my own other engagements it has not been possible yet for me to cover any other firka. In these four firkas I visited 43

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villages in the course of a tour of more than fortnight. The four firkas I visited and where I studied all the various items of work going on in them under the Firka Development Department, were—

- (1) The Tiruvallur Firka in the Chingleput district.
- (2) The Tirumangalam Firka in the Mathurai district.
- (3) The Palladam Firka in the Coimbatore district.
- (4) The Avanashi Firka (Intensive Khadi Centre) in the Coimbatore district.

I have divided this brief interim report, for convenience, into three parts, namely, (1) Features of the work in the four firkas, (2) Impressions of the work, and (3) My suggestions for future work.

If and when I am able to visit the other firkas, I shall write a fuller and final report on the whole of the Firka Development work in the Province to help you to assess the work so far done and to plan further work.

BRIEF INTERIM REPORT ON FIRKA DEVELOPMENT WORK.

PART I.

Features of Firka Development work in 43 villages visited.

The following is the list of the villages I visited with the dates of the visits:—

Serial number and villages.	Firkas.	Date.
1 Tirur village and Tirur cheri.	Tiruvallur Firka (Chingleput district).	1st April 1949.
2 Kakalur village and Kakalur cheri.	Do.	2nd April 1949.
3 Ikkadu village	Do.	Do.
4 Kilanur village	Do.	Do.
5 Chittathur village	Do.	Do.
6 Karaikeni village	Tirumangalam Firka (Mathurai district)	5th April 1949.
7 Kallupatti village	Do.	6th April 1949.
8 Silarpatti village	Do.	8th April 1949.
9 Nedunculam village	Do.	Do.
10 Kilakottai village	Do.	Do.
11 Melakottai village	Do.	Do.
12 Kamatchipuram village.	Do.	Do.
13 Arasapatti village	Do.	Do.
14 Viraperumalpuram village.	Do.	Do.
15 Rengapalaiyam village.	Do.	9th April 1949.

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Serial number and villages.	Firkas.	Date.
16 Kundathur village	Tirumangalam Firka (Mathurai district).	10th April 1949.
17 Kottanipatti village	Do.	Do.
18 Muthulingapuram village.	Do.	Do.
19 Retripatti village	Do.	Do.
20 Venkatachalapuram village.	Do.	Do.
21 Semmipalaiyam village.	Palladam Firka (Coimbatore district).	18th April 1949.
22 Manickpuram village.	Do.	Do.
23 Kalivelampatti village.	Do.	Do.
24 Samigoundanpalaiyam village.	Do.	19th April 1949.
25 Arakkulam village	Do.	Do.
26 Iyyampalaiyam village.	Do.	Do.
27 Panickempattai village.	Do.	Do.
28 Vedugupalaiyam Podur village.	Do.	20th April 1949.
29 Pethampalaiyam village.	Do.	Do.
30 Nallurpalaiyam village.	Do.	Do.
31 Venkatapuram village.	Do.	Do.
32 Vadugupalaiyam village.	Do.	Do.
33 Chidambaram village.	Do.	Do.
34 Pilaiappampalaiyam village.	Do.	Do.
35 Vadugappalaiyam village.	Avanashi Firka (Coimbatore district) (Intensive Khadi Centre).	21st April 1949.
36 Cheyur village	Do.	Do.
37 Salaipalaiyam village.	Do.	Do.
38 Suripalaiyam village	Do.	Do.
39 Perunaguallur village.	Do.	23rd April 1949.
40 Muttiankinar village	Do.	Do.
41 Ittiveerampalaiyam village.	Do.	Do.
42 Velayuthanpalaiyam village.	Do.	Do.
43 Semminjalaiyalaiyam village.	Do.	Do.

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General remarks.—The above four Firkas of Tiruvallur in the Chingleput district, Tirumangalam in the Mathurai district, Palladam in the Coimbatore district and the Intensive Khadi Centre in Avanashi in the Coimbatore district were selected for the first round of visits as four typical Firkas. The Tiruvallur Firka is one of the weak Firkas, the Tirumangalam Firka is one of the strong Firkas, the Palladam Firka is an average Firka and the Avanashi Firka is an intensive Khadi Firka. These four Firkas thus give some idea of Firka Development work in the Province as a whole in various stages of development and they portray in miniature what is going on throughout the Province.

At Veerapandi, near Tiruppur, in the Jamnadal Vidyalaya run by the Tamil Nad, All-India Spinners' Association, I spent a week with all the Firka Development Officers assembled there for a three weeks' training camp. There I carefully went into the reports of work in all the various Firkas of the Province and thus obtained a detailed picture of what was going on in all the Firkas. That picture only confirmed my impression that what I had seen in the four Firkas I had visited was more or less the pattern of the work going on in the other Firkas. At the Veerapandi Training Camp, I took detailed classes and elicited full information from all the Firka Development Officers under training. Therefore, though I have called this only a brief interim report, the facts contained in it and the suggestions made in it should be of some value assessing the work that is being done and in planning for the future development of the work in the Province.

It will be seen that I was able to visit and study the work in 43 villages in the four firkas. I do not want to give my detailed impressions about every single item of work I saw in the 43 villages. I would rather give my impression of the work of each Firka as a whole and then point out what are strong and the weak points in each Firka. Otherwise, I shall be lost in a maze of details.

1. *The work in the Tiruvallur Firka in the Chingleput district.*—The Tiruvallur Firka is important because it is near Madras and it is likely that many of those interested in studying Firka Development work might go to this firka as it is easily accessible from Madras.

The Firka Development Officer is an old Congressman, Sri Parthasarathi Ayyangar, B.A., B.L. He is mentally an enthusiast and earnest about his work. But his age and health stand in the way of quick and vigorous work and of adequate travelling about. I had the clear impression that he was, therefore, sitting tight on the few centres of work already started and on some items of work already done without taking the work to more and more villages. From talking to a number of people, I have also got the impression that the District Collector, who is apparently taking no interest worth the name in the work, does not like him. Three Grama Sevaks I met were doing good work in their own areas. But they were not getting enough guidance from the

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Firka Development Officer or the Regional Firka Development Officer. The Firka requires a more active and energetic Firka Development Officer and more active guidance in the day-to-day work from the Regional Firka Development Officer.

I visited Tirur, Kakalur, Ikkadu, Kilanur and Chittathur villages and the cherries attached to the first two. I gave two full days to these visits and went round and saw every item of work going on. Here are my remarks, in general, on what I saw.

Sanitation work which according to Gandhiji is the first step in village reconstruction, is not satisfactory. No systematic sanitation work is being done in the villages. There is, of course, some scrappy work. Such things as the making of soak pits or construction of village drainage (as I saw in the Tirumangalam Firka) are not going on anywhere in a systematic way. I saw no community latrines or any real attempt at compost manure-making. Khadi production is almost nil. Balanced cultivation and improved agriculture are not yet in the picture.

• Easier items of work have been taken up. Reading rooms and village libraries have been opened in some places. Some good wells have been dug. Some new buildings which might serve as adult education centres have been put up. Some propaganda work has also been done. Grama Seva Sanghams have been organized in the villages I visited. This has brought enthusiastic young men into the work and they co-operate with the firka Development Officer and the Grama Sevaks in what little work is going on. I met a number of such young men and it was good to see that they were taking pride and interest in such work as sanitation and village libraries and reading rooms. All this is good work so far as it goes.

What surprised me in the Tiruvallur Firka was that even with the little work going on, there was enthusiasm in the villagers to co-operate with the Government. For the first time, villagers were beginning to feel that the Government and Congress men were in the same work together. Even the little work in the Tiruvallur Firka revealed to me the fact that wherever local Congress men and constructive workers on the one hand and the Government agency on the other serve together to do constructive work in the villages there firka development work would go on quickly, effectively and extensively. Plenty of co-operation is already available from the side of the villagers, provided Government is willing to actively help even to a small extent.

A younger and a more energetic Firka Development Officer who will give day-to-day guidance to the Grama Sevaks and who can more fully utilize local co-operation, should be put in charge of this Firka.

2. *The work in the Tirumangalam Firka in the Mathurai district.*—If the work in the Tiruvallur Firka somewhat depressed me, what I saw of the work in the Tirumangalam Firka cheered me considerably. I spent four days in this Firka and visited fifteen villages, and studied in detail the work going on in them.

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The villages I visited in this Firka showed not only particular concrete items of good work but signs of a new awakening among the people. It was not merely as though some roads were being laid or wells dug or some buildings put up. But what was happening was a fairly noticeable change in the mind and the outlook of the villager. Let me put down one after another some of the good items of actual work done—

(i) Well construction in this Firka is better than anything I have seen in that line anywhere else. Every well I saw was built solidly and even beautifully with here and there bath rooms attached which the villagers prized very much. Except in the case of Harijan wells, villagers contributed nearly two-thirds of the cost including considerable manual labour free.

(ii) I saw good long roads made and I was surprised to see what enthusiasm road-making could produce in the villagers.

(iii) Firka development work in this area was greatly stimulating the building up of new schools. I saw several new school buildings for which Government grant was only one-third or one-fourth of the total cost.

(iv) The building of community latrines and the task of persuading villagers to use them instead of any open space anywhere in the village have long baffled constructive workers. Even in Sevagram under Gandhiji, it took some years to persuade villagers to co-operate in the putting up of community latrines and in persuading people to use them. Therefore, when I saw in some of the villages, fairly neat community latrines built with the full co-operation of the villagers and fairly considerable percentage of women especially acquiring the habit of using these latrines, I was surprised and pleased. In these villages, I saw this happening and all the nightsoil was being converted into compost manure. In one village at least I saw much compost manure fetching a good price in open auction. If and when community latrines and compost manure-making through them spread in the villages, it will be an excellent piece of achievement. The Tirumangalam Firka might well give lead in this work.

(v) But even more difficult than the above item of work has been the question of building some kind of drainage in villages. Drainage construction in villages has in fact been given up as a hopeless business altogether by constructive workers. It was, therefore, again a surprise and a pleasure to me to find in three or four villages I visited in the Tirumangalam Firka complete village drainage built and that with no cost at all to Government. The only assistance given by the Firka Development Department was the supply of cement at controlled price and the lending of the services of a P.W.D. supervisor to give technical advice. Each house-holder paid for the length of drainage touching his house. That villagers co-operated in such work costing some rupees four to five thousand without quarrelling in the middle of the work and giving it up, was undoubtedly an achievement in co-operative effort.

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(vi) An attempt is being made to set up co-operative stores in the villages and this has succeeded in two villages among the fifteen I visited.

(vii) Khadi production is being taken up in some centres with success. The yarn produced is given to the All-India Spinners' Association.

(viii) Everywhere in the villages, I visited, local people were co-operating enthusiastically in the work and contributing money and manual labour to an appreciable extent. The Firka Development Officer and the Grama Sevaks are able to make full use of such local co-operation.

On the whole, therefore, fairly good work is going on in the Tirumangalam Firka.

The Firka Development Officer, Sri S. Palaniswamy is enthusiastic, active and hard working. He has a good knowledge as to what is expected of him and he does not spare himself in the work. He also knows how to get on with the villagers. He has a number of good Grama Sevaks spread in the villages, notable among whom is Sri Varadan in the Nedungulam village. But the real secret of the good work in the Tirumangalam Firka is the fact that the Gandhinikethan Ashram is there in that area. The Ashram has been doing constructive work in the villages round about Kallupatti during the last ten years and chief worker, Sri Guruswamy Nadar, has fully supported the firka development work in the area. The good work in the Tirumangalam Firka is typical of what can be done when good old constructive workers and the Government agency combine to improve the villages.

I should add a word about Sri Rama Varma Raja, the Mathurai District Collector. The Firka Development Officer and the Grama Sevaks were at one in praising the solid support which the District Collector has given to them in their work. He has not only given them confidence but day-to-day aid in all their problems and difficulties. The officials of the Firka Development Department as well as Congress men and constructive workers have alike found in him a true friend and guide in all their work.

3. *The work in the Palladam Firka in the Coimbatore district.*—The Palladam Firka shows the average kind of work under the Firka Development Department. Well construction and road making are good in this Firka. Some of the community centres are well built and spinning is being organized in some of the villages. In two villages, I saw house building being done for the Harijans on the village scale. In both the cases, the initiative has come from well-to-do patrons. Morris Nagar in Semmipalayam is a newly well-built Harijan village. It must have cost about Rs. 10,000, Government contributing Rs. 2,250, the rest being a gift from the local munsif. But once the new village was built, no one is taking any particular care of its sanitation and it is already showing some signs of going back to the old condition of uncleanness. That means there is no day-to-day work among the Harijans to improve their habits but simply that they have been given a gift of new houses.

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Village sanitation work is not on the whole satisfactory or systematic. Soak pits have been made for individual houses in some villages. But they are not properly made and are failures.

In the Palladam Firka also, I found village people thoroughly alive to the advantages to be gained by co-operating with Government in improving their villages. In one Harijan village, one Harijan woman who along with others had learnt spinning proudly displayed her new khadi saree and pointed to her husband who was wearing clean white khadi clothes. Community latrines and attempts to convert nightsoil into compost manure, I did not see anywhere. Some attempts, however, are going on in the villages to dig pits and gather all rubbish in them to make manure. It just struck me that in the villages of the Palladam Firka I visited, local initiative is not being sufficiently tapped.

Wherever I went in the Palladam Firka, I sensed the Roman hand of the District Collector behind whatever was going on. Everywhere I saw inscriptions engraved on hard stones that the Collector had laid the foundation for or opened everything that had been built in the Firka. I have never before seen anywhere so many inscriptions bearing the same one name within such a circumscribed area.

The Firka Development Officer is Mr. Wellington. He is a well meaning person but slow and without previous training in constructive work. He has yet to fully grasp the ideology and methodology of the constructive programme as laid down by Gandhiji. He appears to be more concerned with road-making, well-digging, etc., than with training the villagers to cultivate local initiative and self-reliance. The Firka Development Officer requires more guidance from the Regional Firka Development Officer in the ideals and methods of village reconstruction work. With such guidance and instruction, I think he will do better.

4. *The work in the intensive khadi centre in the Avanashi Firka.*—This is an intensive khadi firka and has plenty of hand-spinning and handweaving going on. The Tamil Nad Branch of the All-India Spinners' Association had developed intensive khadi production in this area, even before Government took it over under the Firka Development Department. The problem in the other Firkas is to organize khadi production from the scratch but here the khadi foundation of firka development work is already there in this Firka. This Firka should, therefore, develop the several other items in the firka development scheme more quickly and extensively than the other Firkas. Is this happening?

The Firka Development Officer, Sri Thirumalai, is an earnest worker. He belongs to the area itself and is a person of not inconsiderable influence. He is genuinely in love with village work and is working hard to make this Firka a really model one.

Some of his Grama Sevaks are also hard working and enthusiastic.

Road-making and well-construction are quite good. Some excellent school buildings have been put up, Government contributing not more than one-third or one-fourth the cost. Village

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sanitation work is going on systematically and well. Levelling up the fallows, house-to-house cleaning, making of pits to collect all village rubbish, etc., are among the good items of work I saw. In two villages I saw community latrines newly built and people acquiring the habit of using them instead of the open spaces inside and outside the villages. Compost manure-making is also being organized.

What the Avanashi Firka now needs is to take up the harder items of the general plan for firka development like balanced cultivation, improved agriculture, setting up of multi-purpose co-operative societies, etc. Food and cloth self-sufficiency should be taken up without any further delay on a systematic and scientific basis. Also as in the Tirumangalam Firka, select villages should be encouraged and induced to build their own village drainage without any cost to the Government except the supply of technical assistance and of cement at controlled price.

PART II.

Impressions of and remarks on the work in the four firkas.

In this chapter I want to put down briefly the thoughts that came to me as I studied the work in the four firkas. These thoughts may be considered as the reactions of a constructive worker of some 23 years standing under Gandhiji:—

(i) My first impression was that for the first time, I was witnessing constructive work in the villages done directly by Government. Firka development work is the only constructive work of the Gandhian pattern done by the Government in this Province.

(ii) Firka development work has in it the seeds of Samagra Grama Seva. It is not only ameliorative work, giving villagers roads and wells, etc., but it aims at making them self-sufficient and self-reliant. Even though very little self-sufficiency has been achieved, it is in that direction that the work is being carried on. Firka development work is the only work in the Province which is touching village life on many sides. The All-India Spinners' Association, the Harijan Seva Sangh, etc., are touching village life only at one point or other.

(iii) As I have already stated firka development work offers for the first time, the opportunity for Government and constructive workers to work together in the villages. The significance of this is instinctively understood by the villagers. Their enthusiastic response begins with this understanding. Non-official constructive work has so far been only on the laboratory scale. Now it has to be applied to the whole rural area. Such application is impossible without constructive workers and Government co-operating with each other. The firka development work is an invitation to such co-operation. The Government and the people must, therefore, value the experiment greatly.

(iv) During the last 25 years, one continuous headache for non-official constructive workers has been the lack of adequate

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psychological response in terms of active co-operation from the villagers. Firka development work has brought forth such response from the villagers in a remarkable degree. This is because villagers find that the old conflict between Government and Congress constructive workers has suddenly disappeared.

(v) "Would villagers make sufficient local contribution for any work in their own villages?" has long remained a serious question. In the old non-official constructive work local contribution in money and manual labour has not been very encouraging. The position has now changed under the firka development work. Wherever Government judiciously make a small grant of money, such grant has acted effectively as a kind of tilting lever in obtaining a large measure of local contribution in money and in labour. In many villages I saw several items of work completed for which Government contribution was only Rs. 500 or less and total cost between Rs. 3,000 and Rs. 4,000. If Government had not paid Rs. 500, the villagers would have gone on hesitating to take up any work. Government funds have therefore acted as tilting levers very effectively.

(vi) Construction of community latrines and cultivation of the habit of using them and the building of village drainage have long tested non-official constructive workers. Even in Sevagram under Gandhiji, it took some years before villagers were trained to do these things. That such work has been successfully begun in some of the villages is a very good sign indeed for the future firka development work.

The construction of wells through the Grama Seva Sanghams has worked well and local contribution in money and labour has been very encouraging. Road-making, also with local contribution in men and money, has also been a success. Bathrooms built close to the wells in a number of Harijan villages have given happiness and pride to Harijan women.

(vii) Firka development work has given an extraordinary impetus to village education. In many villages, new schools have sprung up, the school buildings being pucca and costing three to four times the grant given from the department. The problem however is to get trained teachers. *I strongly suggest that the first charge on the Education Department should be to supply trained basic teachers to these new schools in the selected firkas.*

(viii) On the whole, however, firka development work has so far taken up only the easier items in "The General Plan of Work" and has avoided the harder and more difficult items. Take for instance, the question of self-sufficiency in food and clothing which are the main objectives of the whole work. No result worth the name is so far available, except that the whole work is tending in that direction. A dead-line limit of five years should be given to every firka to achieve such self-sufficiency. The repair of tanks, the distribution of good seeds and implements and some effort at compost manure-making are more or less what has been done to improve agriculture. Even in regard to cloth self-sufficiency, systematic Khadi production outside the intensive

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Khadi firkas has only begun. Such items of balanced cultivation, conversion of waste land into cultivated areas and increased food production have not been seriously attempted.

(ix) Panchayats are being just formed in most villages. How these panchayats will work, one cannot say now. Multi-purpose co-operative societies have been formed only in one or two places. These have to be formed everywhere.

(x) "The General Plan for Firka Development" drawn up by the Special Committee had emphasized that no real work would or could be done without an army of trained workers. Firka Development Officers and Grama Sevakas have been given one good round of training in the last one year. They have to be trained more, and also more workers have to be recruited afresh and trained. It will not be possible to emphasize the need for training of workers too much.

In order to have more extensive and intensive training for all workers under the firka development scheme, it has now become necessary to train a special cadre of workers who will become the staff for the training of the field workers. This means a Central Institute of Rural Workers' Training, which will produce the staff to train field workers in every district and which will function as a kind of a Research Institute of Rural Work. A special scheme should be drawn up for such a Central Rural Institute without delay. A small sub-committee might be appointed to draw up the scheme for such an institute with the details of the budget, syllabus of training, etc.

Certain conclusions.

The present firka development work in 34 firkas and centres comprises about 1,500 villages. From the point of view of the old non-official constructive workers, this will appear as immense work because no old constructive work organization in the Province has so far touched so many villages simultaneously at so many points. But to the Government with its resources, this might appear as yet only small work compared to the area that has yet to be covered. But the fundamental question involved is whether the Congress Government in the Province will directly and not merely indirectly take up the constructive programme in the villages. If the answer is 'yes', then the present firka development work is the only all-round constructive work of the Gandhian pattern which the Provincial Government is doing in the Province. Firka development work means Khadi work, Harijan work, Basic Education work, Adult Education work, Sanitation work, etc. In fact, I saw Harijan cherries brightening up as never before in many places in the firkas. Under the firka development scheme, the Government is making an attempt to carry out the constructive programme in the right way and with the right outlook. In this lies the whole significance of the work.

Any intensification or extension of firka development work in the future must be based on the experience so far obtained and the machinery so far created. To run away from the present experience or to replace the present machinery would lead to waste of

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money and time and effort. The experience so far gained is fairly good and the machinery at work, though it has quite a number of defects, has stood the test fairly well so far.

PART III.

Some suggestions for future work.

My suggestions for the future work are divided into two parts, the first one concerning the departmental machinery and the second concerning the actual work in the villages.

1. *The departmental machinery.*—Attention is drawn to the seven points mentioned in Part IV of "The General Plan for Firka Development work". Though the Firka Development Department has in a sense, and rightly, become a full-fledged Department under the Provincial Firka Development Officer, there is no continuity of staff from the top to the bottom as in other Departments. At the present stage it cannot be otherwise. This draw-back only tends to emphasize the fact that the Firka Development Department has two main sides to its work, the first consisting of its own direct work in the villages and the other consisting of the co-ordination of various other departments in the work of Village Uplift within the firkas. The present state of things within the firkas shows a lack of co-ordination between the various departments concerned with village uplift work. These departments are those of Agriculture, Public Works, Education, Cottage Industries, Harijan Uplift, Public Health, the ameliorative section under Prohibition and the Women's Welfare.

The time has come to change the Firka Development Department into a full 'Rural Development Department' and to co-ordinate effectively under it the activities of the above departments inside the selected firkas. As per "The General Plan for Firka Development work", it is the District Collector through whom such co-ordination was sought to be effected. But the District Collectors are very busy persons and they cannot, perhaps, be expected to take the initiative in creating such co-ordination. At present it is only when the Firka Development Officer asks for some such co-ordination at some point of the work that the Collector sanctions it. The responsibility for initiating co-ordination thus falls on the shoulders of the Firka Development Officer. But he is not a big enough officer in the district to obtain on his own initiative all the co-ordination required for the work in the firka. At present, this state of affairs has not created big gaps but later on as the work grows in extent and volume, something will have to be done to correct the position. Later on, there might be the need in each district for a District Development Officer with status and powers for effecting real co-ordination. What is necessary at the present time however is that the Collector and the Firka Development Officer should work together in closer association, so that the measure of co-ordination now needed may be had without difficulty. If the District Collector treats the Firka Development Officer as a small fry, then no real work will be possible. It is at this point that the two Regional

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Firka Development Officers should make their full contribution by being in close touch with the District Collectors. The two Regional Firka Development Officers have, therefore, to be far more active than they are now.

Government should at the earliest date take the necessary steps for making available the effective co-ordination of the departments concerned in the work of Rural development.

2. *The work in the villages.*—Some kind of public scepticism has arisen in regard to Firka Development work, partly due to the criticism of those who have not cared to study the work going on and partly due to the general indifference of the public in regard to village work. Periodical bulletins should be issued by the Department giving the public information about the work going on. Copies of the bulletins should be made available to all Members of the Legislature, to the newspapers and magazines and to all those interested in rural work.

The time has come to take the first step in expanding the work. I suggest that two more firkas may be taken up during the next year in each district, thus taking up three firkas in all in each district during the next year. These new firkas should be adjacent to the present ones, so that each of the present Firka Development Officer will have three firkas under him instead of one. The total number of Firka Development Officers will remain the same, but the number of Firkas will increase. New Grama Sevaks however will have to be appointed to cover the villages in the new Firkas and immediate arrangements will have to be made to train them.

So far as the training of workers is concerned, not only will the present Firka Development Officers and Grama Sevaks require more training but more Grama Sevaks will have to be recruited and trained, if the work is to expand.

As I have already pointed out elsewhere in this report in the existing firkas, workers will now have to take up the harder items of the work, like improved and balanced cultivation the setting up of multi-purpose co-operative societies and establishing efficient panchayats. The idea should be that two years after the panchayats have been set up and trained to do the various items of the work of Rural Development, the departmental staff should be withdrawn for service in other villages in other firkas. In this way, it should be possible to cover the whole of the rural area in the Province within about ten years.

The Firka Development Officers in charge of the Intensive Khadi Centres should be given special training in order that their Firkas may give the lead in attaining food and cloth self-sufficiency. The entire Firka Development plan should be fulfilled in the intensive Khadi Centres earlier than in the other firkas.

Since more and more workers will have to be trained, as the work expands, the suggestion I have already made towards the end of Part II of this Report, that there should be established early a Central Rural Workers' Training Institute should be

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immediately taken up. This institute must train the staff which will go out to more than one training centre in every district to train the field workers.

It would be worthwhile to prepare a small hand-book of instructions and guidance to the Grama Sevaks to help them in their work.

Letter from SRI G. RAMACHANDRAN, Secretary, A.I.V.I.A. (Wardha), to the Secretary to Government, Firka Development Department, Fort St. George, Madras, dated camp Madras, the 12th August 1949.

I send herewith my report of the study I have made of the Firka Development work in 28 villages in the Telugu area. These 28 villages are in the following four Firkas which I visited between the 1st and 7th of August 1949 :—

- (1) The Rajahmundry Firka in the East Godavari district.
- (2) The Dendalur Model Firka in the West Godavari district.
- (3) The Ongole Firka in the Guntur district.
- (4) The Guravareddipalem Intensive Khadi Centre in the Guntur district.

I have divided this report also for convenience into three parts, namely, (1) Features of the work I saw, (2) My impressions of the work and (3) My suggestions for improving and enlarging the work. Please treat this report as the continuation of my earlier report dated 18th May 1949 on the 43 villages which I visited in four firkas in the Tamil areas.

I must say that generally the impressions I derived from studying the work in the Tamil area have only been confirmed by my study of the work in the Telugu area. The work in both the areas is more or less of the same pattern, the differences being only in the shades, tones and varying emphasis of the details due to the variety of local conditions. This is as it should be because no such work as Firka Development work spread over hundreds of villages in the several districts can all put up the identical features. Natural and human data which furnish the background to the work will inevitably show slightly varying reactions from area to area.

I would request you to consider my observations in the concluding part of Part II of my earlier report under the caption "Certain Conclusions" and all my suggestions for future work contained in Part III of the same document as not only good for this report but as a necessary chapter of conclusions for both the reports treated as one.

For the Tamil and Telugu areas jointly, I have now devoted a month's careful study of the work where the work is actually going on. My impressions and conclusions with the attached suggestions are, therefore, neither hurried nor casual. It is my earnest desire that Government would consider my report with care and attention and would do all that is necessary to get from the work of the Firka Development Department all the undoubted benefits it is capable of yielding for the terribly neglected masses of the people in the villages.

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Before concluding this letter there is one matter which I would wish to press upon the Government. The present Government as every Government must ultimately derive all their strength from the co-operation of the people. Particularly now when we are faced with the introduction of adult franchise the need to organize the willing co-operation of the people in all the measures and schemes of national reconstruction has become one of overwhelming importance. As I wandered from village to village and saw the terrible conditions of insanitation, poverty, ignorance and ill-health under which the vast majority of the voters of our country live, the fact came home to me that no Government would be stable or capable of putting through any worthwhile programme of national reconstruction unless they can touch the imagination of these unfortunate masses and capture their loyalty. And to-day nothing can touch their imagination or rouse their loyalty except a programme of work like that undertaken by the Firka Development Department. In this lies the significance of this work.

Most of the problems in the village are small local problems which the usual big departmental machinery cannot touch. These problems can be solved only locally in their own small way. It is only when these small problems are unattended to for a long time and in many places that they assume the big proportions of a menacing national problem. I am convinced that the big departments like the Public Works Department and Public Health cannot even notice or understand the small local agonies of the villages. It is here that the Firka Development Department steps in meeting the villagers in their own villages and discovering and remedying their little ills which if unattended to can become and do become a major national ill.

Looked at this way the funds invested in the Firka Development work and the skeleton administrative machinery given to it are extraordinarily good investments for the Government. With a little "tilting grant" the Government get the villagers to do work which cost much more and with a little direct mass contact the department obtains for the Government a measure of goodwill from the village masses out of all proportion to the work actually done. That is why I repeat the whole thing is an extraordinarily good investment for the Government. The investment can be bettered and made to give even higher dividends if my suggestions would be favourably considered and implemented without delay.

REPORT ON FIRKA DEVELOPMENT WORK IN THE TELUGU AREA,

PART I.

Features of the work I saw in 28 centres.

The following is the list of villages I visited with the dates of the visits, etc. :—

Serial number and villages.	Firkas.	Date.
1 Kadiyam	1. Rajahmundry Firka (East Godavari district).	1st and 2nd August 1949.
2 Veeravaram	Do.	Do.
3 Dulla	Do.	Do.

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Serial number and villages.	Firkas.	Date.
4 Gopannapalem ..	2. Dendulur Model Firka (West Goda- vari district).	3rd August 1949.
5 Rangapuram ..	Do.	Do.
6 Somavarappadu Harijan Cheri.	Do.	Do.
7 Dendulur	Do.	Do.
8 Ravulogunta Hari- jan Cheri.	Do.	4th August 1949.
9 Munipalli	Do.	Do.
10 Vijayarai	Do.	Do.
11 Pellur	3. Ongole Firka (Guntur district).	5th August 1949.
12 Vallur	Do.	Do.
13 Vallur Harijan Cheri.	Do.	Do.
14 Surareddipalem ..	Do.	Do.
15 Jammulapalem Harijan Cheri.	Do.	Do.
16 Jammulapalem vil- lage proper.	Do.	Do.
17 Turpunaidupalem.	Do.	Do.
18 Mallavarapa lu Christian Cheri.	Do.	Do.
19 Mallavarapadu vil- lage proper.	Do.	Do.
20 Mallavarapadu Harijan Cheri.	Do.	Do.
21 Mungamur ..	4. Gurusareddipalem Intensive Khadi Centre (Guntur dis- trict).	6th August 1949.
22 Santhanuthalapadu	Do.	Do.
23 Mainampadu ..	Do.	Do.
24 Rudravaram ..	Do.	Do.
25 Gurusareddipalem including Hari- jan Cheri.	Do.	Do.
26 Peda Kothapalle..	Do.	Do.
27 Maddipadu ..	Do.	Do.
28 Throvagunta Hari- jan Cheri.	Do.	Do.

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Work in the Rajahmundry Firka.—In this Firka I visited Kadiyam, Veeravaram and Dulla centres, giving two days to study the work, talk to villagers and workers and discuss various problems with the Presidents and Secretaries of various Grama Seva Sanghams.

Kadiyam is the selected village in the firka where the Firka Development Officer Sri C. H. Hanumantha Rao has his headquarters. I, therefore, expected to see much good work in this village particularly but I was disappointed. Except the Library located in the office of the Firka Development Officer and some feeble attempt at starting handspinning there were the other usual routine items only in this village. Kadiyam showed no signs of improvement in sanitation or village organization in any direction. The Firka Development Officer only pretends to stay in Kadiyam but he really lives elsewhere. He is a slow, lazy and careless person without initiative. In regard to one particular matter at least he deliberately tried to mislead me and quickly I showed him he was telling me a lie. He gives no day-to-day guidance to the Grama Sevaks. I am altogether clear in my mind that he will not be able to do the kind of work expected of him. He should be either transferred or his services dispensed with early.

At Veeravaram and Dulla I saw better work. The Grama Sevak in charge is Sri Krishnamurthi. He struck me as a clever, able and enthusiastic worker with qualities of leadership. At Veeravaram he has a good buffalo stud-bull, several bits of street roads improved, three wells repaired and good sanitation work to show. He has fifty charkas in the village and half of them at least are working regularly. The Grama Seva Sangham has active people in it who give Sri Krishnamurthi their co-operation.

At Dulla also Sri Krishnamurthi's work has begun to tell. The Harijan section of the village particularly is looking up. There is not only fairly good sanitation work but Harijans have confidence in the Grama Sevak. One critic who was not satisfied with the benefits given to the so-called caste Hindu section of the village asserted that Sri Krishnamurthi was very partial to the Harijans. That was a good certificate for any Grama Sevak. At Dulla I was able to meet many people and discuss with them how best they could get the best from the Firka Development work. The Dulla village is planning to put up a pucca school building towards which the villagers are willing to make a substantial contribution. Sri Krishnamurthi has a good private stock of charkas for distribution.

Both at Veeravaram and Dulla I could easily see that the villagers were enthusiastic about the schemes of work drawn up by the Firka Development Committee. There was no lack of co-operation from the side of the villagers.

At Kadiyam the Women's Welfare Department has a centre under Srimathi Swarnakumari. It was a pleasure to visit this centre kept tidily and artistically with a good number of women coming to learn Hindi, Spinning, Embroidering and to get some Adult Education. Srimathi Swarnakumari is an earnest worker and has already won a measure of affection from the village women and children. Studying the work at this centre I wished that the

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Women's Welfare Department could without delay establish such branches in all the firkas selected for our work. Such work would not only help Firka Development but make Women's Welfare work itself genuine.

From the very start of my study tour from Kadiyam en to Dulla one problem specially came up again and again. Later in the other firkas also the same problem came up. It is the problem of house-sites for Harijans. This is a pressing and insistent demand.

At Dulla Grama Sevak, Sri Krishnamurthy has persuaded some 80 Harijans to raise Rs. 2,000 from amongst themselves for a scheme of new houses. I think it should be possible in many places to get Harijans themselves to make a substantial contribution.

The question of new house-sites is something which the Firka Development Department should take up with other departments concerned and specially with the Harijan Welfare Department. I shall have something to say about it later.

At Rajahmundry on the 2nd of August I met the Firka Development Officer again and five of his Grama Sevaks. They all repeated that the Harijans were everywhere clamouring for new house-sites. I impressed upon them that though something had been done in the villages I saw, much more remained to be done and that would be done only with much more concentration of effort on changing the psychology of the villagers from indifference and dependence to active self-help. I pointed out that digging wells and making roads were the least part of their work but that their main job was to educate the villagers to become self-reliant and self-sufficient to the maximum possible. Adult Education work in the real sense has to be taken up everywhere. I also told the Firka Development Officer that I was not at all satisfied with what he was doing.

2. *The Dendulur Model Firka.*—This model firka is in the West Godavari district. Like the Tirumangalam firka in the Tamil area, the Regional Firka Development Officer has his Grama Sevak Vidyalaya for the Telugu area inside this firka at Gopannapalem. The Regional Firka Development Officer has also his headquarters here and a band of earnest workers around him. Being the model firka intense work goes on in it.

I reached Gopannapalem on the 3rd afternoon and inspected the Vidyalaya, the office, the library, the dispensary, etc. The whole place looks like an ashram with workers living a life of hard work and simplicity. A local Congressman, Sri Ch. Anjaneyulu, gave 30 acres of land and a building at a cost of Rs. 10,000. The institution is located in this land and the Regional Firka Development Officer's office in this building. This friend also started a village workshop containing a carpentry, a blacksmithy and a shoe and sandal-making unit on the other side of the road. A new village shandy has been started across the road and this has become popular with the villagers. I saw the shandy in full swing on the day of my visit. On market days the Grama Sevak and other workers do propaganda among the assembled villagers for better sanitation and better living.

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The Gopannapalem institution is in touch with about 50 villages round about. The library and the dispensary are made use of in this whole area. The institution has arranged for the distribution of paddy on a co-operative basis throughout the local area where Government have stopped the rice mills. The stopping of the rice mills is a great boon in the area, giving employment to many people and in conserving the nutritional value of the rice consumed in the area. I was surprised to hear that even some Congressmen are taking sides with rice mill-owners against the common people.

The Grama Sevaks in the Telugu area have had two rounds of training already at the Grama Sevak Vidyalaya in Gopannapalem.

The village centres I visited in this firka were Rangapuram, Somavarapadu, Dendulur, Ravulogunta, Munipalli and Vijayarai. We saw the wells and newly made roads in these villages. At Ravulogunta Harijan cheri I saw excellent sanitation and a good awakening among the Harijans. There was a good stud-bull and a good stud-buffalo. One remarkable thing was that the Harijans have jointly collected about Rs. 1,000 and purchased vessels for the same, for common use by the cheri on festival occasions. That was a good act of co-operation. The Harijan school in the cheri is a model of its kind and the teacher and his wife look after it with devotion; but a little away is another school attended only by the children of the so-called caste Hindus. Both schools get grant from Government. This appeared to me waste of public funds and strange at a time when a nationwide effort is being made to wipe out separatism as between the Harijans and the rest of the community. I shall have to say more about this later. Here also there was the clamour for better house-sites for the Harijans.

At Munipalli we saw Sri K. Satyanarayana, a lawyer, who became a yogi, in his own ashram. This man is a remarkable person who lives humbly in an environment of simple work and duty. He himself earns his bread by weaving khadi. One of the mottos of the ashram is "No work, no food". The Guru and his followers exercise a silent but good influence among the villagers round about. They do good village work simply by setting the right example.

At Vijayarai we saw a good 2½-mile road made with the full co-operation of the villagers who have paid in labour and land one-third of the cost. There is a local Ayurvedic pharmacy and dispensary which is the only institution of medical aid available in the village. It deserves a good grant from Government under any suitable head.

The Firka Development Officer is Sri Y. Ramasastri who acted previously as the Principal of the Grama Sevak Vidyalaya at Gopannapalem. He is a constructive worker of more than 20 years' standing and he fully knows the ideals and methods of village work. But I am afraid he is overconfident and therefore somewhat complacent. There are some Grama Sevaks and Firka Development Officers without any previous background of constructive work who find it difficult to understand the demands of the new work. There are others who think they know all about it and therefore do not

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attend to details. Sri Ramasastri is in the latter category. He should be specially instructed to take pains to deal with details and what might appear as obvious. The present Principal of the Grama Sevak Vidyalaya, Sri Prakasharayadu, is an acquisition to our work.

At Dendulur we saw a plot of excellent land donated by Srimathi Hymavathi Devi, a well-to-do lady of the village, for locating a unit of medical work. I understand she has also donated Rs. 20,000 in cash for the same work. But nothing has been done with these gifts. It also does not appear as though anything will be done in the near future. Perhaps proposals are going about between several departments concerned. In such a case, why should not the Firka Development Department have the freedom to find out some medical men or women and to ask them to settle down and start the work without waiting indefinitely for some action from the Medical Department? This and similar other instances raise important issues which I shall discuss later. At Dendulur I also saw a big village tank repaired for which the villagers paid Rs. 5,000.

3. *Ongole Firka*.—This is in the Guntur district and I visited nine village centres in it. In this firka I had a fairly and extensive view of the work going on. In all the nine villages Firka Development work has become popular and people are looking to our workers for guidance and assistance. Sanitation in these villages is the best I have so far seen. Levelling up of street roads, general cleanliness and well-made manure pits were features of the work in these villages. Spaces between village houses and the backyards were free of filth, bad smell and ugliness. This is a remarkable achievement. We saw a number of wells which were also better built than in the other two firkas. The village library system is working well. Stud-bulls and stud-buffaloes and even Berkshire pigs are popular in the villages. At Jammulapalem I saw a library, built at a cost of Rs. 2,800 to which Government grant paid was only Rs. 500.

In almost all the nine villages I visited, I saw separate Adi-Andhra schools for Harijans and for the so-called caste Hindus within the same village. At one end is the Adi-Andhra school with a majority of Harijan children and a very small number of other children and at the other end of the village a much better school with only caste Hindu children and not a single Harijan child. Both the Adi-Andhra and the other schools receive Government grant. When I made careful enquiries, the caste Hindu teachers and villagers in the latter schools kept on repeating that no one prevented Harijan children from joining these schools. But no one came, that was all. Curiously again in every case, the Adi-Andhra schools receiving Government aid had only Christian teachers. It seems to me that caste Hindus and the Christian teachers are in some silent agreement in regard to this matter. It suits the caste Hindus to pretend that Harijan children find it inconvenient to come to these schools and it suits the Christian teachers to attract all the Harijan children to their schools. To me, it is not a question of Christians versus Hindus. But why should the separatism of the Adi-Andhra schools be perpetuated even

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to-day when all such separatism becomes the betrayal of the new nationhood in India. How does the Education Department make grants to two schools at two ends of the same village and that in village after village. This is a matter for the immediate and careful attention of the Government.

The Firka Development Officer Sri Bavaji is an ex-I.N.A. man and has a sense of patriotism. But he should understand more fully the ideas and methods of constructive work in village. I think he also does not stay regularly in the Vallur village where he is expected to stay and his family is elsewhere. The idea that the Firka Development Officers should stay in a selected village is of fundamental importance and no relaxation of this rule should be permitted. The Grama Sevaks I met in this area are generally smart and hard-working people but I have the clear impression that they, like the Grama Sevaks in most of the places, should have more day-to-day guidance from the Firka Development Officers and the Regional Firka Development Officer.

I had crowded meetings in some of the villages attended by large numbers of women. The women also have begun to feel the warmth of the new work. The Women's Welfare department should concentrate on training and sending their women workers to the firkas where our work is going on because such women workers will be able to make use of the awakening among women. The women of the villages are calling for such work and there should be no delay in meeting the demand. Throughout the Ongole villages there was enthusiasam and a willing spirit of co-operation.

4. *Guravareddipalem Intensive Khadi Centre*.—The centres visited in this firka are the eight villages mentioned in the list in Part I. One big piece of work in this firka is an eight miles long ring road linking up a number of villages. Villagers have met one-third the cost by giving labour and the necessary land. At Santhanuthalapadu and at Guravareddipalem we saw khadi in its natural environment, the villagers spinning, weaving and wearing their own khaddar. The stocks of khadi at these villages is worth only Rs. 20,000 but that gives no idea of khadi production in this area. The weavers are Harijans and when I asked some caste Hindus who appeared orthodox how they can wear khadi woven by Harijans, they smilingly said that they dip the cloth in water before taking it in! It was easy for me to expose the superstition underlying such conduct. The khaddar produced is even and strong. I met here more villagers wearing khadi than in any other place I have known. For the first time in the Telugu area I saw village latrines being made and used. But curiously three or four latrines I saw in these villages are flush latrines with porcelain equipment. The water is flushed from buckets and the rubbish is flushed into septic tanks. Curiously again villagers seem to be proud about these latrines but I saw evidence already that such latrines might not be maintained properly. In one place children have gathered leaves and thorns and tried to dump them into the flushes. Everywhere villagers have met at least one-third the cost of these latrines. I am afraid, however, that in a few months

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these latrines might become filthy without proper care. More-over, all the manure value of human refuse is lost in the septic tanks. I am of the view that trench latrines should be encouraged in preference to the flush latrines.

In this area also villages have Adi-Andhra schools and other schools within the same circumference, and in every case Christian teachers are in charge of the Adi-Andhra schools. The same convenience of arrangement between the caste Hindus and the Christian teachers I have already referred to is accepted in this area also.

At Rudravaram I saw a beautiful building which would to-day cost Rs. 50,000 given to the Firka Development work for locating a health unit free of rent for 20 years. Here again, nothing has been done and perhaps nothing done for a long time. Why should not the Firka Development Department be free to make use of this building for a maternity centre with a trained midwife in charge without waiting for other moves and developments. Maternity centres are the crying need in the villages. It would be worthwhile for the Firka Development Department to offer facilities to the Andhra branch of the Kasturba Gandhi National Memorial Trust to open Maternity centres in such places.

At Maddipadu, I saw a library building costing about Rs. 6,000 collected entirely by the villagers. At Santhanuthalapadu also we saw a library building costing Rs. 2,500 to which Firka Development grant was only Rs. 500. In this area as in others the rural library system of the department is working very well.

Several step wells which had become difficult and dilapidated have now been rebuilt as draw wells much to the convenience of the villagers.

One of the Grama Sevaks Sri Narasimham, himself a Harijan, stays in the Throvagunta cheri. He is a good fighter on the side of the Harijans and has created quite a lot of healthy trouble in the locality. He is popular with the Harijans and gives them good leadership. We had an inter-caste dinner at his place at which his wife served the food along with another Harijan woman.

The Firka Development Officer Sri Satyanarayana is a good worker and also a champion of the Harijans.

PART II.

My impressions of the work.

1. As in the Tamil area so in the Telugu area also village people are happy and inspired by the fact that the Firka Development work is village work in which Congress constructive workers and Government have become one.

2. In the Telugu area also Firka Development work is developing slowly as Samagra Grama Seva, touching village life at as many points as possible.

3. In the Telugu area also villagers are enthusiastic about the new programmes of work and are readily offering their co-operation. In the Ongole Firka and in the Guruvareddipalem centre this was specially so.

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4. Local contribution for wells and roads is on a smaller scale and proportion than in the Tamil area. This is surprising because the Telugu villages, I saw were more prosperous than those in the Tamil area. Perhaps the idea has gone out in the Telugu area that Government would be very free with their funds. I am quite sure that if the villagers in the prosperous Telugu villages are properly guided, a larger proportion of local contribution would be forthcoming. The Firka Development Officers should take the responsibility in explaining the position to the villagers.

5. Sanitation in the Ongole and Guruvareddipalem villages was distinctly better than what I saw in the Tamil villages. But construction of latrines and compost manure making in the proper way have yet to be organized. The craze for flush latrines must not be encouraged.

6. The making of manure pits is systematic and good almost everywhere we went.

7. The wells in the Telugu area seem to be more costly and generally less well built than in the Tamil districts. No attempt is made to attach bath rooms to village wells. Latrines and bath rooms are urgently needed for village women who suffer greatly for lack of these. The Regional Firka Development Officer and the Firka Development Officers must give more attention to this work.

8. Making new schools has received as in the Tamil area an impetus from the Firka Development work but not to the same extent as in Tamilnad. Continuation of separate schools for Harijans and others in the same village for any reason whatsoever must be put a stop to and Grama Sevaks and Firka Development Officers must combine to effect this reform without delay.

9. Grama Seva Sanghams have been formed almost in all villages, but they are not active enough and are not given enough guidance. The Regional Firka Development Officer must look into this matter more fully. It would be a good idea to give groups of village adults from place to place and from time to time one week's training camps to enable them to appreciate and to co-operate with our work. Such training camps would help in preparing the villagers to receive our assistance and to give back their assistance. It would be a programme of easy adult education in villages.

10. I saw no co-operative stores. Instead of waiting for multi-purpose co-operative societies, an attempt should be made straight-away to organize at least small co-operative stores in the villages and wherever such co-operative stores are organized they should be entrusted with the distribution of controlled articles.

11. No real attempt is going on to organize village panchayats.

12. The Lahore and M.B. sheds built at much cost are not being properly and fully utilized. A small part of the space inside them is used for storing a few things, like agricultural implements, etc. With a good petromax lantern they can be used for adult education classes and for organizing rural entertainments and dramas which would have an educational value for the villagers in dealing with their many problems.

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13. As in the Tamil area till now only easier items like digging wells and making roads, etc., have been taken up. Little attention is paid to balanced cultivation or agricultural improvement or to organize panchayats and multi-purpose co-operative societies.

14. It is useless asking villagers to produce more food without even improving small old irrigation tanks which have become useless due to many reasons. Improvement of such tanks should be given first priority in the work of Firka Development. Here also departmental delays and technical difficulties should be brushed aside if the people are to produce more food.

15. My clear impression is that the condition of the Harijans in the Telugu area in regard to the removal of untouchability is at least ten years behind that of their brethren in the Tamil area. I do not know if in the Telugu area the idea is still held that separate schools and separate wells are good for Harijans. At Guruvareddipalem we were able to persuade caste Hindu villagers to allow Harijans to draw water from a common well which till now was not open to them. Conditions are ripe for such a reform and a drive must now be organized in this direction. Village temples are also not yet open to Harijans. A temple entry drive in villages is also now overdue. The Collectors and the Regional Firka Development Officer must take up the responsibility for such work, otherwise whatever laws are enacted by the Madras Government will remain only on paper. In many villages it is not even known what penalties the law now imposes on those who would obstruct Harijans in the exercise of their rights as citizens. Unless the Collectors are instructed to move in this matter immediately and effectively, the Harijans will fall a prey to the propaganda of the Communists who are everywhere active to exploit such situations. I consider this a very important matter.

16. The Regional Firka Development Officer in the Telugu area is a real asset to the work. His experience, hard work, enthusiasm and sincerity impressed me. But he will have to give more day-to-day guidance to all workers under him in the Telugu area.

There is plenty of energy and enthusiasm in the Telugu area among the workers and the people and these must be more fully organized and canalized, if the work is to succeed in full measure.

PART III.

Suggestions for improving the work.

1. Firka Development Officers and Grama Sevaks in the Telugu area also should get more and more courses of periodical training as the work is developing and expanding. The training so far has been good but it should become better.

2. No Firka Development Officer or Grama Sevak should be allowed to continue in service unless they reside with their families in the village. The Regional Firka Development Officer for the Telugu area has set a good example in this regard.

3. The travelling allowances for the Firka Development Officers must be increased if they are to supervise the work more effectively.

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4. The task of increasing the extent of cultivation of food-crops must be taken on hand through the repairing and even making small irrigation tanks and through extensive compost manure making and distribution of better seeds.

5. The separatism attaching to the Harijans in regard to schools and wells must be tackled immediately as already pointed out and the Collectors must be instructed to take up the lead in this matter.

6. As mentioned in regard to the firkas in the Tamil area, all primary schools in the selected firkas in the Telugu area should also get priority in the matter of their conversion into Basic Schools by the Education Department. Basic Schools will strengthen Firka Development work like nothing else and the Education Department cannot get more fruitful area than the selected firkas for converting existing schools into Basic Schools. I am afraid this matter has not yet obtained the consideration it deserves at the hands of the Government.

7. More systematic supervision of the work of the Grama Sevaks has become urgently necessary. The meeting of all the Grama Sevaks in each firka once a week in some village and planning the work from week to week must be made more real and effective. Firka Development Officers must be given stringent instructions in this regard.

8. As mentioned in the case of the firkas in the Tamil area, the time has now come to organize the more difficult items of work in the Telugu firkas also such as the organization of co-operative stores, panchayats and of balanced cultivation.

9. The Food Production Drive in the selected firkas specially in relation to rice would look ridiculous if rice mills are not closed at least in the selected firkas in favour of handpounded rice.

10. Construction of village latrines on the trench system must be taken up in the villages systematically. I saw no drainage constructions in the Telugu area as in the Tamil area. It is wrong to think that drains are unnecessary or cannot be built except in the dry areas. Village drain making is so important that it should not be neglected any longer.

11. An attempt should be made to increase local contributions for all works in the Telugu area. I have referred to this already.

12. Now I come to the most important of my suggestion which I have already raised in my earlier report on the work in the Tamil area.

I refer to the lack of co-ordination in the work of Firka Development among the various departments concerned. In the Telugu firkas also this lack of co-ordination has become a serious obstacle to anything being done without delays and many obstructions. Firka Development work has to be done by and through various other departments, like those of the Public Works Department, Public Health, Agriculture, Co-operation, etc. All the old routine is continued in undertaking items of work in the selected firkas also. There are delays in the payment of works long done. A list

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Districts.	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
General adminis- tration.			Adminis- tration of Justice.	Jails and Convict Settle- ments.	Police.	Education.	Medical and Public Health.	Agriculture, Veterinary, Co-operation and Industries.	Other items of expendi- ture (c).	Total columns (1) to (9).
B—Other districts—										
12 Bellary (six taluks) (b)		11-30	1-82	5-94	12-55	7-55	6-54	4-95	15-18	65-83
13 North Arcot ..		24-41	5-46	15-07	27-43	34-58	10-83	7-70	41-93	1,67-41
14 Chingleput ..		22-15	4-94	2-86	24-30	27-63	22-94	6-00	35-37	1,55-29
15 South Arcot ..		27-37	5-55	4-24	14-82	33-86	5-03	8-93	41-18	1,40-98
16 Tanjore ..		32-87	9-01	2-69	19-51	33-33	13-11	12-33	59-35	1,82-70
17 Tiruchirappalli ..		21-75	7-48	5-80	59-11	25-17	8-05	4-71	42-31	1,42-38
18 Mathurai ..		21-02	7-05	3-94	29-84	29-54	15-16	7-07	57-10	1,70-72
19 Ramnad ..		17-96	6-27	0-98	20-49	20-96	5-14	5-70	31-73	1,15-23
20 Tirunelveli ..		21-64	5-66	3-34	19-37	54-45	4-58	11-15	41-27	1,61-47
21 Coimbatore ..		25-07	6-75	17-06	27-07	31-19	13-37	38-03	65-51	2,24-05
22 Nilgiris ..		4-81	0-80	0-10	5-52	6-38	6-58	4-29	16-09	44-57
23 Salem ..		25-75	5-19	5-99	20-90	22-51	8-49	9-53	36-17	1,34-53
24 South Kanara ..		17-23	4-72	0-65	9-82	37-06	5-48	7-67	28-60	1,11-23
25 Malabar ..		24-16	11-96	5-94	44-66	1,29-13	19-58	21-84	68-19	3,25-46
26 Madras City ..		67-30	24-57	16-71	1,51-57	87-13	1,29-84	1,09-33	12,79-25(d)	18,65-70
Total—B		3,64-79	1,04-33	91-31	4,66-96	5,86-97	2,74-73	2,59-23	18,59-23	40,07-55
C—Grand total (A+B)		5,83-68	1,50-03	1,10-08	6,52-00	8,89-93	3,67-11	3,40-48	21,89-12	52,73-43(e)

(a) The figures given are one-third of the district figures.
 (b) The figures given are two-thirds of the district figures.
 (c) Excludes expenditure relating to the works of Public Works, Forest and Electricity Departments.
 (d) Includes working expenses of the Madras City Bus Service (Rs. 76 lakhs) and transfer adjustments common to the whole Province, which are allocated separately below.
 (e) Excludes Rs. 51 lakhs transferred to the Revenue Reserve Fund.

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Serial number and depots in the districts.					Quantity of iron and steel. TONS.	Quantity of galvanized iron sheets. TONS.
10	Bellary	..	..	..	91	..
11	Cuddapah	..	..	..	144	..
12	Chittoor	..	..	..	130	..
13	North Arcot	..	..	..	249	7
14	Chingleput	..	..	..	141	..
15	South Arcot	..	..	..	187	..
16	Tanjore	..	..	..	125	..
17	Pattukkottai	..	..	..	83	..
18	Tiruchirappalli	..	..	..	65	..
19	Mathurai	..	..	..	200	..
20	Tirunelveli	..	..	..	192	..
21	Ramnad	..	..	..	155	8
22	Salem	..	..	..	63	..
23	Coimbatore	..	..	..	132	..
24	Nilgiris	..	..	..	6	..
25	Malabar	..	..	..	23	16
26	South Kanara	..	..	..	21	..
Total ..					3,330	347

N.B.—The remaining quantities of 1,069 tons of iron and steel and 152 tons of galvanized iron sheets represent direct releases to agriculturists and fabricators as well as permits under acquisition.

[10th January 1950]

MADRAS PROVINCE.

I. REVENUE (1948-49)—cont.

(In lakhs of rupees.)

	A—Telugu districts excluding six Kannada taluks of Bellary district.	B—Other districts including Madras City and six Kannada taluks in Bellary district.	C—Total.
1 Direct receipts as shown on the previous page (including Excise Receipts).	11,94.52	27,18.71	39,13.23
2 Add—Forest and Public Works Department Receipts (including Electricity Department) ..	17.73	1,93.12	2,10.85
3 Share of Central Government's compensation in lieu of Provincial tax on tobacco ..	7.70	14.30	22.00
4 Share of Income-tax proceeds (on population basis*) ..	3,07.41	5,34.81	8,42.22 (a)
5 Share of Central Grant for the year for Post-war Reconstruction and Grow More Food Schemes (mainly on population basis*) ..	1,13.15	1,96.85	3,10.00
6 Share of Interest on Cash Balance Investment (on population basis*) ..	25.52	44.39	69.91
7 Share of other common adjustments (on a population basis*) ..	— 15.66	— 27.25	— 42.91
8 Total Revenue including Excise Receipts ..	16,50.37	36,74.93	53,25.30
9 Total Revenue excluding Excise Receipts ..	14,87.05	34,71.71	49,58.76

* Population of Telugu areas excluding six Kannada taluks in Bellary district—86.4 per cent.

Population of other areas including six Kannada taluks in Bellary district—83.5 per cent.

(a) Includes Rs. 90 lakhs received in arrear as part payment for the pre-partition period of 1947-48.

10th January 1950]

MADRAS PROVINCE.

II.—EXPENDITURE ON REVENUE ACCOUNT (1948-49).

(In lakhs of rupees.)

Districts.	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
A—Telugu districts—										
1 Visakhapatnam ..		33.50	6.32	3.67	28.14	48.46	59.61	15.75	45.69	2,11.14
2 East Godavari ..		21.84	5.54	5.76	16.89	40.64	11.82	12.30	51.03	1,65.82
3 West Godavari ..		18.44	4.51	0.54	10.62	33.83	5.64	6.45	32.22	1,17.83
4 Krishna ..		15.14	5.37	1.50	20.75	28.89	6.56	6.24	39.99	1,28.44
5 Guntur ..		25.11	6.97	1.15	20.06	46.25	10.52	13.07	37.44	1,60.51
6 Nellore ..		20.64	3.93	0.76	16.23	21.44	6.03	6.38	23.87	99.18
7 Cuddalore ..		17.48	2.75	0.75	12.55	16.76	5.66	5.00	18.63	79.58
8 Anantapur ..		17.48	2.71	0.41	15.61	19.68	4.46	4.28	22.86	87.49
9 Bellary (three taluks) (a).		5.65	0.91	2.97	6.27	3.78	3.27	2.47	7.60	32.92
10 Kurnool ..		20.58	3.29	0.56	14.7	22.22	3.76	5.03	21.01	91.42
11 Chittoor ..		19.03	3.40	0.70	16.95	21.01	5.05	4.84	20.55	91.53
T. tal.—A ..		2,18.89	45.70	18.77	1,85.04	3,62.46	92.38	81.25	3,20.89	12,65.88

[10th January 1950]

APPENDIX IV.

[Vide answer to starred question No. 95-A asked by Sri O. P. Ramaswami Reddiar at the meeting of the Legislative Council held on 10th January 1950, page 1044 supra.]

Statement showing the Revenue and Expenditure (on Revenue Account) in the districts of the Madras Province during 1948-49 according to the figures as now available.

MADRAS PROVINCE.

I.—REVENUE (1948-49).

(In lakhs of rupees.)

Districts.	(1)	Land revenue including portion due to irrigation.	(2)	Excise.	(3)	Stamps.	(4)	Registration.	(5)	Receipts under Motor Vehicles Act.	(6)	General Sales Tax.	(7)	Other taxes and duties (Kut, salt, etc.)	(8)	Other Direct Receipts (Education, Medical, etc.)	(9)	Total.	(10)
A.—Telugu districts—																			
1 Vizianagaram		16.12	53.18	25.32	2.91	7.17	44.59	4.15	10.75	1.84.19									
2 East Godavari		56.43	42.35	30.68	3.43	5.22	36.00	5.46	10.33	1,90.53									
3 West Godavari		50.87	30.70	29.82	3.41	4.44	29.99	4.38	6.22	1,58.93									
4 Krishna		47.88	31.21	37.71	4.05	7.96	29.84	6.63	6.81	1,82.13									
5 Guntur		78.52	2.53	45.33	4.68	8.21	41.60	5.45	11.22	1,97.13									
6 Nellore		25.84	1.26	11.82	1.45	4.13	15.43	2.01	5.96	67.90									
7 Cuddapah		12.80	0.69	6.69	0.87	4.90	15.43	1.30	7.17	49.05									
8 Anantapur		12.25	0.30	7.87	1.05	3.96	15.03	2.86	6.18	51.50									
9 Bellary (three taluks)*		7.40	0.06	2.93	1.36	1.36	8.42	0.35	2.70	24.34									
10 Kurnool		19.45	0.39	8.81	1.09	2.67	20.40	1.07	8.35	60.09									
11 Chittoor		4.31	0.52	9.44	1.41	4.78	15.86	2.91	9.35	48.71									
Total—A		3,31.97	1,63.92	2,16.62	24.71	53.90	2,81.73	35.20	88.07	11,94.52									

[10th January 1950]

MADRAS PROVINCE.

II.—EXPENDITURE ON REVENUE ACCOUNT (1948-49)—cont.

(In lakhs of rupees.)

	A.—Telugu districts excluding six Kannada taluks in the Bellary district.	B.—Other districts including Madras City and six Kannada taluks in the Bellary district.	C.—Total.
1 Expenditure as shown on the previous page	12,65.68	40,07.55	52,73.43
2 Adjustment on account of share of allocable items included in the figures for Madras City—			
(a) Forest and Public Works Departments including Electricity Department (557.99) ..	2,21.91		
(b) Debt charges (170.43) ..	52.00		
(c) Presidency payments excluding local transactions (314.00) ..	1,14.61		
(d) Miscellaneous items (201.76) ..	78.64		
(e) Net outlay on State Trading Schemes—			
(i) Grain Supply Schemes—Gross expenditure	407.7		
Deduct—Central Government's special bonus for procurement.	210.42		
Net	251.35		
(ii) Other Schemes	(—69.02)	—21.91	
Total—item 2	4,40.55	—1,40.25	
3 Total expenditure on Revenue account.	17,06.23	38,67.30	52,73.43
4 Total Revenue excluding Excise as in Statement I	14,87.05	31,71.71	49,58.76
5 Deficit (—)	—2,19.08	—6,95.59	—3,14.67 (a)

Note.—The allocation in item 2 is only approximate. The allocation has been made on the basis of population (36.5 per cent for the Telugu areas and 63.5 per cent for the other areas including six Kannada taluks in the Bellary district) for item 2 (e), (d) and (c) (ii). No debit has been made to the Telugu areas under item 2 (e) (i)—Net outlay on State Trading Schemes (Grain Supply Schemes) as these areas are generally surplus in the matter of foodgrains.

(a) According to the actuals of 1948-49 as now available, there was a surplus of about Rs. 51 lakhs in the Province as a whole, but this was arrived at after including Excise Receipts of Rs. 366.54 lakhs. Excluding Excise Receipts, the net result would have been a deficit of about Rs. 3.15 lakhs as shown here.

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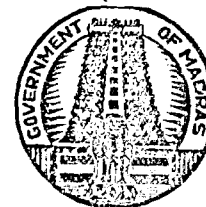
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MADRAS LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

FRIDAY, 20TH JANUARY 1950

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THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 20th January 1950.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Formation of the Andhra Province.

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

(a) whether this Government have sent their final report to the Government of India about the formation of the Andhra Province and, if so, on what date, and whether the Government will lay a copy of the report on the table of the House;

(b) whether the Leader of the House had given an assurance on the 17th November 1949 that the Council would be consulted with regard to the formation of the Andhra Province before the report was finally sent to the Government of India;

(c) whether the Government will publish the first communication as well as the communication received from the Government of India, a summary of which has been given in the *Indian Express* of 21st December 1949; and lay the same on the table of the House;

(d) whether the Government are aware that the Government of India were against the inclusion of the three disputed taluks of Bellary district, namely, Alur, Adoni and Rayadrug into the Andhra Province as it would not be acceptable either to the population of the area concerned or to the Karnatak Provincial Congress Committee;

(e) whether the Government of India had suggested to this Government and appointed Mr. C. M. Agarwalla, Chief Justice of the Patna High Court, as one-man boundary commission to demarcate with regard to the Bellary district;

(f) whether the Government of Madras suggested that there need be no such appointment at all and, if so, the reasons therefor;

(g) whether this Government have received protests and written representations about the inclusion of the three disputed taluks of Alur, Adoni and Rayadrug within the jurisdiction of the Andhra Province;

(h) whether this Government have submitted the said written representations with the annexures attached to them to the Government of India along with its final report for due consideration before arriving at a final decision with regard to the areas to be comprised in the Andhra Province; and

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[20th January 1950]

(i) whether the summary of the communication of the Government of India to this Government, given in the *Indian Express* of 21st December 1949, is correct and, if so, why this Government have thought fit to act against the views of the Government of India?

THE HON. DR. T. S. S. RAJAN (on behalf of Hon. the Premier):—“(a) This Government's final report to the Government of India regarding the formation of the Andhra Province was despatched on the 4th January 1950.

“As all the correspondence between the two Governments on this question is ‘strictly confidential’, the Government regret that they cannot lay a copy of their report on the table of the House.

“(b) Yes, Sir.

“(c) to (f) Please see the latter part of the answer to clause (a).

“(g) The Government have received representations from both sides regarding the inclusion of these three taluks in the Andhra Province. They do not agree that there is any substantial issue involved in respect of these taluks.

“(h) The Government of India are quite aware of these representations and of the views of this Government thereon.

“(i) As regards the contents of the Government of India's letter to this Government, the answer to clause (a) stands.

“As for the latter part of this question, this Government and the Government of India have exchanged views on several issues connected with the formation of the Andhra Province, and the decision rests with the latter Government.”

SRI B. BHIMA RAO :—“Sir, if these reports are confidential, how is it that the *Indian Express* was able to get a copy or a summary of their contents and publish the same in its issue of 21st December 1949?”

THE HON. DR. T. S. S. RAJAN :—“The Government cannot obviously say how the correspondent of the *Indian Express* got a summary of the reports, Sir.”

MR. PRESIDENT :—“I and the House would like to hear the Hon. Premier, who is present in the House, answering the question.”

THE HON. DR. T. S. S. RAJAN :—“Sir, I have taken the responsibility of answering on behalf of the Hon. Premier and I don't think that the House would be displeased to hear my answering him. If I am so unpleasant . . .”
(Laughter.)

DR. V. K. JOHN :—“If the answers are correct, we do not mind who answers the question, Sir.”

SRI B. BHIMA RAO :—“May I know what is the final recommendation of the Government regarding these three taluks and about the Bellary district as a whole?”

20th January 1950]

THE HON. DR. T. S. S. RAJAN :—“I have said, Sir, that this is part of the document to which I have referred in my answer. I cannot give my answer piecemeal, because the whole thing relates to the division of the Andhra Province and these taluks which have been referred to have also been included in that report.”

SRI R. SURYANARAYANA RAO :—“May I take it, Sir, that the Government, when they introduced a schedule including these three taluks in the Resolution relating to the formation of a separate High Court for the Andhra Province, they did come to the decision that these three taluks should form part of the Andhra Province?”

THE HON. DR. T. S. S. RAJAN :—“I am not in a position to give the answer definitely, because, as I have said in my original answer, the whole report is confidential and it cannot be disclosed to the House, Sir.”

SRI B. BHIMA RAO :—“Did not the Hon. Minister answer on the last occasion that this Government have recommended to the Government of India that these three taluks should be included in the Andhra Province?”

THE HON. DR. T. S. S. RAJAN :—“Because they are situated in the undisputed Telugu areas, Sir.”

DR. V. K. JOHN :—“May I suggest that he has forgotten it?”

MR. PRESIDENT :—“I do not see any point in asking a question like this.”

DR. V. K. JOHN :—“May I know, Sir, when these correspondence which are confidential, will be placed on the table of the House?”

THE HON. DR. T. S. S. RAJAN :—“When the Government of India have informed us of their final decision in the matter.”

SRI B. BHIMA RAO :—“Have the Government received any reply to their recommendations from the Government of India?”

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

DR. V. K. JOHN :—“May I know, Sir, when the Andhra Province is going to be constituted, if it is to be constituted at all?”

THE HON. DR. T. S. S. RAJAN :—“This is a matter that should be referred to an astrologer, Sir.”

SRI R. SURYANARAYANA RAO :—“May I know, Sir, whether the Government have forwarded all the protests and all the written representations regarding these taluks to the Government of India?”

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

DR. V. K. JOHN :—“Is there any astrologer among the Ministers who could tell us about it, Sir?”

THE HON. DR. T. S. S. RAJAN :—“The Hon. Leader of the Opposition may supply one.”

[20th January 1950]

MR. PRESIDENT :—“ Hon. Members are following a wrong line altogether. What the point they want is this. Have the Government any information about the news that was published in the newspapers recently that the Andhra Province question has been dropped and, if so, how far is it correct? ”

THE HON. DR. T. S. S. RAJAN :—“ We have no official information about it, Sir.”

SRI R. SURYANARAYANA RAO :—“ Have the Government reminded the Government of India when a reply could be received, in view of the fact that the D-Day is nearing, which fact they themselves have recognized? ”

THE HON. DR. T. S. S. RAJAN :—“ In reply to the Government of India's correspondence on the subject, we have sent our report and we are awaiting further communication from them, Sir.”

Civil and Criminal jurisdiction of a portion of the Sirugappa taluk.

* 105-B Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether any portion of Sirugappa taluk has been incorporated into the civil and criminal jurisdiction of the Munsif-Magistrate's Court at Adoni and, if so, which portion of the taluk;

(b) whether it is a fact that the said area was within the jurisdiction of the Bellary District Munsif's Court and Subdivisional Magistrate's Court till 31st December 1949;

(c) what the reasons are that induced the Government to make the change of jurisdiction;

(d) whether the Government have received representations from the people of Sirugappa taluk protesting against the change; and

(e) whether the Government have taken any action thereon and, if so, to what effect?

THE HON. SRI K. MADHAVA MENON :—“ (a) Yes. The portion of Sirugappa taluk nearest to Adoni, comprising of villages within the limits of Hachcholi Police station.

“ (b) Yes.

“ (c) With the introduction of the Scheme of Separation of the Judiciary from the Executive, an additional post of District Munsif-cum-Subdivisional Magistrate was created in the district with headquarters at Adoni and hence a re-distribution among the Courts of District Munsif-cum-Subdivisional Magistrates was effected. The portion of Sirugappa taluk which is nearest to Adoni has been attached to the jurisdiction of the new court.

“ (d) Yes.

[20th January 1950]

“ (e) The matter is engaging the attention of the Government.”

SRI B. BHIMA RAO :—“ Are the Government aware that this portion of the Sirugappa taluk is entirely Kannada and that the people of that portion do not know the Telugu language at all? ”

THE HON. SRI K. MADHAVA MENON :—“ We decided the question of jurisdiction not on the linguistic basis, Sir, but from the point of view of convenience to the parties concerned. It is on this basis that the division of jurisdiction was made.”

SRI B. BHIMA RAO :—“ Is the Hon. Minister aware that the present Munsif-Magistrate who is posted to Adoni does not know the Kannada language at all, and that it is very difficult for him to understand the evidence given by the parties or witnesses from this area? ”

THE HON. SRI K. MADHAVA MENON :—“ I do not think so, Sir.”

Transfer of officers.

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

(a) whether there is a rule that ordinarily an officer should not be transferred from a place before he completes three years;

(b) what steps are taken by the Government to satisfy themselves that this rule is observed by the Heads of Departments; and

(c) whether the Government satisfy themselves that, in respect of officers of various departments whose transfers are made by them, the rule regulating transfers is being observed?

THE HON. DR. T. S. S. RAJAN (on behalf of Hon. the Premier) :—“ (a) & (b) There is no statutory rule prohibiting the transfer of officers within three years. The Government have however issued instructions to the effect that an officer should not ordinarily be transferred from one station to another within a period of three years and that when an officer has to be transferred earlier in the exigencies of public service, the special reasons for the transfer should be invariably recorded in writing. The Government have also directed that a copy of the order of transfer together with a copy of the special reasons should be forwarded to the immediate official superior of the officer ordering the transfer and that the official superior should satisfy himself that the reasons given are satisfactory.

“ (c) Yes.”

[20th January 1950]

Scales of pay in aided training schools.

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

(a) whether aided training schools are required to adopt the local board scales of pay and dearness allowance at revised rates;

(b) whether the principles governing teaching grants to training schools are the same as those applicable to high schools; and

(c) whether, in the absence of fee income, the Government have considered the desirability of treating the training schools differently from high schools for purposes of teaching grants and grants towards dearness allowance?

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

“(b) Yes. The scale of grant is the same for aided training and aided secondary schools; but the net cost of maintenance on which the grant is based for the former is assessed more liberally.

“(c) Training schools are already treated differently in the assessment of the net cost of maintenance on which the grant payable is based.”

Proposal to bring certified schools, etc., under the Educational Department.

* 108 Q.—MRS. M. N. CLUBWALA: Will the Hon. the Minister for Education be pleased to state—

(a) whether there is a proposal to bring Certified Schools, Children's Aid Society, and the Sri Sadan Training Home under the Educational Department; and

(b) if so, when this proposed change will take place?

THE HON. SRI K. MADHAVA MENON:—“(a) The Government have under consideration a suggestion that the problem of juvenile delinquency should be handled only by the Ministry of Education in the Centre and the Department of Education in the Provinces and that as a corollary to it, the supervision over juvenile courts and the administration of Reformatories and Houses of Correction should be transferred from the Home Department to the Department of Education or devise some method by which the Ministries of Education in the Centre and the Provinces may be associated with their administration.

“(b) The consideration of the suggestion referred to in clause (a) has been deferred pending the report of the Committee constituted by the Government of India to report on the problem of juvenile delinquency in all the Provinces.”

MRS. M. N. CLUBWALA:—“May I ask the Hon. Minister when that report is expected to be submitted?”

20th January 1950]

THE HON. SRI K. MADHAVA MENON:—“I cannot at all forecast, Sir, because it is a Committee appointed by the Government of India and the Committee had only one meeting, as far as I know.”

Filling up of vacancies in the Cadre of Civil Assistant Surgeon.

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

(a) the number of vacancies in the cadre of Civil Assistant Surgeons reserved for war service candidates and de-reserved for civilians;

(b) whether these vacancies in both categories were filled up in accordance with the rules prescribed and, if so, what those rules are;

(c) whether reservation of vacancies was at first discontinued after 31st March 1947, i.e., the date of the official termination of war;

(d) whether candidates appointed even after 1st April 1947 were considered eligible for de-reserved vacancies;

(e) whether, in selecting candidates for de-reserved vacancies, the period of temporary service has been taken into account;

(f) whether any candidate has been selected even though there is no temporary service to his credit;

(g) whether any posts among the de-reserved vacancies were allotted to specialists and, if so, how many of such posts were allotted and what the special qualifications prescribed for these specialists are;

(h) whether by ear-marking vacancies for specialists the number of vacancies for those in temporary medical service have been reduced and, if so, to what extent;

(i) whether rules for normal recruitment of candidates for the Madras Medical Service do not provide for recruitment for specialists to the cadre of Civil Assistant Surgeons; and

(j) whether any departure has been made from normal rules 11-15 and, if so, what the circumstances are which necessitated such a departure?

(The President called on the Hon. Minister for Public Health to answer the question, but the Hon. Dr. T. S. S. Rajan did not rise to answer the question.)

MR. PRESIDENT:—“I think the Hon. Premier is responsible for your inattention.”

THE HON. DR. T. S. S. RAJAN:—“Not at all, Sir. I am responsible. It is a question which I have got to answer.”

MR. PRESIDENT:—“I say that he (the Hon. Premier) is responsible for your inattention.”

THE HON. DR. T. S. S. RAJAN:—“It is not at all his fault, Sir. I am at fault.”

(Dr. T. S. S. Rajan then answered the question.)

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THE HON. DR. T. S. S. RAJAN :—“(a) The vacancies reserved for war service candidates in the cadre of Civil Assistant Surgeons, Class I (Men), and Women Assistant Surgeon, Class I, are 179 and 5 respectively and the vacancies reserved for Civilian candidates are 86 for men and 3 for women.

“(b) The selection of war service candidates was made in accordance with the Madras Medical Service (War Service Personnel) Recruitment Rules, 1945, and that of civilians in accordance with the rules published with Notification No. 174 on page 475 of Part I of the *Fort St. George Gazette*, dated 1st June 1948.

“(c) The reservation of vacancies for war service candidates was made only till 31st March 1947.

“(d) The answer is in the affirmative.

“(e) Only for purposes of computing the age with reference to the age-limit prescribed for recruitment.

“(f) The answer is in the negative.

“(g) Seventy-four posts in the category of Civil Assistant Surgeons—Class I (Men) in the teaching and specialist departments and two posts in the category of Women Assistant Surgeon—Class I in the Gynaecological department were reserved for candidates possessing post-graduate qualifications or at least experience in the concerned speciality.

“(h) The answer is in the negative. Recruitment to the specialists' posts also was made only from among the temporary Civil Assistant Surgeon—Class I.

“(i) The Special Rules for the Madras Medical Service provide for the recruitment of candidates for appointment as Civil Assistant Surgeons—Class I only in certain special departments like Radiology department and the Chemical Examiner's department.

“(j) The reservation of a certain number of posts to candidates possessing post graduate qualification or experience in certain specialities was a departure from the normal recruitment rules. This had to be made owing to the grave dearth of qualified persons for holding posts in Specialist or teaching departments.”

[* 110 Q.—

Mr. PRESIDENT :—“The hon. Member Sri P. R. K. Sarma is not in his place. I will take up this question at the end.”]

Udayarpalayam Teacher Murder Case.

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

(a) whether the case against Sri B. Venkatachalam Pillai, M.L.A., of Tiruchirappalli, known as “Udayarpalayam Teacher Murder Case” has been withdrawn by the District Magistrate of Tiruchirappalli;

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(b) whether the Government directed the case to be proceeded with differing from the order of the District Magistrate and, if so, what the reasons therefor are;

(c) whether it is a fact that the Sessions Judge of Tiruchirappalli who tried the case, acquitted all the accused honourably; and

(d) what the total expenditure incurred by the Government is from the stage when it directed the prosecution of the accused to the time of the conclusion of the case ending in acquittal?

THE HON. SRI K. MADHAVA MENON :—“(a) The answer is in the affirmative.

“(b) On the material gathered by the C.I.D., the Government thought that the matter should be placed before a Court of Law for decision.

“(c) It is true that the accused were acquitted.

“(d) Rs. 16,601-8-0.”

SRI B. BHIMA RAO :—“Sir, what made the Government to presume that the order of withdrawal by the District Magistrate was not proper?”

THE HON. SRI K. MADHAVA MENON :—“Certain prior reports and opinions of the District Magistrate were some of the reasons. Secondly the Government on consultation with their legal officers were satisfied that this was a matter which should be placed before a Court and not left to the decision of the District Magistrate.”

SRI B. BHIMA RAO :—“Sir, was the report from the legal officers called for after directing the prosecution to be proceeded with?”

THE HON. SRI K. MADHAVA MENON :—“Not at all, Sir.”

SRI R. SURYANARAYANA RAO :—“May I know, Sir, whether the C.I.D., reports were before the District Magistrate when he ordered the withdrawal of the case?”

THE HON. SRI K. MADHAVA MENON :—“I cannot say, Sir.”

SRI B. BHIMA RAO :—“Is it not subsequent to the order of the Government that the case should be proceeded with, that the C.I.D., investigated the case and sent their report, Sir?”

THE HON. SRI K. MADHAVA MENON :—“Not at all, Sir. The case was proceeded with after the C.I.D. investigation, and the District Magistrate recommended to Government the appointment of a Special Court and a Special Public Prosecutor. It is after the preliminary investigation of the case, the case was withdrawn.”

SRI B. BHIMA RAO :—“May I know, Sir, the date on which the District Magistrate ordered the case to be withdrawn and the date when the Government directed the case to be proceeded with?”

THE HON. SRI K. MADHAVA MENON :—“Notice, Sir.”

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JANAB ABDUL LATIF FAROOKHI :—" Sir, was any explanation called for from the District Magistrate for ordering the withdrawal of the case? "

THE HON. SRI K. MADHAVA MENON :—" That is a confidential matter and cannot be disclosed."

SRI R. SURYANARAYANA RAO :—" Sir, was not the District Magistrate competent to withdraw the case under the statute? "

THE HON. SRI K. MADHAVA MENON :—" In my opinion, 'no', Sir."

SRI B. BHIMA RAO :—" Sir, was the District Magistrate transferred from his place telegraphically as soon as the news was published that the case had been ordered to be withdrawn by him? "

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

JANAB ABDUL LATIF FAROOKHI :—" Has he been subsequently transferred, Sir? "

THE HON. SRI K. MADHAVA MENON :—" Subsequently number of District Magistrates and Collectors have been transferred, Sir."

SRI B. BHIMA RAO :—" In view of the fact that the accused has been honourably acquitted, do this Government consider it a fit case for awarding some compensation to him? "

THE HON. SRI K. MADHAVA MENON :—" There is no question of honourable acquittal. I find that the judge has acquitted him. If compensation is to be given in every case of acquittal, the Government cannot get on."

SRI R. SURYANARAYANA RAO :—" Sir, do the Government propose to go to the High Court for a review of the judgment of the Sessions Judge, because it has ended in acquittal and according to them the decision is not warranted by facts in their possession? "

THE HON. SRI K. MADHAVA MENON :—" It is not a question of review. It is a question of appeal against acquittal. If the Government are advised by their legal officers that it is necessary, and it is in public interests to do so, we may do it."

Report on the localization of ayacut under the Kurnool-Cuddapah canal.

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

(a) whether the Government have completed their consideration of the report on the localization of ayacut under the Kurnool-Cuddapah canal;

(b) whether the Government will place the report on the table of the House to enable public opinion to express itself on the proposals contained in the report; and

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(c) If the answer to (b) is in the negative, what method they propose to adopt in order to elicit public opinion before they pass final orders?

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

" (b) & (c) The Government have approved the proposal to localise the ayacut under the canal so as to avoid wastage of water under it. A notification will be issued by the Revenue Department inviting applications from the ryots to register their lands as wet or irrigable dry as the case may be. The lands will be registered as per the applications and water-supply to them will be regulated accordingly."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, whether the Government will make that report available to us by placing it on the table of the library? "

THE HON. SRI M. BHAKTAVATSALAM :—" The Government do not consider it necessary to place it on the table."

Copyists of Judicial and Revenue departments.

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

(a) whether the Government have received an appeal from the copyists of Judicial and Revenue departments of Rayalaseema to absorb them into regular ranks of public service and treat them as clerks and accord them the same status, salary and privileges as in the case of clerks;

(b) whether similar representations have been received from other parts of the Province;

(c) whether the Madras High Court has recommended their case for sympathetic consideration; and

(d) whether any action has been taken on the said appeals and if so, what decision has been arrived at by the Government?

THE HON. SRI K. MADHAVA MENON :—" (a) During the first and second weeks of March 1949 printed copies of a representation purporting to emanate from the Judicial and Revenue copyists of the Rayalaseema were received.

" (b) Yes.

" (c) Yes, so far as the copyists of Judicial Department are concerned.

" (d) Orders have been passed accepting the following recommendations of the High Court regarding the copyists of the Judicial Department—

(1) that the remuneration of the copyists may be raised from 15 pies for 150 words to 2 annas for 175 words;

(2) that a machine allowance of Rs. 2-8-0 per month may be given; and

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(3) that the rate of copying charges may be raised from 3 annas for 176 words to 5 annas for 175 words.

"As regards the copyists of the Revenue Department orders have been passed accepting the following recommendation of the Board of Revenue—

(1) that the remuneration of the copyists may be increased by 25 per cent; that is, from 2 annas to 2½ annas for 176 words;

(2) that a machine allowance of Rs. 2-8-0 per month may be given; and

(3) that the value of copy stamp paper may be increased from 3 annas to 5 annas.

"Subsequent to the preparation of this answer, I may inform the House that the service of the copyists has been made pensionable."

SRI B. BHIMA RAO :—"Sir, have the Government fixed any salaries for them?"

THE HON. SRI K. MADHAVA MENON :—"We have fixed a particular salary for them in case they go on leave. A flat rate of pension at Rs. 25 per month for 25 years of service has been fixed for copyists."

SRI R. SURYANARAYANA RAO :—"Do the pension rules apply to the Judicial and Revenue establishment copyists?"

THE HON. SRI K. MADHAVA MENON :—"The orders that have been passed relate to the Judicial establishment copyists."

SRI B. BHIMA RAO :—"What is the period of service that is counted as eligible for a grant of pension?"

THE HON. SRI K. MADHAVA MENON :—"Twenty-five years have been fixed for the grant of pension, and for lesser periods, proportionate pension will be given."

Tractors working in the districts.

* 114 Q.—SRI N. SANKARA REDDI: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the number of tractors working in the Province;

(b) the districts in which they are working and the number in each district;

(c) the total acreage ploughed and the income to the Government in each district; and

(d) whether there is any proposal to establish a workshop to repair the tractors in Rayalaseema?

THE HON. SRI A. B. SHETTY :—" (a) The number of tractors working in the Province is 163.

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"(b) The information is furnished in Part I of the statement laid on the table of the House.

"(c) The total outturn of the tractor during 1948-1949 and 1949-1950 up to the end of October 1949 is given below :—

	ACS.
1948-1949	35,569
1949-1950 (up to the end of October 1949) ...	12,414

"The income to the Government during 1948-1949 in each district is given in Part II of the statement^a laid on the table of the House.

"(d) The answer is in the negative."

SRI M. NARAYANA RAO :—"Sir, have the tractors been distributed equally between the districts?"

THE HON. SRI A. B. SHETTY :—"They have been distributed according to the necessity in each district."

SRI M. NARAYANA MENON :—"May I know, Sir, the number of tractors sent to Malabar?"

THE HON. SRI A. B. SHETTY :—"Four tractors and one bull dozer, Sir."

SRI K. MANATHUNAINATHA DESIGAR :—"Is it not necessary, Sir, that priority should be given to districts in which there is assured water-supply and production also is assured?"

THE HON. SRI A. B. SHETTY :—"That matter is considered by the Joint Director of Agriculture, and the tractors are allotted to each district according to the necessities of each place."

SRI N. SANKARA REDDI :—"Sir, are not these tractors intended for dry cultivation in dry districts?"

THE HON. SRI A. B. SHETTY :—"There is a demand for tractors from all districts."

SRI R. SURYANARAYANA RAO :—"May I know, Sir, whether the Government have any idea of the expenditure incurred in the maintenance of tractors in 1948-49?"

THE HON. SRI A. B. SHETTY :—"Notice, Sir."

MR. PRESIDENT :—"I think the question of the hon. Member Mr. Sankara Reddi is: whether these tractors are useful for cultivating wet lands or whether they are useful only for dry lands?"

THE HON. SRI A. B. SHETTY :—"Tractors are used for ploughing operations as well as for levelling scrub jungle."

SRI N. SANKARA REDDI :—"May I know, Sir, whether these tractors can be used for wet cultivation?"

THE HON. SRI A. B. SHETTY :—"I think so, Sir."

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SRI M. NARAYANA MENON :—" I see from the statement that only one bull dozer is in Malabar. Will the Government be pleased to tell us whether they are prepared to give any more to Malabar, where there is so much demand for it? "

THE HON. SRI A. B. SHETTY :—" We are expecting 78 more tractors. When more tractors are received, we shall be able to supply more tractors wherever they are necessary."

SRI M. NARAYANA MENON :—" Sir, my question refers to bull dozers. From the statement it is seen, only one bull dozer is sent to Malabar. We require a larger number. Will the Government be able to supply some more bull dozers? "

THE HON. SRI A. B. SHETTY :—" If they are available, they will be supplied."

DR. V. K. JOHN :—" Sir, have the Government made an estimate of the tractors required for intensive and extensive cultivation in this Province? "

THE HON. SRI A. B. SHETTY :—" Sir, we require a large number of tractors and bull dozers. But on account of the limited finances at our disposal and the difficulty of getting tractors at present on account of foreign exchange difficulties, we are not able to get the required number."

11.30 a.m. DR. V. K. JOHN :—" I am asking whether the Government have any estimate made as to the number of tractors that would be required for our purposes of cultivation."

MR. PRESIDENT :—" The answer would obviously be that there is no money."

DR. V. K. JOHN :—" Have they made an estimate or not, regarding these things? "

THE HON. SRI A. B. SHETTY :—" It is very easy to make an estimate but the practical difficulty is in getting the required number."

DR. V. K. JOHN :—" I want to know whether the Government have ever gone into the question and made an estimate of the number of tractors required for intensive and extensive cultivation of lands in this Province."

MR. PRESIDENT :—" The answer is obviously 'No'."

THE HON. SRI A. B. SHETTY :—" According to the approximate estimate made, we have got 80 lakhs of acres of culturable waste in this Province and to reclaim them for cultivation by means of tractors and bull-dozers, a large number of them is required. But as I have already explained, it is not possible for us to get the required number."

DR. V. K. JOHN :—" Will the Government consider the advisability of buying tractors and developing lands for purposes of cultivation and then selling these lands on easy instalment payment system to agriculturists? Will they formulate a scheme for that purpose and make a start? "

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MR. PRESIDENT :—" Obviously tractors are purchased by the Government."

THE HON. SRI A. B. SHETTY :—" Yes, Sir, the tractors are purchased by the Government."

DR. V. K. JOHN :—" But I would like to know whether the Government will consider the question of developing, reclaiming and levelling down lands for the purpose of cultivation using tractors and then selling these lands to agriculturists on easy instalment payment system."

THE HON. SRI A. B. SHETTY :—" That matter has not so far been taken up, Sir."

SRI M. D. T. KUMARASWAMI MUDALIYAR :—" May I know of the total extent of wet and dry lands that have been ploughed by tractors in these two years 1948 and 1949? "

THE HON. SRI A. B. SHETTY :—" It has already been answered in reply to clause (c) of the main question."

DR. V. K. JOHN :—" Instead of taking block grants from the Government of India, will this Government suggest to them that they might spend a few crores of rupees, buy tractors, develop uncultivated but cultivable lands in this Province and then

MR. PRESIDENT :—" I think the hon. Member may put down a Resolution for that purpose. It cannot be a supplementary question. This is an important matter involving finance. The hon. Member knows as much as I that he is making suggestions to the Government and not putting questions to them."

SRI R. SURYANARAYANA RAO :—" In view of the disparity seen in the distribution of tractors and bull-dozers and the greater need for them in certain districts like Malabar, will the Government consider once again whether any re-distribution of them could be made on an equitable basis? "

THE HON. SRI A. B. SHETTY :—" I have already said that these tractors and bull-dozers are sent to the different districts according to the needs of each place. I do not think it will be possible to distribute them on an equitable basis in all the districts."

SRI M. NARAYANA RAO :—" May I know if elephants can be used in the place of tractors? Sir, the other day I read in the papers that in Africa elephants were being used rather than tractors and that they were rendering useful service. Has it been brought to the notice of the Government? "

MR. PRESIDENT :—" But what about the cost? "

DR. V. K. JOHN :—" Are the Government aware of it and have they considered the matter? "

THE HON. SRI A. B. SHETTY :—" I would suggest the hon. Member may try the experiment and communicate the results to the Government."

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SRI M. NARAYANA RAO :—" Sir, is it not the duty of the Government to try the experiment rather than ask a private person to do it? I read in the papers that it is cheaper than tractors."

Mr. M. Narayana Menon rose to put a question.

MR. PRESIDENT :—" The hon. Member must give some reasonable opportunity and time to the Minister to reply. He is more anxious to put questions than to get replies."

THE HON. SRI A. B. SHETTY :—" It is entirely a novel suggestion. I do not understand how elephants can be used instead of tractors."

DR. V. K. JOHN :—" Do the Government own elephants?"

THE HON. SRI A. B. SHETTY :—" The Forest Department owns elephants."

MR. PRESIDENT :—" The point is elephants can also drag. What you want is power. The elephant can supply as much power, even better and more power than the tractors. So, it can be used for ploughing purposes. That is the question."

SRI M. NARAYANA RAO :—" Yes, Sir, we may not depend on foreign dollars or currency."

MR. PRESIDENT :—" The Hon. Minister might have read in the papers."

THE HON. SRI K. MADHAVA MENON :—" That was in relation to drawing timber, Sir."

MR. PRESIDENT :—" I remember to have read some such thing that elephants are being used for the purposes of tractors. A question has been put very seriously that the Government can try the experiment."

THE HON. SRI A. B. SHETTY :—" I cannot say whether elephants can be used with advantage for ploughing purposes. I am not aware of any such use being made of elephants."

SRI R. SURYANARAYANA RAO :—" May I know whether in allotting these tractors and bull-dozer, culturable waste has been taken into consideration or whether they are allotted according to the whims and fancies of the officer in charge?"

THE HON. SRI A. B. SHETTY :—" According to the needs of each place."

DR. V. K. JOHN :—" Are the Government aware that the general public feeling is Government do not help agriculturists to grow more food by the help of tractors or anything else?"

THE HON. SRI A. B. SHETTY :—" I do not think the hon. Member is correct. There is very great demand for tractors and bull-dozer from every district, but we are unable to supply them."

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DR. V. K. JOHN :—" Sir, my question is this. Are the Government aware of the general public feeling that the Government are not effectively helping agriculturists by supplying sufficient number of tractors?"

THE HON. SRI A. B. SHETTY :—" Government are helping the agriculturists to the extent they can."

DR. V. K. JOHN :—" Is it suggested that the Government are helpless in giving sufficient number of tractors?"

SRI R. SURYANARAYANA RAO :—" May I know how the needs of each district are assessed, if not on the basis of culturable waste?"

THE HON. SRI A. B. SHETTY :—" I think the needs are assessed on the extent of land that could be reclaimed and the necessity for ploughing lands in particular places."

SRI M. NARAYANA RAO :—" Is it not obviously advantageous to encourage ploughing by bulls rather than import tractors?"

THE HON. SRI A. B. SHETTY :—" On account of the shortage of labour now and the lower cost at which the lands could be ploughed by means of tractors, people are demanding tractors."

DR. S. GURUBATHAM :—" From the figures in the statement laid on the table of the House, it is seen that Tanjore has got 12 tractors and 2 bull-dozer, whereas Malabar has got only 4 tractors and 1 bull-dozer. Tanjore is full of paddy-growing wet lands and if Tanjore could have got 12 tractors, on that calculation Malabar must have more. I want to know whether Tanjore has got more waste lands so as to demand 2 bull-dozer whereas Malabar has got only one bull-dozer. I want to know what is the equitable distribution in this?"

THE HON. SRI A. B. SHETTY :—" In regard to these details, I am not in a position to answer. In Tanjore there are many mirasdars and probably they want to use more bull-dozer."

SRI M. NARAYANA MENON :—" Does it mean that these tractors are intended only for mirasdars? What about ordinary cultivators?"

THE HON. SRI A. B. SHETTY :—" The mirasdars are owners of big tracts of land. They carry on cultivation on a large scale and they require modern machinery."

SRI K. MANATHUNAINATHA DESIGAR :—" Have not the Government got more foodgrains from Tanjore by giving larger number of tractors to Tanjore?"

THE HON. SRI A. B. SHETTY :—" It may be so, Sir."

DR. V. K. JOHN :—" Will the Government at least now make a list of waste lands on which tractors and bull-dozer could be used and then distribute them equitably throughout the Province so that there may be no complaint from any district?"

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THE HON. SRI A. B. SHETTY :—" Taking into account the culturable waste in each district, tractors and bull-dozer will be made available according to its requirements."

SRI M. NARAYANA MENON :—" Was the bull-dozer sent to Malabar for agricultural purposes or for malampuzha purposes? "

THE HON. SRI A. B. SHETTY :—" I do not think I can answer all these questions."

SRI N. SANKARA REDDI :—" Are the Government aware that the low production is due to the tractors being in disrepair always and not working properly so that they could not be used for cultivation purposes? "

MR. PRESIDENT :—" I do not know if the Hon. Minister is aware of it, but I am aware of it."

THE HON. SRI A. B. SHETTY :—" I do not think the tractors are always in disrepair. There are two tractor workshops, one in Bapatla and the other in Coimbatore, and agricultural engineering staff is provided to attend to this work in the various districts."

SRI M. NARAYANA RAO :—" Is any training given to these people before they are put to this work? "

THE HON. SRI A. B. SHETTY :—" Yes, certain people are trained at the Central Tractor Organization at Delhi."

Closure of the Engineering College in the Annamalai University.

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

(a) whether the Government have received representations from the parents of students and others regarding the closure and lock-out of the Engineering College in the Annamalai University:

(b) whether the Government have caused any enquiry to be made regarding the incidents and circumstances leading to the closure of the above college; and

(c) whether the Government are in possession of the said facts, and if so, whether they will lay a statement relating to the same on the table of the House?

THE HON. SRI K. MADHAVA MENON :—" (a) There is no question of 'closure or lock-out', as the University College is not a factory. The Government have received a representation regarding the postponement of the date of reopening of the College of Engineering and Technology after the Dasara holidays.

" (b) & (c) No enquiry has been made by the Government. The Government understand that the Vice-Chancellor has decided to reopen the College of Engineering and Technology on the 7th December and to readmit students against whom disciplinary action has been taken on certain conditions except six of them."

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DR. V. K. JOHN :—" In view of the public agitation against what has happened with the Annamalai University, will the Government have an inquiry instituted on the events that led to the closing of the college and classes? "

THE HON. SRI K. MADHAVA MENON :—" The public agitation has been on the indiscipline of the students which has to be stopped and not about the action of the Vice-Chancellor."

SRI B. BHIMA RAO :—" Is it not the duty of the Government to cause an enquiry to be made why the college has been closed and find out what the doings were that led to its closure and what the facts really are? Is it not their duty to enquire into this expeditiously, for the students are losing their study for about three months? "

THE HON. SRI K. MADHAVA MENON :—" The college has been reopened on the 7th December. I have already said so. Apart from that, the Government are more anxious to get full information about this matter. From the report of the district officers as also the report of the Director of Public Instruction, it is felt there is no necessity to cause an inquiry and the Government are satisfied that the Vice-Chancellor's action was right and the postponement of the opening of the college was quite necessary."

DR. V. K. JOHN :—" Are the Government aware of the public feeling that the authorities have been too harsh upon the students? "

THE HON. SRI K. MADHAVA MENON :—" Not at all; on the other hand, I feel that the authorities have been too generous in the matter."

DR. V. K. JOHN :—" I am not asking what the feelings of the Minister are. I am asking whether the Government are aware of the public feeling that the authorities have been too harsh upon the students."

THE HON. SRI K. MADHAVA MENON :—" I was reflecting the public feeling when I said that the authorities have been too generous."

Report regarding the working of the Government Press.

* 110 Q.—SRI R. SURYANARAYANA RAO (on behalf of Sri P. R. K. Sarma) : Will the Hon. the Minister for Education be pleased to state—

(a) whether the Committee appointed by the Government to enquire into the working of the Government Press has finished its labours and submitted its report;

(b) if the answer to (a) is in the affirmative, what the recommendations are and what action has been taken or is proposed to be taken on the same; and

(c) whether a copy of the report will be placed on the table of the House?

THE HON. SRI K. MADHAVA MENON :—" (a) Yes.

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"(b) & (c) The report is under consideration of Government and is treated as confidential."

11-45 SRI R. SURYANARAYANA RAO :—" Will the Government
a.m. publish the report when they come to a decision on the recommendations? "

THE HON. SRI K. MADHAVA MENON :—" When it is no longer confidential, it will be published if necessary."

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

II.—ADJOURNMENT MOTION *RE* THE REGULATION OF ELECTRIC SUPPLY FOR AGRICULTURAL PURPOSES.

MR. PRESIDENT :—" I have received notice of an adjournment motion from Sri Narayanaswami Nayudu."

THE HON. SRI M. BHAKTAVATSALAM :—" Sir, I would suggest that the hon. Member may ask for leave to-morrow. If you permit me, I will make a short statement after question time and I hope it will satisfy the hon. Member, and he may not ask for leave."

MR. PRESIDENT :—" The suggestion is that the Hon. Minister will make a statement and on that statement if the hon. Member wants to press for his motion, he can do so."

SRI B. NARAYANASWAMI NAYUDU :—" I agree to it. May I know whether this motion will stand or whether I will have to move it again to-morrow."

MR. PRESIDENT :—" The hon. Member may move it to-morrow."

III.—MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT :—" I have to announce to the House that I have received a message from the Hon. the Speaker of the Madras Legislative Assembly, dated the 12th January 1950—

"In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras Village Panchayats Bill, 1949 (L.A. Bill No. 22 of 1949), as passed by the Assembly on the 12th January 1950, and signed by me for the concurrence of the Council."

IV.—ANNOUNCEMENT BY THE PRESIDENT.

Visit of the Speaker of Central Assembly.

MR. PRESIDENT :—" I wish to inform the House that Sri G. V. Mavalankar, Speaker of the Central Assembly, is visiting this House to-morrow at 11 of the clock. I have to request all the hon. Members to be present in as large numbers as possible so that we may be able to present a full House to him, and especially I may request the Hon. Premier and other Ministers to be present."

THE HON. SRI K. MADHAVA MENON :—" And make the question hour as interesting as possible." (Laughter.)

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V.—GOVERNMENT BILL.

THE MADRAS VILLAGE PANCHAYATS BILL, 1949
(L.A. BILL NO. 22 OF 1949).

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

'that the Madras Village Panchayats Bill a, 1949 (L.A. Bill No. 22 of 1949), as passed by the Legislative Assembly be taken into consideration at once'.

"On 30th June 1949, when I moved this House for setting up a Joint Select Committee to consider the Bill I dealt at length with the need for bringing forward this long awaited legislation. The basic principles and policies underlying the Bill are to revitalise the panchayats and make them autonomous and self-contained units of local administration enjoying the independent powers in all matters relating to village life and rural economy limiting outside control as far as possible consistent with efficiency and integrity in working. The Bill in its original form has undergone some changes both at the Select Committee and at the Legislative Assembly. I will now refer in brief to some of the salient changes that have been made. /

"*Reservation of seats.*—Representation of minority communities and women was provided in the Bill by means of co-option. It was generally felt that such a system would perpetuate communal divisions and by that method democracy in villages would be greatly hampered. It was accordingly given up. But having regard to the wishes of the Harijan representatives, and the special recognition given to the Harijans under the Indian Constitution Act, reservation of seats for the members of the Scheduled Castes has been made for a period of ten years. I hope that the Harijans themselves will come forward and give up this reservation even at an earlier date.

"There is also the exclusion of the village headman. The Bill provided for the association of village headman on panchayats as ex-officio member without the right to vote on the ground that his experience of village affairs would be useful to the panchayat. In deference to the wishes of a large number of members in the Assembly, this clause also was not calculated to the efficiency or smooth working of panchayats, this provision has been deleted. Provision has been made to enable the Inspector to appoint such engineering staff as may be necessary for a panchayat or a group of panchayats. Under the new scheme a large number of panchayats will come into being. As the Inspector will not be able to supervise the administration of these panchayats singlehanded, provision has been made for the appointment of regional inspectors and inspectors to assist him in his work. A great deal depends upon the guidance which those supervisors give to the panchayats, especially in their infancy. I reiterate what I have stated elsewhere that utmost care will be taken to see that the interference

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of the Inspector and his assistants in the administration of the panchayats will be directed only towards the advancement of those small democracies on proper lines for fostering their initiative.

Augmenting resources.—It is necessary that panchayats should develop enough resources to discharge their responsibilities for improvement of village. With this end in view, two more items of levy of duty on transfers of property, viz., exchange of immovable property and perpetual leases of such property have been added to the items of statutory income. The levy of a fee on commercial crops such as groundnut, cotton, tobacco, etc., bought and sold in the village has been added to the list of optional taxes, in the place of the levy of a cess on entry of goods in the village, which would hit the poor villager.

“Another means of increasing the resources of the panchayats is by the provision made for discontinuance of private markets in panchayat areas, except those the income derived from which is used for religious, charitable or educational purposes. Panchayats will set up their own markets in the place of prohibited private markets.

Entrustment of judicial functions to all panchayats.—The Bill originally provided for vesting judicial functions in bigger or class I panchayats to begin with. As the scheme is likely to be more successful in smaller panchayats where communal divisions are less marked, provision has now been made for entrustment of these functions to all the panchayats.

“A good deal of attention was focussed in the Lower House on the provision regarding the election of president by the entire electorate in the village instead of by members as at present, and the appointment of executive officers. Apprehensions were raised in regard to direct election of president that it would seek to create faction between members and the president who does not owe his position to the members and that the smooth working of the panchayat will be greatly jeopardised. May I ask, Sir, is there no friction now between the President who is elected by the members and the members? So long as the party system is in vogue, there is bound to be opposition and competition. But such competition and opposition should be directed on healthy lines and this depends upon the outlook of the people. The virtue of direct election of president is that it will bring the villagers together to close up their ranks and elect a local leader. Particularly in the interests of minorities this is a salutary provision, for it will make them combine together to express their choice of a local leader. It is my firm conviction which has been shared by several hon. Members here and elsewhere that this system will serve to obliterate class or caste distinction in villages and help to secure village leadership which was a marked feature in our ancient villages. He will be a healthy link between the people and the higher authorities of the Panchayat administration.

“As regards the power of appointment of Executive Officers vested in Government, it has been stated by some that it will be used to negate village autonomy and that the President who is

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elected by the entire village should not be distrusted in carrying out the functions properly. I may at once tell the hon. Members of this House, that nothing is farther from the intention of Government than this. I assure them that the appointment of Executive Officers will be made only to bigger panchayats where the honorary president cannot bestow his full time for carrying on the administration and to panchayats the administration of which is not carried on properly and which can afford to pay an executive officer. Surely in any system, there are bound to be lapses and suitable safeguards have to be provided to meet them. The appointment of executive officer is intended to be a corrective against lapses in the administration of panchayats. It should be clearly understood that in any case the Executive Officer is there only to carry out the resolutions of the panchayat and the day to day administration according to the behests of the panchayat. So it cannot be said that the appointment of Executive Officers to panchayats is a negation of democracy; it is to help panchayats to carry on their administration efficiently.

“The Bill has been conceived to make the administration of panchayats broad-based. The clauses have been drafted with due regard to the suggestions and criticisms received from various associations and individuals interested in the panchayat movement, calculated to secure the rehabilitation of villages. With these few words, I move that the Bill as passed by the Assembly be taken into consideration.”

MR. PRESIDENT:—“The question is—

“that the Madras Village Panchayats Bill, 1949 (L.A. Bill No. 22 of 1949), as passed by the Legislative Assembly be taken into consideration at once.”

SRI B. BHIMA RAO:—“Sir, I want to say a few words.”

MR. PRESIDENT:—“May I know from both sides of the House how much time they want to devote to this Bill?”

DR. V. K. JOHN:—“Sir, we are not moving any amendments, because we know that our amendments will not go through, but we would like to speak at length on the general principles underlying this Bill.”

MR. PRESIDENT:—“I would like to say few words tomorrow on the attitude which the Opposition has evinced in their desire not to take part in these matter. After hearing my views if they have the same attitude that is a different matter. But I expect that there will be a change, and if there were any amendments. I am prepared to allow some amendments even tomorrow. But apart from that I would like to know what time the hon. Members would like to have either for general discussion or for amendments. I may tell the House that I have no desire to curtail the discussions—either on amendments or on the general principles.”

DR. V. K. JOHN:—“I think we can get through this Bill today and tomorrow.”

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THE MADRAS VILLAGE PANCHAYATS BILL, 1949
(L.A. BILL NO. 22 OF 1949)

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* SRI B. BHIMA RAO:—" Sir, I wish to say a few words on this important measure. I must confess that I am one of those who is sceptical and even pessimistic with regard to the extension of adult franchise and the constitution of panchayats on that basis. But when we refer to the speeches of Dr. Ambedkar and Dr. Rajendra Prasad, President of the Constituent Assembly, before adjourning the Constituent Assembly to the 24th and 25th instant. I may take credit for being one of those who feel that whatever our personal views may be we have to subordinate them to the opinion of the leaders for whom I have the highest regard and greatest respect.

12 noon. " They have launched upon this wide programme of having elections on adult franchise and the same principle is to be applied in the case of election of presidents and vice-presidents and members of the panchayats to be constituted under this measure. When the Bill was published early in June last year, I consulted several of my constituents who returned me to this Council thirteen years ago, with regard to certain of its provisions; for instance, I consulted them with regard to the power of registration conferred on the president by this Bill and everyone of them said ' kindly do not have this applied to my district '. I am very sorry to mention the fact, Sir, that although there are about 975 villages in my district of Bellary, most of them are factious. About eight years ago when most of you were in jail, the Advisers' Government wanted to constitute at least half a dozen villages in every district into model villages in which they could have dispensaries, neatly laid roads, elementary schools and so forth and the then Collector of the district—he is unfortunately no more now—he died of heart-failure at Ootacamund—reported to the Government that there was absolutely no village in Bellary which was free from faction and party politics. He also mentioned this fact to me and said, ' if there are some villages in the district where there are no factions please give a list to me of a dozen such villages '. Sir, I consulted thereupon some of my friends and with very great difficulty gave a list of six villages out of 975 where the scheme of model villages could be tried . . . "

SRI R. SURYANARAYANA RAO:—" May I know whether in the list of the hon. Member was included Belladonna."

SRI B. BHIMA RAO:—" I did not include that village because it is highly factious and at that time there were some murder cases in that village. (Laughter.) Finally, Sir, that scheme was applied by the Government to only two villages in Bellary district and in only one of them it has been successful. I was present in the Legislative Assembly on the 5th and 6th of this month when this measure was being discussed there. The Members there wanted that the original clause 8 should be deleted which provided for the patel or headman of every village becoming an ex-officio member of the panchayat constituted for that village but not entitled to vote at the meetings of the panchayat. I was keenly watching the proceedings on both these days and found a number of Members recounting their experiences in the villages wherein the Reddi stands on one side

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and the karnam on the other and in between them the village becomes factious with the result that they resort to litigation, civil and criminal. The Members with one voice demanded that that clause should be deleted and my Hon. Friend, the Minister for Local Administration acceded to it. Now the village headman and the karnam are out of the field and I believe the working of these panchayats will be more smooth. But still there are certain suggestions which I would like to make for the better working of the panchayats. Sir, I would suggest to the Hon. the Minister that the procedure laid down in clause 3 of the Bill may be more amplified before taking action under clause 4 of the Bill as it has now emerged from the Assembly, in constituting panchayats. In other words, fuller instructions may be given to the Inspector who goes to the villages to make enquiries as to the desirability of constituting any village into a panchayat under the Act. He must be asked, if a village is so faction-ridden as to be unsuitable to have these panchayats, to report to the Government that the Act should not be applied to that village and that it should not be constituted as a panchayat. But, Sir, I find that clause 4 is a very very mandatory one. As soon as a notification is made, the clause provides, a panchayat shall be constituted for each village with effect from the date specified in that behalf in the notification issued, that is under section 3, sub-section (1) of the Act. I submit that if the preliminary enquiry by the Inspector reveals the existence of factions in a particular village, that village should be exempted from the provisions of this Bill, if it is not possible to get rid of the factions. It would be better if the Act is not made applicable to these villages in the interests of the villagers themselves. For when such an enquiry is held and the decision as I have mentioned just now is taken, I think it is possible that the parties may come together in course of time and put forth a joint demand for the introduction of the measure. Sir, you might be aware that often when security proceedings are launched under section 107 of the Criminal Procedure Code, a better sense comes to prevail among the villagers, they come to terms and file petitions before the District Magistrates for withdrawing all the cases saying that they have composed their differences. So also here, seeing that there will be better amenities for them if they only compose their differences and give up factions, the villagers may come together. It is quite possible and it is very likely also that, when the Inspector goes to the village and makes a preliminary enquiry in this direction, the villagers may make a statement signed by them before him that they have given up all their quarrels and that this measure should be made applicable to their village also. Therefore, Sir, I submit that in this respect fuller instructions should be given by the Government to the Inspector to make a complete and thorough enquiry before a notification is made.

" Now, Sir, I would like to make a few observations with regard to one or two of the other clauses. I have proposed an amendment in this connection which, if there is a satisfactory response from the Hon. the Minister, I do not want to press. Sir, one clause which created consternation in my district among the intelligent

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constituents to whom the various clauses were read out, is clause 133 wherein certain provisions of the Indian Registration Act, 1908, are sought to be made applicable to these panchayats, and the presidents have been empowered to register certain documents. The original sub-clause (a) of this clause read like this:—

‘133 (a) . . . stamp duty or registration fees’.

Now it has been amended as ‘stamp duty and registration fees’. That is to say, under the original clause, even wills could be registered by these presidents or other executive officers. You are aware, Sir, how in factious villages wills spring up immediately after the death of a wealthy man attested by a number of persons—10 or 15—which number itself will throw suspicion upon the authenticity of the will. Such a document was sought to be registered by the president or the vice-president or the executive authorities under the original clause. Naturally people were apprehensive that such powers should be conferred on these authorities. Now the expression used is ‘and’ instead of ‘or’ which found a place in the original clause, and this is due to an amendment proposed by my Hon. Friend, Mr. Chandramouli, during the Select Committee stage. I have been racking my brains for the last three or four days to find out if there is any document which is both exempt from stamp duty and registration fees. Although the Stamp Act provides for a number of exemptions from payment of stamp duty yet there is absolutely no provision in the Indian Registration Act granting exemption from payment of registration fees. Even if the Government present a document for registration, they may not be subject to stamp duty but they must pay the registration fees. I do not know, therefore, what documents the Hon. the Minister refers to in sub-clause (a) of clause 133. I have also consulted some registration authorities and they inform me that there is no document which is both exempt from stamp duty and registration fees. If there is, however, any such document, it may be expressly laid down rather than giving powers to the president or the vice-president who has not got adequate knowledge of law to interpret whether any document comes under that category. Even the High Courts are differing with regard to the registrability of some documents. In the case of mining leases, the Bombay and the Allahabad High Courts have held that the Government are bound by the provisions of the Registration Act and that those documents must be registered but the Madras High Court holds otherwise. When such is the case, I wonder how a village panchayat president can determine which document comes under this category. I think Sir, in order to remove any doubt or difficulty, the draftsman of this clause ought to have specifically and expressly mentioned a list of documents in an annexure or in a separate schedule which the panchayat could register.”

MR. PRESIDENT:—“Perhaps the idea of the Government is to do it under the rules.”

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P.M.

SRI B. BHIMA RAO:—“It would then come under the category of the mischief of delegated legislation. Clause (b) speaks of ‘all or any documents which are classified by rules made under

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this Act, as documents of an ephemeral nature.’ If clause (a) also refers to such a procedure as clause (b), then clause (a) is quite redundant. If only clause (b) is retained, it will come within the mischief of delegated legislation. We have had so many rulings of the Federal Court and the other courts last year wherein they have condemned delegation by legislature to the Government to make a list of subjects in which powers can be exercised, which only a legislature can perform. With regard to this clause I have moved an amendment that the whole clause may be deleted, because it is very difficult for the ordinary president of a panchayat board to comprehend the nature of these documents and we cannot leave it to the rule-making power of the Government.

“Similarly, Sir, with regard to clause 133, where the Government want to take power to decide questions of difficulty, I have proposed an amendment that instead of the Government it should be—

‘a committee of the Legislature, consisting of eleven members, to be annually elected by them, of whom the Minister for Local Administration shall be one and be the Chairman thereof.’ And then, I have also provided that—

‘A report of the action taken by the committee, shall be laid before the Legislature at the next meeting after the decision, for their approval.’

That would remove any difficulty or objection on the ground that it is delegated legislation. With these remarks, I support the measure. The Hon. Minister may consider these difficulties and resolve them before the Bill is finally adopted.”

* DR. V. K. JOHN:—“Mr. President, Sir, this is a very important measure which touches all villages, 54,000 in number. There are now 7,200 panchayats out of which 374 are major panchayats. They are also going to be affected. I do not think that any measure which has come before this House till now is so important as this in touching the lives of the people in the villages. But I find that all the Ministers except one are absent from this House and even the attendance of members on the Congress benches is very poor. We have probably only as many members on that side as on this side of the House. Sir, I do not regret that Ministers are absent from this House, because as I have said recently and as I emphasise it again, this House is a mere post office and they do not care what discussion takes place here, what suggestions are offered and what criticisms are made in this House. Therefore I do not regret that Ministers are not here now although you made an appeal to them that, tomorrow morning when the Hon. Speaker of the Central Assembly will be here, they may be present here. To treat this House in the manner the Government have been treating it, is very bad indeed. That is why, Sir, you have referred to . . .”

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MR. PRESIDENT :—" Before the hon. Member proceeds further, may I ask him to tell me if he thinks that more Ministers should be present here now? "

* DR. V. K. JOHN :—" While a measure which touches the life of every individual in these 54,000 villages is under discussion here, every Minister, if he is interested in the public welfare and in the proceedings of this Council, should be present here. If not, the usefulness, the dignity and the prestige of this House are at stake."

MR. PRESIDENT :—" With regard to this point, I do not know even in the other House all the Ministers were present."

THE HON. SRI K. MADHAVA MENON :—" Only the Minister concerned was present there."

MR. PRESIDENT :—" Let not the hon. Member therefore proceed in that strain. If any difference is shown between this House and the other House, then it is a different matter. In both the Houses, the concerned Minister has been attending. If really the hon. Member wants any other Ministers to be present, he may tell me."

* DR. V. K. JOHN :—" It would then be arguing in a vicious circle: Ministers are not present in the Upper House because they were not present in the Lower House and vice versa. But I ask, Sir, in regard to a measure which affects the lives of men, women and children in 54,000 villages, should not all the Ministers be here? If they think that some useful suggestions and criticisms will be made on the floor of this House, they ought to be here, but if they simply think that it would be one or two days wasted, they need not be here. It is not because the Ministers are not in the City; they are in the City. I used to regret the absence of Ministers before and request you to call them to attend the House. The prestige, dignity and the usefulness of the House are at stake. I have repeated several times that Ministers should not treat this House with scant courtesy by their absence when such an important measure is being discussed. I stop with that."

" Sir, this is a very important measure. While I congratulate the Hon. Minister on his good intentions and knowing him as I do, his intentions are sincerely expressed,—I regret to say that this measure does not in the least carry out the intentions which he expressed in his speech or the intentions of the framers of the Constitution of India. Article 40 of the Constitution laying down the directive principles of state policy states that the State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of Self-Government. The Government should have copied or adapted the provisions of this constitution in framing their Panchayat Bill. Now India has become a free country and a self-governing country. The provinces (or the states as they will become after the 26th instant) are given a large measure

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of autonomy. Similarly the villages also should be made units of Self-Government. The Indian Constitution should be adapted or copied for framing the constitution of the village panchayats, but instead of that they have copied the City Municipal Act, the District Municipalities Act and the Local Boards Act and copied them in a manner which has destroyed Self-Government in the villages. If they had the same intelligence, the same idea, ideology and the principles before them, they should have constituted the panchayats as self-governing units with a council of 25 or a smaller number of persons, with Ministers or men taking their place and doing the work of Ministers—Ministers for Education, for Public Health, for Industries and so on—just as we have in the provincial administration. That is what they should have done. These people will be responsible to the Council. The law will be regulated by the Council. Then we would have given effect to the directive principles of the Constitution of India of which we should all be proud. But what have the Government done here? Is there a Minister for Public Works or a Minister for Education or a Minister for Industries in these panchayats? There is the executive officer appointed by the Government. The Government can exercise their patronage and appoint 20,000 executive officers. Any one who has read article 40 of the Constitution of India will be sorely disappointed when he sees how the Government have gone against the very principle, the very idea and the ideology of article 40 of the Constitution of India. The genius of our people, in ancient times, before the foreigners came to our country, expressed itself in village republics. Historians have recorded the efficiency, the prestige and the high stature of the village republics. The foreigner came here and he reduced all that to nothing. Now our government has come and the framers of our Constitution have said that we must have real autonomous villages just like autonomous provinces (or states). For that purpose, the first thing that is required is a free election where all adults will vote and elect members for a Council or Assembly or Parliament of the village, whatever you call it. They will legislate for the village. There will be a Cabinet responsible to that Council for administering the affairs of the village. But what is the definition of a panchayat given in this Bill? It says—

" " Panchayat " means the body constituted for the local administration of a village under this Act."

Can insincerity go further? I do not call it ' dishonesty '. Does the panchayat administer the village at all? It is the executive officer appointed by the Government who does it. It is the Inspector of Local Boards or the Minister of the Government sitting here in Madras who administers the panchayats. I challenge every member on the other side of the House; I challenge the Hon. Minister. After I remarked that only one Minister was present here, another Minister has come in and I ask him ' Is it not merely a measure to tax the poor people in the villages? Is not the primary object of this Bill to tax the poor people in the village? ' Why? Simply because you have exhausted your sources of taxation.

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12-30 p.m. This province has got the notoriety of being the most highly taxed province not only in India, it is perhaps the most highly taxed province in any part of the world. You have exhausted your resources and therefore you have now taken to the idea of collecting taxes from the poor people in the village. Clause 63 of this Bill says: 'Every panchayat *shall* levy in the village a house-tax, a profession-tax and a vehicle tax'. Again, sub-clause (2) of the same clause says: 'A duty *shall* also be levied in every village on certain transfers of property in accordance with the provisions of section 67'. Again, *shall* levy. The bureaucratic British, foreign Government did not go to that extent. What did they say in the City Municipal Act? Section 99 of the City Municipal Act says: 'The council *may* levy a property tax, a tax on companies, a profession tax . . .'. It is left to them to levy it or not. The Local Boards Act in section 75 (1) says: 'The District Board may, by a resolution, determine that any of the following taxes shall be levied'. There also '*may*'. Section 78 (1) of the District Municipalities Act says: 'Every municipal council *may* levy a property tax, a profession tax,—so, even here '*may*'. Do you call it Self-Government when the panchayat has no option to levy or not to levy a tax? That option which was given under the previous Acts passed by the Britishers is denied to these panchayats now, which they say are self-governing institutions. Sir, we have heard in political history that the people in England fought the Parliament saying 'you cannot have tax unless there is representation'. Here, who is the person to impose this tax? In a self-governing unit, it is that unit itself which ought to levy the tax. But here in this Bill you find '*shall* levy a tax'. What will happen? You will be collecting as much money as you can from the villagers and you will be spending it there itself without discharging the responsibilities which the Government of this province have been discharging up to this time. You are now taking away those responsibilities in regard to roads, in regard to health, education and everything else, and you are collecting taxes from these poor villagers. In this province, the attempt is made by this Government to make every man a tax-payer and every other man a tax-payer and a tax gatherer. In this attempt, which I would call a nefarious attempt—by introducing what is called a local self-government measure, they have provided that the tax is compulsory in the villages. And who wants this Act in the villages? The villagers will never want it; this is the most unpopular Act which will be on the Statute Book, the people in the villages are not given the freedom to levy or not to levy a tax, nor to prescribe the maximum or the minimum amounts; it is the Government which will prescribe them. And yet you want to call these self-governing institutions.

"Another provision which is meaningless which puts a premium on collecting the full tax is clause 71 which says: 'the Government shall set apart every year a sum not being less than twelve and a half per cent of the total land revenue (including water-cess) collected in the province during that year and distribute such sum in the prescribed manner as grants to Class II

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panchayats on the basis of their population'. And according to clause 5, Class I panchayat is one 'with jurisdiction over a population estimated at not less than five thousand and with an estimated annual income of not less than ten thousand rupees' and all the other panchayats are Class II panchayats. Can anybody with any intelligence think of introducing a provision like the one we find in clause 71? This is a thoughtless piece of legislation from many points of view. It is not local self-government at all. If you have allowed the panchayats the option to impose or not to impose any tax, surely they will sound public opinion and find out what taxes are popular and what taxes are unpopular and what taxes can easily be collected and then they will decide. But now you compel them to collect various taxes by legislation, not at their option, although the municipalities, the local boards and the City Council are all given the option now and they are still exercising that option. The Hon. Minister tells us: 'Oh, we are introducing local self-government'. This is self-government to an institution which has not got the option or freedom to levy a tax or to fix the maximum and minimum!

"Now let us look at the other clauses of this Bill which is acclaimed to be a local self-government Bill. Sir, I was told, and I read in the papers that a chorus of tribute was paid to the Hon. Minister on introducing this Bill, at the end of the discussions in the other House. In spite of the fact that I am a good friend of the Hon. Minister, I am sorry, Sir, I cannot share in that chorus of tribute paid to him. For, look at these self-governing institutions. Who is to administer this institution?—the executive officer, a whole-time executive officer appointed and paid by the Government. Clause 28 says: 'A whole-time executive officer shall be appointed by the Government for any panchayat which may be notified by them in this behalf'. Why by the Government, I ask? And yet why call it a self-governing institution? Are the Ministers of this Provincial Government to be appointed by the Central Government? After all, they are also our Government; and in that case, will we have any self-government? The question is: 'are you going to have units of self-government?' Then, I say you must leave everything to the self-governing institution."

SRI S. B. ADITYAN:—"In small panchayats, the presidents will be the executive officers."

* DR. V. K. JOHN:—"My friend the Government Whip says that in small panchayats the presidents are executive officers; but according to population and income—who appoints the executive officer? I think my friend is a very good advocate for the Government."

"And so far as the executive officer is concerned, let us look at his functions. The Hon. Minister read something from typewritten notes this morning and I heard him say that the executive officer is only to carry out the directions of the panchayat. But has he read through clause 30 of the Bill and the various powers given

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to the executive officer under clause 29? If you read carefully, you will find that the executive officer is the one man who is given power to administer the panchayat, not the president who can be removed by the Inspector or by the Government whenever they like. It is only the executive officer who has got the authority, the power, the function and the responsibility to carry on the administration of the panchayat, and he is appointed by the Government. Why by the Government, I want to know; probably because this Government think there may be twenty thousand persons to be appointed, why not exercise the patronage and why leave it to the panchayat? And yet, you call it a self-governing institution, you publish it all over the world, you tell the newspapers and say that leaders also should be written! That is how the Madras Government have introduced this Bill to make panchayats self-governing units; but what is it that will happen? Their own men will manage everything, the men whom they will appoint. Yet, the Hon. Minister tells this House that the executive officer will only carry out the instructions of the panchayat. Let him study the clauses of this Bill carefully if he has not already done so. The executive officer is a man who although he has to carry out the decisions of the panchayat can still report to the Government and need not carry out the decisions of the panchayat in all matters; he is the man to carry on the administration." (At this stage, the Speaker had some consultation with Sri Narayanaswami Nayudu.)

SRI S. B. ADITYAN :—"Is it in order, Sir, for the hon. Member to interfere in the course of a speech?"

MR. PRESIDENT :—"The hon. Member was telling the Doctor something."

DR. V. K. JOHN :—"I do not take it as an interruption, Sir. A member of my party made a suggestion; he asked me a query and wanted to point out a clause to me; I do not think it is an interruption at all; but the Whip is interrupting me. I am not at all moved by that."

MR. PRESIDENT :—"I do not want any interruptions when a member is speaking. There is a definite rule that unless it affects a member or something particular by way of personal explanation is necessary no interruption should be made. Every member has got the right to speak and an opportunity will be given to him. It is better we do not interfere with speeches."

THE HON. SRI K. MADHAVA MENON :—"Even in Parliament, interjections are allowed."

MR. PRESIDENT :—"Interjections are different."

* DR. V. K. JOHN :—"I am glad the Chief Whip will have an opportunity to speak. Now that you have assured him, I think he will not worry when I am speaking."

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"Now let us take the establishment required; who is to appoint them? Again the Government, i.e., the Inspector of Local Boards who has got every power; he can even dismiss the president. Under the chapter 'Control', the Inspector shall supervise the administration of all panchayats in the province, i.e., under clause 42. Sir, I do not want to take up the time of the House in going through all the clauses; but you will find that the person who has full authority in respect of almost everything is the Minister or the Government, or their own officer, the Inspector of Local Boards or the men appointed by the Government as executive officers or as staff. In other words, the Government will appoint thousands and thousands of officers and exercise patronage; and yet they call the panchayats 'units of self-government'."

MR. PRESIDENT :—"Does this Bill call them units of self-government?"

* DR. V. K. JOHN :—"A panchayat is defined as a 'body constituted for the local administration of a village under this Act'; it is a false definition and a court of law will say this is not a definition which is borne out by the provisions."

MR. PRESIDENT :—"Evidently the Government have not taken up the work of forming units of self-government; it is only local administration."

* DR. V. K. JOHN :—"I remember the Hon. Minister saying that the object was to have autonomous units of administration; and I have made a note of it, with great regret that one who is responsible for this Bill, should make a speech which is only for the Press. A Government may live on promises and propaganda, but this kind of propaganda when a Bill is introduced and when we know what this Bill is . . ."

THE HON. SRI K. MADHAVA MENON :—"Are the speeches of members not meant for the Press?"

* DR. V. K. JOHN :—"Is he speaking for himself or for somebody else?"

THE HON. SRI K. MADHAVA MENON :—"If it fits him, let him take it, Sir."

* DR. V. K. JOHN :—"I do not see, Sir, why my friend should get out of temper. I am smiling, smiling through life and smiling through my speech. I say the Hon. Minister who is supposed to have read these provisions and who is sponsoring this Bill, said in introducing the measure that these will be autonomous units of self-government without any control from others. I think, Sir, you may ask him to re-read what the sections say about it. If you look through the provisions of the Bill, clause by clause, you will find that every attempt is made—and no

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attempt could have been more successful—to make these panchayats, not units of self-government, but humble small departments of the Government of this Province, controlled by them, ruled by them, limited by them in their powers; and these panchayats are defined in a wrong way in the definition section.

12.45 p.m. “ Now, after the passing of the Constitution of India, particularly Article 40 dealing with the directive principle of State policy, how dare the Government of Madras introduce a Bill before the Legislature creating panchayats but taking away every power of self-government from them? I ask, is such a measure in keeping with the Constitution of India which they ought to follow? I know it was brought before us last year, but still they could have amended it. They did not do that. If you look at it from every point of view, whether it is administration, taxation or removal of president or any thing else, you will find outside control and then compulsion. The panchayats will only be made tax-gatherers. To do what? To discharge the responsibilities that lie on the Government to-day. Again, what are the Government contributing to these panchayats? I ask the Minister to make a list of the responsibilities which the panchayats are compelled—I use the word ‘compelled’ because there is no option left to them to discharge under this Bill, and then find out the expenses incurred for discharging those responsibilities which the Government have to discharge. Then, why not the Government say they are discharging responsibilities to the extent of 20 crores and we must pay out to them 20 crores. But, instead of that they say, if you collect Rs. 10,000, we shall pay no contribution at all, but if you collect less than Rs. 10,000 we shall pay you contribution and the extent of the contribution is left with us and not with you. Then, how can the newly-born panchayat administer it when the Government take away the responsibilities of the panchayat? As a matter of fact, in regard to education, public health services and such other matters, should not the Government shell out money which they were otherwise shelling out? I say the Government want to waste all the 57 crores which they collect on something else and ask the 54,000 villages, to be grouped together into 20,000 panchayats, to discharge half the responsibility saying, we are not going to pay you anything except a little amount and you collect taxes for discharging the responsibilities. So, Sir, I say, this is merely a taxation measure. Again, compulsion also is used. Even under the City Municipal Act, in the Local Board Act and in the District Municipalities Act, option is given to the councils to levy or not to levy a tax. I do not see why compulsion is used in this case alone. It is simply because without compulsion, they know very well the panchayats cannot impose all the taxes, and if they do they will become very unpopular. The Government do not care whether others become unpopular, but they are compelled to levy taxes and indirectly pay to the Government. Sir, this is a measure of taxation; as I stated before, and in no part of the civilised world would you find a measure for a self-governing

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unit, taking away the power to tax, compelling them to tax, transferring the unpopularity to them? Nobody who has read through this Bill can support it, because it is inconsistent with the directive principle contained in Article 40 of the Constitution of India. It is against common-sense, against equity and against justice and it is no self-government at all. And, what is this Bill? As I said, it is something ill-conceived, borrowed from those Acts introduced by foreign Governments and not self-government. Whereas, I should say, even the City Municipal Act, the Local Boards Act and the District Municipalities Act, are better framed. On the other hand, popular Government introduce a measure which they call that it is for the creation of units of self-government. I say that from every point of view this measure should be condemned and condemned with as much force as one could command. It is an irresponsible measure brought into the Legislature, pretending to create units of self-government with no power given to them and controlled in every way by the Government of this Province. It is very unjust. This will never succeed and people will never have it. You will find, Sir, that knowing very well that the people cannot have it, they have provided in clause 8 that the Inspector of Local Boards and Municipal Councils shall declare every village with a population of not less than 500 to be a village panchayat as soon as it is notified. Now, Sir, the Hon. Minister said, oh! there are factions and we have therefore taken some power for the good Government of these institutions. I say, that is looking at the thing from a wrong point. We people living in cities, dabbling in politics, create a lot of factions and it is our influence when I say ‘our’ influence, it is the influence of power-politics which creates factions—that has gone to local bodies. But, Sir, we ought to be proud of our village people and they are honest. I have great faith in them and in future if real self-governing institutions are given to them, they would work them very well and that could be done only when there is no interference by Government. I say; I have great faith in their character, in their integrity if only they are not spoiled by politics which this so-called civilised Government has got. What have they done? We ought to have created leadership in villages—you may call it by any name you like. As a matter of fact, the Hon. Ministers are administering the Province of Madras and they could have taken this precaution.

“ You know, Sir that two of the fundamental characteristics of any piece of legislation are, certainty and flexibility. Now, you need not have created all of a sudden all the 20,000 village panchayats and appointed 20,000 executive officers, or as my hon. Friend on other side said, less than 20,000, because presidents also are there. What they should have done is, they should have had an advisory body along with the constitution of village panchayats stating that the panchayats will have such and such powers of course, they need not be given all the powers all of a sudden—some villages may be given the responsibility of looking after the health of the people, some public works, some education, some development of cottage industries and so on, by choosing the respective

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villages on the advice of experts. You can in course of time release power after power when you find the panchayat is managing very well the responsibility entrusted to it. For instance, if the responsibility for elementary education is given to a particular panchayat and they have administered it very well, you can give it secondary education and later on university education if you can. It all depends on the capacity or the leadership in the village if only you watch it very carefully and very closely and you can gradually release power after power. But, do not give the panchayats all the powers provided under this Bill for instance, power of taxation and they may be given such responsibility as the council will say, we will take up the responsibility, we will collect money, you say you will give us as much as you can. If they say, they will take up some responsibility in respect of the trunk roads or some more responsibility, release them that responsibility one item after another. Can this Government understand the important characteristics of any piece of legislation and release powers one after another so that the panchayats may carry on? No, they will not do that. Everything is confusion and confusion worst confounded. I am asked to join in the chorus of tributes paid to the author of this Bill."

THE HON. SRI K. MADHAVA MENON :—" I can only remark that nobody has yet paid any compliment in this House at least. My hon. Friend says, he is asked to join in it. He is not asked."

MR. PRESIDENT :—" I do not agree with the Hon. Mr. Madhava Menon. Government are anxious to get it."

* DR. V. K. JOHN :—" In the speech made by the Hon. Mr. Chandramouli he asked for it, but the Hon. Mr. Madhava Menon was not here when he moved the Bill, though he is present now."

MR. PRESIDENT :—" I think the greatest compliment can come only from the Opposition."

* DR. V. K. JOHN :—" Of course, the Opposition should compliment the Government when they bring forward any good measure, but when they go wrong, it is our function, without fear or favour, to expose the Government and criticize them."

MR. PRESIDENT :—" My request is, do not abdicate that function. That is what I am going to tell you tomorrow in the long statement I am going to make and I hope the hon. Member will be present then."

* DR. V. K. JOHN :—" I know we are not pleased and we feel a sense of frustration because when we brought in certain amendments and seriously pressed that this Council must have equal powers to consider them with the Assembly, they said, you are right, but we will not accept the amendments; we may bring in another Bill; the Constitution says we can bring in amendments. Sir, when amendments are brought, it is not for the Government to say, we will not accept them here because the Bill has to be sent back again; we do not want that inconvenience; you will have

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another procedure, we will bring in another amending Bill. I say, Sir, such a procedure is a tantalising and a tortuous procedure, which Government do not realize and it is hurting the dignity and usefulness of this House. I say, when we bring in amendments, the proper course would be for you to accept them if you find them in order. Why should you bring in another measure separately for that? Therefore, Sir, we have the feeling of frustration that whatever amendments are moved from this side, whether good or bad they would not accept them—I need not go into its antithesis and suggest certain things which they will take, though I am not going to benefit by it but they will bring in another Bill as they did previously."

MR. PRESIDENT :—" I think, your duty is as much to the Government as to the public at large."

* DR. V. K. JOHN :—" That is our duty, but when the Government are consistent in their view that whatever be the merits of the amendments, they would not accept them and that they would bring in another piece of legislation because they have a majority who can stand up and vote for it, I say, all this is not in keeping with our own dignity and we should not give them an opportunity to tell us, we treat you like school boys or rather sorters in a post office who without opening the letters send them to their destination, the destination being the Governor or the Province. Now, I am not on that."

THE HON. SRI K. MADHAVA MENON :—" Whether the Bill says so or not, I will only say, he feels about himself."

* DR. V. K. JOHN :—" I do not know why my hon. Friend is feeling hurt when I am speaking."

MR. PRESIDENT :—" May I know whether the hon. Member would finish his speech now or take some more time. It is already 1 o'clock."

* DR. V. K. JOHN :—" Only a few minutes, Sir. Now, look at the Village Panchayats Bill you have got here. It contains 138 clauses a very long piece of legislation. They should have to appoint not only executive officers in every panchayat, but they should also give a lawyer to interpret the provisions of the Act, in view of the extent of this law and the complicated nature of it. As a matter of fact, it is not at all required but still they have made it so long."

" Later again, you have the Schedules and one of the Schedules deal with transitional provisions—Schedule III—In that Schedule they are making amendment to the Local Boards Act. They are not brought in as an amending Bill but as a Schedule to the Bill and these run to about 20 pages and 122 sections. I do not know why instead of bringing in these amendments as an amending Bill, and passing it in the usual way, they should have brought in these amendments as a Schedule to a very complicated piece of legislation. Are we not expected to go through it clause by clause, I mean the amendments to the Local Boards Act? The Hon. Minister

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referred in one word to these 122 amendments to a very ancient piece of legislation in force in this Province for so many years—I mean this 1920 Act?

“ They know, Sir, that after all when they have a majority in the Legislature everything will go through; they could have tied it to a spaniel and it would have walked along. One hundred and twenty amendments have been brought in to this Bill, Sir. I am not so much bothered about them nor of the provisions of the Bill. But my point is let them introduce a real measure of autonomy for the self-governing units with due regard and respect for the constitution of the country. To carry it out, I say, Sir, they must withdraw this Bill. If they have regard for it, let them withdraw the Bill because it is not in accordance with section 40 of the Constitution. Let them introduce another self-governing measure which will benefit the village people and enable them to express their genius. As I said, the genius of our village people had been in the past expressed through village republics; let us now revive them and give the people an opportunity to express their genius. If this Government will do that, they are doing something good to the people and carrying out the intentions of the Constitution of India. It is no good introducing a measure which, as I said and I repeat now, is merely a taxation measure and would add to the revenues of the province indirectly and enable them to be spending more than 57 crores of rupees which they have been spending all these years.”

The House adjourned for lunch.

(After lunch—3 p.m.)

* SRI R. SURYANARAYANA RAO :—“ Mr. President, Sir, I remember having read a story in my college days in the life of Addison. Addison was a poor speaker and when once he attempted to speak in a gathering, he got up and said: ‘ I conceive ’ and he said it thrice.”

MR. PRESIDENT :—“ I think that relates to the House of Parliament itself.”

* SRI R. SURYANARAYANA RAO :—“ It is said that some one in the gathering got up and said ‘ Addison conceived thrice but brought forth nothing.’ That appears to be the fate of this Bill, Sir. This is being conceived for many years; the Advisers conceived it and they brought forth something which the present Ministry did not like. It is being considered for so many years and in the end, Sir, the Bill presented to the House, as the Leader of the Opposition pointed out, means nothing; it does not confer autonomy on the villages which the Hon. the Minister for Local Administration thinks the Bill confers upon them. I shall deal with a few sections of the Bill to show how in many respects the Bill is somewhat ill-conceived. I take section 3 (1) and section 4 (1) of the Bill as it has come from the Assembly. The Government wants to create panchayats for every village with a population of 500. I wonder, Sir,

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if the Hon. the Minister for Local Administration has perused the reports of the previous Inspectors-General of Panchayats, such as those of Mr. Gopalaswami Ayyangar, Mr. Rutherford and others who did so much to promote village panchayat administration in this Province. A perusal of the reports would have showed him that most of the panchayats did not function apart from factious spirit that prevailed there, on account of the fact that the panchayats had not enough funds at their disposal to discharge the duties entrusted to them and unless the Government could come forth with liberal grants they would not have been able to accomplish what little they had to their credit. With a population of 500 and the financial proposals as provided in the Bill, I wonder, Sir, how the Hon. Minister can feel that such village panchayats will function properly and discharge the multifarious duties devolving on them. I would have been glad if a provision had been made for the clubbing together of villages, not the single revenue village with a population of 500, but contiguous villages even if they are separate revenue villages so that the income derived from the three or four villages might be enough to enable the panchayats to discharge their functions satisfactorily. Sir, the Hon. Minister wants the panchayats to depend mainly on the doles from the Government by way of the 12½ per cent of the land revenue which the Government have set apart for purposes of the grant. I wish, Sir, the Hon. Minister had made provision such as the one which existed before, I think, and also in the Act promulgated by the Adviser regime enabling the Government to club villages together for purposes of establishing panchayats in more than one village instead of saying that panchayats shall be established for every revenue village with a population of 500.

“ Section 22 provides for the direct election of the President. I must confess, Sir, that the Hon. the Minister for Local Administration is far ahead of the times. He is prompted by the spirit of the days when it was felt that even the Governor or the President of the Republic should be elected directly by the voters. While I appreciate his anxiety to train the electorate first of all to elect their own president directly, I fail to see any provision made in the Bill providing for the removal of the president if the electorate found him unsuitable; I fail to see any provision made in the Bill by which if a percentage of the electorate feel that they are dissatisfied with his conduct or have no confidence in him, they could take action for removing him from the presidentship. As far as I could see, there is no provision in the Bill for that purpose and perhaps they will have to appeal to the Government and I do not know if even the Government have power to remove him unless he is guilty of grave misconduct.

“ In Chapter III, the Hon. Minister has provided for obligatory functions and there are also optional functions. Sir, obligatory functions provided under this Bill are functions which involve expenditure and I am doubtful if with the financial provisions made in Chapter IV, there would be enough funds especially in a village with a population of 500. Obligatory functions do not include the

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responsibility for elementary education. I am one of those, Sir, who in the Advisers' regime pleaded that the conduct of elementary schools should be wholly the responsibility of the village panchayat. I find that it is an optional duty imposed upon them. I wish to ask in this connexion, Sir: Who is better and more qualified and more interested in the education of his children than the villager, who not only contributes the taxes but is also in intimate and daily touch with the provision for education made for his children and who, immediately he found schools not functioning properly, could take the matter to the panchayat or the panchayat themselves may take notice of it and see that the schools are run properly? Unless this question of elementary schools which is now optional devolves upon panchayats, the provision for elementary education will continue to be the responsibility of the district boards and in a matter relating to district board, the panchayatdars have no voice and all that they can do is to make representations. At present, Sir, panchayats are running some schools and to my knowledge, whatever the Department of Education may say, panchayat schools are better run than district board schools. Sir, I wish the

3-15 P.M. Hon. Minister had included the provision of elementary education as an obligatory function of the panchayat.

"Then, Sir, we come to Chapter IV relating to taxation section 63 deals with the taxation proposals. I do not think my hon. Friend, the Leader of the Opposition, who is unfortunately absent now, was right in criticising the use of the word 'shall' instead of the word 'may.' For, unless anybody who is entrusted with certain functions is also provided with funds by statute, I do not think, that body can discharge its functions properly. So there is nothing wrong in asking every panchayat that they should levy certain taxes compulsorily. There is obligatory provision in respect of taxation regarding land-cess at the rate of three pies in the rupee on the annual rental value of all occupied lands which are not occupied by or adjacent and appurtenant to buildings, a tax on agricultural land for a specific purpose and fees on any commercial crop bought and sold in the village other than those levied under the Madras Commercial Crops Markets Act. All these appear to be very good sources of taxation. But I am sure the Hon. Minister for Local Administration realizes how difficult it is for any panchayat to venture to inflict any of these taxes. Already there is the cry that land is already over-taxed; that the land-cess now levied is very high, and so any further increase in the rate of land-cess even in respect of all occupied lands which are not occupied by, or adjacent and appurtenant to buildings, or a further tax on agricultural land for a specific purpose will be out of question for a long time. So practically panchayats have to rely mainly on the funds derived from house-tax, profession-tax and vehicle-tax; and I am afraid the proceeds of these taxes will not be enough for the panchayats to discharge their obligatory functions to the satisfaction of the electorate. Then, Sir, the Hon. Minister has provided that 12½ per cent of the land revenue should be earmarked as grant to panchayats to be distributed on the basis of population. Sir, this

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12½ per cent of land revenue is that of the whole Province, and not of that collected in a particular village. If it had been 12½ per cent of the land revenue collected in that particular panchayat area, that would have been far more equitable as it would assist the panchayat in being sure of what income they would get and frame their budget suitably. But, now they have to look to Madras, or rather to Fort St. George to know what amount out of the 12½ per cent they would get. I think, some time ago there was a proposal that a certain percentage of land revenue collected in the villages should be earmarked for the panchayat of those villages to enable them to frame their budget and carry out their obligations. Sir, I think this is a lacuna that has to be seriously considered. If the object of the Hon. Minister is to assist the panchayats to discharge their functions satisfactorily the system of doling out from the 12½ per cent of the land revenue collections in the entire Province cannot work well. Because it is liable to be subjected to influences; and those that are influential with the Government will get more. So I think instead of that, it would have been better if the Hon. Minister had said '12½ per cent of the land revenue collected in the village shall be earmarked for the use of the panchayat of that village.' If such a method is adopted, then, I would venture to say, even 12½ per cent would not be necessary. Even 10 per cent or 8 per cent would be sufficient in certain panchayats, to start their career under good auspices, and to discharge their functions in such a manner as to show that panchayat raj is really helpful to the people of the village.

"Sir, I was intrigued to read section 133 in which judiciary functions are being sought to be given to an executive body like the panchayats. While the Hon. Minister for Law is a protagonist of the separation of the judiciary and executive functions and while the Government are carrying out the separation of judiciary and executive functions elsewhere, in this sphere of village administration, an attempt is made to combine the executive and judiciary functions! Sir, on this subject, we have always resisted. There is any amount of literature on this in the archives of the Secretariat, on both sides of the question and ultimately the view has prevailed that so far as the village panchayats are concerned, which is an executive body, as the executive officer has only to carry out the orders of the panchayat, the panchayats cannot be entrusted with judiciary functions. Should that be done, in many of the cases, the panchayat board will have to be the complainant and also the judge. This combination of the judicial and executive functions at the bottom is very very dangerous, or more dangerous than at the top, as the accuser himself will have to sit as judge in the disposal of his own cases. I do not know how this aspect of the matter did not strike the Hon. Minister for Law, when the Bill went before the Cabinet. While I object to this, I have no objection to the income arising out of the working of these courts being earmarked to the funds of panchayats. When a panchayat goes against an occupier of a house for non-payment of house-tax, that

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same panchayat has to issue coercive process. Again, there are several cases, for example, against a violation of health laws, an occupier of a house might have to be prosecuted before the village court, and that court will be the panchayat, and the panchayat will be accuser and the panchayat will be the judge. So, in such a case, I do not think an ordinary citizen will get justice by combining these two functions.

"Then I come to another subject. Sir, it is a good move that the power of registration is conferred under section 133. For, it is true that often villagers have to walk long distances even for registering small documents. I am glad this power has been given to the panchayats. I am sure in course of time they will give such satisfaction that slowly the power for registering even documents of higher value will be given to them. I take it, the registration fees thus derived will go to the funds of the panchayat. I am not sure whether any provision in this behalf has been made anywhere in this Bill. If such a thing is done I am sure it will go to augment their sources of revenue.

"Then, Sir, I do feel that the executive officers provided for in this Bill will perhaps become more meddlesome than they should be. In saying so, I should not be understood as to mean, that I am against an executive officer being employed. The function of that executive officer should be simply to carry out the orders of the panchayats and nothing more. He should not have any powers to write behind the panchayat to the Inspector. Unless it is prevented even now, I am sure, that is what is going to happen. The executive officer may serve as a spy of the Inspector in the panchayat, and he may write against the panchayat to the Inspector. To prevent this, there should be a rule stating that no communication from the panchayat should proceed to the Inspector without the signature of the president. Sir, in fact, that is what is being done in the Corporation of Madras. There, no communication can be sent to Government except under the signature of the Mayor; so that the Mayor, who is the custodian of the interests of the citizens, will always know what is happening. So, in the absence of such a provision in this Bill, what will happen is, the executive officer may carry tales against the panchayat, and in fact, he may do many things, and the panchayat will become aware of them only when a notice is served by the Inspector on the panchayat of abuse of power or gross dereliction of duty, for which, in reality, the executive officer himself may be responsible. When we give power to the executive officers, let us give them power which they may not abuse; and let us give panchayats real power. There need be no apprehension of abuse of power by the panchayat. For there is the Government always at the top, which has got the overriding power and so it can deal with any recalcitrant panchayat suitably. But here, in this Bill, the executive officer should not be installed in a position to take advantage of it and write to the Inspector against the panchayat. That is a danger against which we should guard ourselves. Otherwise this panchayat raj will

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become a mere mockery, and as was said by the Leader of the Opposition, it may perhaps become an executive officer raj and not a panchayat raj. So unless we amend the Bill suitably even now, the present Bill may end like that. I may even say, perhaps at the end of one year from the passing of this measure, the Hon. Minister for Local Administration may himself come before this House and say that the panchayat board is not able to control the executive officer, because that officer owes his position not to the panchayat but to the Inspector; and so the Bill should be suitably amended. Further, Sir, the executive officer may act to please the Inspector, and the Inspector will always rely on the executive officer's report rather than on the report of the panchayat board. In fact, in the field of municipal administration, that is the kind of grievance the elected representatives, the chairman and the councillors have. While I agree that the appointment of executive officers should rest with the Government, but once he is appointed, he should be made to feel that he is the servant of the panchayat and not the master of the panchayat. Contrary to this principle, the provisions in this Bill extol him to the position of a master. So there is the likelihood of the danger of panchayat raj becoming an executive officer raj, on account of the position of the executive officer. I do not know whether it is not too late now for the Hon. Minister to recast any of the provisions of the Bill. I wish he had looked into this matter himself earlier, having himself received so many complaints from the chairmen of municipalities regarding the conduct of Commissioners. I, therefore, plead that the Hon. Minister might see that the executive officers do not abuse the privileged position accorded to them under this Bill. I do not know how Government would guard against this danger. But if this danger is allowed to go on, I am afraid, in course of time, nobody in the village will be willing to stand for panchayat election and nobody will be willing to become president of the panchayat, because they would not like to be looked upon with suspicion and distrust by the executive officers, who will be only dancing to the tune of the Inspector. Sir, I feel that in the select committee stage a least Government could have looked into this matter and set it right. Also I wish that the taxation proposals had provided enough funds for the panchayats and that the so-called contribution from land revenue collections are an assured income to all panchayats, as otherwise their finances will be bad, and, therefore, Sir, I feel, on the whole, the panchayat raj we are looking forward is not going to come."

* SRI K. VENKATASWAMI NAYUDU :—" Mr. President, 3.30 p.m.
Sir, I thought there would be unanimous appreciation for this measure because it was a long-cherished desire that we should restore panchayat raj in this country, as such a raj was of great benefit to the country in ancient days. Introduction of panchayat raj was one of the items in the constructive programme of Mahatma Gandhi. But when a Bill to give effect to that long-cherished desire is actually brought forward, I find that there is a certain amount of scepticism. A friend of mine, who was very critical of

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Congress work, told me that this Bill was one good piece of legislation introduced by the Congress Government and that he wished to congratulate them on it. I think we must feel really glad that this legislation has come. In every Act there is bound to be some defect or other. I am thankful to Mr. Suryanarayana Rao for making various suggestions for improving the Bill. They are worthy of consideration and if there is any necessity for rectification, it will be done.

"All of a sudden we cannot hand over the entire administration to the villagers who are not accustomed to it. While it is very necessary to train the villagers in local administration, the Government should move cautiously and slowly in the initial stages. The present Government are not a foreign Government with no touch with the people but a Government which represent the people and know their interests well. Therefore we need not think that the executive officer or Inspector will act like Hitler or work against the best interests of the village. Till now only municipal bodies were entrusted with the functions and powers enumerated in Chapter III. No village ever knew what a road was or what conservancy was. This is the first time that we are conferring on villages the power of local administration and making them autonomous units. To enable the village administrative units or panchayats to conduct the civic administration efficiently, the Government are giving a certain amount of financial aid. It is very necessary to give effect to this long-overdue reform of training citizens in local administration. Even in municipal bodies and big panchayats which have been in existence for a number of years, there have been factions and supersession. As we progress and learn to administer our affairs, we can rectify mistakes and improve. Because these defects are likely to occur, we should not say that it is not necessary to confer the power of local administration on villages. On the other hand, we must encourage every village to form a panchayat to provide amenities for the people. The taxation powers mentioned in the Bill are necessary, because taxation is the only means by which real work can be done. Provision is made for Government help to poor panchayats and this is indeed a welcome feature in these days of financial strain. This morning the Leader of the Opposition was very vehement and there was more force in his speech than argument. That only shows that he has got some anger against this side of the House because of some external circumstances. Really there was very little against this Bill in his speech. He objected to the Bill on the ground that it gave to the Treasury Bench enormous power and scope for patronage in making appointments to the several posts that were created by this Bill. That is not the object in introducing the Bill. Here is a bold attempt made by a popular Government to confer autonomy or self-government on villages by investing them with several powers including the judicial power. The object of this Bill is to introduce autonomous rule in villages. That is a laudable object over which we must feel happy. In the

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past Madras led the rest of India in forward legislation, and in passing this Panchayats Bill also, Madras is giving a lead for the other Provinces to follow. We want the support of all sections of the House in this initiation of real Swaraj in the country. On the 15th of August 1947 India got independence and on the 26th of January 1950 she is going to have a new constitution. As the Leader of the Opposition told us, the directive principles of State policy embodied in the new constitution are meant to do something good for this country. To implement one of those directive principles, we have brought forward this Bill almost simultaneously with the inauguration of the Indian Republic and everybody must co-operate to see that that this Bill is made a success in its working.

"The Government also must take a certain amount of responsibility in seeing to the proper functioning of local administration. For that purpose, provision is made for the appointment of executive officers. If there is abuse of power, it may be on all sides. When power is conferred on an officer, ordinarily he want to exercise it and in the exercise of it he may commit mistakes. That is only his first reaction. But later on, he wants to exercise his power for the benefit of everybody. The executive officer of the panchayat, the president, and the Government must see that the powers conferred by the Bill are exercised in the interests of the villages.

"The direct election of the president by the entire electorate in the panchayat area is a good idea and I like it. A president so elected will be the popular leader of the village and the villagers will have confidence in him. If a handful of representatives were to elect the president, a person who gets six votes in his favour gets elected against the other person who gets five votes. That is not fair. Therefore it is that all the voters in the panchayat area are asked to choose their leader. We must work for the ultimate object, namely, the choice of the President of the Republic though that is not the immediate object. Here is the foundation for the realization of that object.

"This Bill is a very important measure. I am very happy that it has been introduced and I hope that it will be worked as successfully as possible. I congratulate the Hon. Minister for Local Administration on taking such great trouble to bring forward this Bill which is bound to be of great benefit to our people. I hope the speakers from the Opposition side, who will follow me, will at least give the praise that is due and not stint it because there is really something in the Bill which we must encourage. We want this Bill to be accepted by members on all sides so that it may be a Bill of the people by the people for the people. We want a chorus of appreciation not because it is personal to the Minister concerned but because this legislation is a genuine attempt to implement a directive principle of State policy and an ardent desire of Mahatma Gandhi. There may be mistakes. Every Act may contain mistakes and the lawyers will pick holes. But we, lawyers,

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have got to speak for both sides. I think our Leader of the Opposition was speaking for one side only. I am saying all this because I feel that this is a Bill on which there must be an unanimous vote from all sections of the House. A popular Government will rectify mistakes, if mistakes there be. The principle of the Bill must be acceptable to everybody and the hon. Members must bless it with success."

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* SRI N. RANGA REDDI:—"Mr. President, Sir, whatever might have been the apprehensions that have been raised with regard to the successful working of this measure, I am inclined to support it wholeheartedly. That does not mean that I agree with the Hon. Minister who has brought forward this Bill in every provision or every principle that it contains. Having been the president of a district board for a fairly long time, the Hon. Minister for Local Administration has come to the conclusion that if any good is to be conferred upon the villages, the present local bodies are not the proper bodies to do so and what they have done in that direction has not been sufficient. He has therefore thought of a very bold experiment and he wants to make that experiment by means of this legislation and I think that this experiment should succeed in conferring very great good upon the villages. I know, Sir, that the finances of the local bodies were mainly spent upon the welfare and amenities of the townsmen, although the representatives of these local bodies, namely, the taluk boards and district boards, came from the villages. It was always a fight between the cities or towns and the villages and that fight is going on even to-day.

"Sir, so far as the condition of villages is concerned, my impression is that most of them, particularly in the Rayalaseema districts, of which I know very well—and I cannot claim to have much knowledge of the villages in the other parts of this Province—are in a very bad state and show no signs of improvement. They remain in the same old state. They have no proper communications, and are very difficult to be reached. There are no elementary schools in these villages, nor are there any other facilities for education among the children living there. In very many of these villages, there are no hospitals or medical assistance nor any maternity or child-welfare centres, as we have in towns. If at all any of these things are started, they are started only in bigger villages which are more or less like towns, and the smaller villages naturally remain neglected, and it is therefore very necessary that an honest and a real attempt should be made to improve the condition of these smaller villages, and it is that that the Hon. Minister for Local Administration is seeking to do by this legislation and we should really be grateful to him for having brought forward a measure like this.

"Sir, the main criticism that has been levelled against this Bill is that the Government being unable to supply the necessary finance of these village panchayats have asked them to tax themselves, and because the Government have wasted all their provincial

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revenues which come to about Rs. 50 crores per annum they say that they are not able to provide any sum for these villages. Sir, I am not in a position to state whether that criticism is really justified or not, but one thing is certain. Hon. Members who made that criticism have not substantiated it with reference to any concrete facts. They have simply made the statement that the Government had wasted away all their provincial funds and that therefore they were asking the villages to tax themselves. I submit, Sir, that it is for the hon. Leader of the Opposition who made that statement to substantiate it and to explain in what way the provincial funds had been wasted away and in what way they could have been better utilized.

"Sir, apart from that, he also attacked certain other provisions of the Bill. For instance, he did not like the division of the panchayats in this Province into class 1 and class 2 panchayats. He expressed his apprehension that class 1 panchayats would not collect the taxes that were due to them and that they would go under class 2 panchayats. In making that point, the hon. Leader of the Opposition forgot one thing. It is not that all class 1 panchayats should collect Rs. 10,000 by way of taxes. It is enough if the estimated income is Rs. 10,000. It does not in the least matter whether class 1 panchayats actually collect this Rs. 10,000 or not. If their estimated annual income is Rs. 10,000 and the population of the village is 500, they are bound to be included as class 1 panchayats. Whether they are able to collect the taxes or not, is a different matter. Later on, the hon. Leader of the Opposition introduced a vicious principle to which I should like to take objection. He asked why 12½ per cent of the total provincial revenues collected from the whole Province should be given to class 2 panchayats and why class 1 panchayats be deprived of any share in that revenue. Sir, I have pointed out more than once that there are very many poorer districts and poorer villages in this Province. If our provincial revenues are to be distributed on the basis that every unit should get what it has paid in the form of tax, how will the Government find the money to assist villages which are very poor and have not paid any tax at all? But he wanted that the *status quo* should be continued. I submit, Sir, that this is not a correct policy and no Government could function on that basis. The Government should come forward to help not only the rich but also the poor and where the village panchayats are so poor that they are unable to finance themselves, and are unable to start primary schools or maintain dispensaries, or provide themselves with necessary amenities and conveniences, mentioned under clauses 51 and 52 of the Bill, then the Government should come to their rescue and see that necessary funds are provided for them, so as to place them on the same footing as other villages.

"Sir, my hon. Friend Mr. R. Suryanarayana Rao said that it would be much better if the villages were assured that they were going to get all the land revenue that they have been paying. That argument, Sir, is also subject to the same objection, because the

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land revenue from one particular village might be very small and yet it might require greater financial assistance from the Government than others in view of its very poor financial condition. According to this Bill, class 1 panchayats are not entitled to any provincial grant. It is only class 2 panchayats who have inadequate finances and which could not be expected to raise any amount by way of taxes, that should be helped by the Government and that has been provided for in this Bill. No doubt, sometimes, it might be that the Government are not distributing their grants with reference to the needs of particular villages, and perhaps it may be that they may not be holding the scales even in certain cases, but all the same, it must be admitted that no uniform policy could be adopted in a matter like this. I agree, Sir, that sometimes a person who has got more influence gets a greater advantage over others and our Government, being a popular Government, is naturally subject to the same criticism, but at the same time, people can exercise their will over the actions of the Ministry in seeing that proper and equitable distribution of the provincial revenues is made with reference to the needs of the villages. Therefore, Sir, I do not think that there is much justification for my hon. Friend Mr. R. Suryanarayana Rao to say that this sort of distribution should not be made and that all the revenues derived from a particular village should be spent in that village itself.

“ Sir, my hon. Friend the Leader of the Opposition took very great objection to the provision regarding the appointment of the executive officers and condemned the Bill as a whole by saying that no real measure of self-government has been conferred upon the village panchayats, although the object of the Bill was said to be to make the village panchayats the republics of the village. He said that we must not call this Bill a Panchayat Bill giving full autonomy to the villagers, because the real power vested only with the executive officers, who were to be appointed by the Inspector of Local Boards. I may submit, Sir, that if this argument is to be pursued to its logical conclusion, then the Provincial Government should also be carried on by our two Houses of Legislature, the Legislative Assembly and the Legislative Council. But are we, the members of the Legislature, running the entire administration ourselves? No, it is not possible; nor is it the intention. There are the permanent civil services and there are various other subordinate officials under them to carry out the policies laid down by the Legislature. In the same manner, if decisions are made and resolutions are passed by the members of the panchayat in their meetings, those decisions and resolutions will be put into execution by the executive officers. There is no other way of putting these decisions into execution. It may be that the executive officers are appointed by the Inspector of Local Boards. In some cases, the executive officer may perhaps be the president himself. Opinions may vary as to whether it is right that the executive officer should be allowed to exercise such large powers as those exercised by the president of the village panchayat. But I am sure, Sir, that most of us here who have had some

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experience of the working of municipal councils, taluk boards and district boards will certainly agree that so far as the executive functions of these bodies are concerned, it is always much better that they are performed by an independent officer who has nothing to do with the local politics and who is in no way connected with the elections to these local bodies. This I say from my bitter personal experience. I know, Sir, that when the elections to these district boards and other local bodies took place in the year 1937, with what bitterness the elections had been fought and how much money had been wasted by the contesting candidates in actually purchasing the votes and how rampant were the corruption and other malpractices in those days. So, Sir, when a person who has spent so much money and has taken so much troubles to win the elections, if he is to be placed at the head of affairs and asked to administer the panchayats, the local boards and district boards, is he not going to listen to the wishes of those who gave him support? Is he going to act justly by the people who have not voted for him? Therefore it is, Sir, that we want an independent person who has nothing to do with the elections, and who is unconnected with the parties in the village to be there to carry out the resolutions passed at these panchayat board meetings. My hon. friend Mr. Suryanarayana Rao said that these executive officers who are appointed by the Inspector of Local Boards would flout the wishes of the members of the panchayat, because they owe their appointments, not to the panchayat boards, but to the Inspector, that they look to the Government for their promotion and that they would dance attendance on the Inspector and that they would not care to do things that are necessary for the welfare of the people in the villages. Sir, arguments can be advanced on both sides, and we must not be merely carried away by arguments. After all, who is this executive officer? This executive officer is a person appointed by the Government and for all practical purposes, he is a Government servant and his promotion depends upon the good he turns out in the panchayat. The Inspector of Local Boards will judge him only by the work he has done in the village when the question of promotion comes. He will see the record of his work in the panchayat and then only he will consider whether that person is fit for promotion. Simply because he dances attendance on him, the Inspector of Local Boards, who is the head of the department, is not going to be carried away by that. I am sure, Sir, that those days when promotions were given on such considerations are gone. Perhaps there were some people in the days of the bureaucratic British regime who got promotion by such devices and by simply dancing attendance on Civilian. I hope, Sir, that the present heads of departments would put an end to such things, and that the Inspector of Local Boards who is the head of these panchayats would see that promotions are given only to the most deserving executive officers, who have really done some good work in the villages.

“ Sir, there is another thing with regard to these executive officers, on which there is bound to be some difference of opinion.

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There are some people who hold the view that these executive officers should be completely free from the control of the members and presidents of these panchayat boards, so far as the administration of these boards are concerned. There are others who think that they should be completely subservient to the members and the presidents of the panchayats. This is a very difficult question and it is only time and experience that could solve this problem. Now we can only lay down rules. Still there is bound to be friction between the executive officer and the president of the panchayat, because the latter may feel that he has been elected by the whole village, that he is more powerful than the executive officer, that the executive officer is only a stranger and that he has to carry out the orders issued by him. On the other hand, the executive officer may feel that he is answerable only to the Inspector of Local Boards and that he should obey only the orders of the Inspector and not those of the president. So, this is going to be a difficult matter and it is only time, experience and good sense that should guide them, there should be a harmonious working of these institutions. But, Sir, with the little experience I have of these local bodies, I may straight away say that I am always in favour of an executive officer. I know, Sir, that in the year 1931, the elected presidents of the panchayat boards were empowered to levy profession tax to the extent of Rs. 150 per half-year and if the tax was not paid, the person concerned was prosecuted and brought before the magistrate. The magistrate would say, 'I cannot go into the merits or demerits of your case. I will simply go by the orders of the panchayat and if you think that you are unjustly taxed by the panchayat board, it is for you to file a suit in the civil court.' I only ask how many such people are there who can go to civil courts and have the injustices set right. It is not possible for everybody to do so. Unless there is a big party and unless there is a big common fund, as it were, to fight these unjust causes, these people will simply suffer. Once he has been taxed, he will simply say 'I will do your bidding'. Therefore, it is absolutely necessary that such things like the assessment of profession tax and house tax should always be in the hands of an independent person who is unconnected with the elections. I think the Government are right in saying that such duties should be discharged by independent officials whom they propose to appoint. Therefore, I am not for investing such powers in the members of the panchayat or its president.

"Having said so much, I am inclined to agree with the hon. Member Mr. Suryanarayana Rao's criticism on the two important provisions. Those provisions are contained in clauses 50 and 51. Clause 50 defines the obligations of the panchayat to do particular things whatever might be the cost therefor. Clause 51 defines the optional things that the panchayat may do. Unfortunately most of the things that appeal to the villagers like the starting of an elementary school, the starting of a dispensary, and the starting of a hospital, are all provided for in clause 51. That is to say, the panchayat is not bound to do these things. These are all optional. What I am saying is that where a village panchayat is invested

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with so much responsibility, and where it is not able to do all the things that are entrusted to it, the panchayat will be brought into disrepute, as it were. The duties mentioned in clause 51 should be tacked on to the duties mentioned in clause 50. Then only the panchayat administration will be successful. Then only the president and the members of the panchayat will have justified their existence. If an amending Bill is necessary for this purpose, it should be brought forward at an early date so that every panchayat would be compelled to do these things. The Government might say that they have not the necessary finance. But they are putting the panchayats in an inconvenient position, and these panchayats will incur the displeasure of the villagers.

"Sir, the Hon. the Leader of the Opposition stated 'Oh; it is a taxation measure, and therefore it is bound to be unpopular'. It is not a new fact. We know from the beginning that any politician levying a tax is bound to become unpopular. I am yet to see the day when any politician, who imposes fresh taxes, would become popular. I cannot visualize it. Unless our very nature is changed, I do not think any measure of taxation will be welcomed by the people. But responsible people who want to hold the reins of power and who want to run the administration should see whether these taxation measures are necessary and whether there is any other method of providing sufficient revenues to the villages to improve their condition. If no other method is possible, however unpleasant it might be, we should go in for taxation measures. If people are satisfied with the way in which the provincial revenues are spent, I ask them to show us the method by which we can raise the revenues that are necessary for improving the villages. Therefore, I submit that we are not going to be frightened by criticisms that this is a taxation measure and therefore we should become unpopular. If this measure is going to confer real good on the people, I welcome it. It has to be seen whether we are going to have real good.

"As my hon. Friend Mr. Suryanarayana Rao stated, this Bill makes it compulsory that every village with a population of five hundred should be made a panchayat. The Inspector of Local Boards has no option in the matter. He has to declare every village a panchayat. But, Sir, from the experience that we have, it looks as though that we could have proceeded more cautiously on account of the existence of bitter factions that are raging in the villages at present. But the other view is that if we are going to postpone the elections or to postpone the conferment of power on the village panchayat on the ground that factions would become bitter, I do not think we can ever improve the condition of the village. At some time or other we have to take the risk. Unless we take risks there would not be any gains. In a matter like this, if we do take risks and if we find that there is really no gain, nothing would prevent us from retracing our steps. But it will be foolish to say that because conditions in the village have not improved, we should not take any step at all. As I said, at the very

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beginning if we do not take a step like this, we can never improve the condition of the villages. Therefore let us take the risk, and if really no good is conferred on the people, then we might retrace our steps, as the Hon. Minister for Local Administration stated in the Assembly. To a certain extent, the Hon. Minister also has admitted that the clubbing of villages is absolutely necessary for doing certain things, for example the starting of a hospital, or a child welfare centre or an elementary school, or the laying out of a road. For putting into execution all these beneficial works which are of very great importance, it is absolutely necessary that villages should be clubbed together, and that there should be a common fund. Therefore, I submit that it would have been much better if more villages than one had been recognized as one unit.

"There is one other point also, and that is the election of members to the panchayat and the election of the president. These elections mean that we have taken democracy to these villages. Democracy means the existence of two parties. When there are two parties, whatever be the device that is adopted, we cannot abolish the two party system. It may be a two party system or a three party system. Even if we are going to elect the president by a direct election of the whole village, may I submit, that we cannot abolish the two party system? In electing members to the panchayat, it has been stated that the villages have been divided into wards, and that every ward has got its right to vote for its own member. Only the president is to be elected by the whole village. This is following the model of the American system. Students of history know very well the position of the American President and the Senate. The Senate is elected by one method and the President is elected in a different manner. Therefore, there is bound to be friction. Here also my suspicion is that there is bound to be friction. It may be said that the president, having been elected by the majority of the villagers, must command the confidence of the whole village, whereas the ward councillors, having been elected by the majority in their wards, may not command the same confidence as the President commands. May I submit that if resolutions of the panchayat are to be carried into effect, or certain works are to be put into execution, where the president occupies the position of the executive officer, he will find it extremely difficult either to carry out those resolutions or to have certain policies framed, because he might belong to one party. When he is elected by the whole village, then he has to depend on the support of his party. He cannot eschew the support of his party altogether. Therefore, I submit to the Hon. Minister that this is a matter which deserves consideration. The Government will have to see whether the panchayat administration could be successfully carried on with the executive powers in the president. As the Hon. Minister himself recognized, villages have to be clubbed together for purposes of starting hospitals or dispensaries- or the laying out of roads. The Government could have made two or more villages as

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one unit. Why I say this is that, having had some experience of the factions in the villages, I feel that it will be better to provide bigger areas as units. The bitterness that is engendered at the time of election might be there for a long time, and it may even be carried to the ordinary administration of the panchayat. I am only submitting this matter for the consideration of the Hon. Minister. District Board elections were held about 3 or 4 months ago. I was very much afraid then that some violence might be used during elections. But to my great surprise I found that people had become wiser. They probably realized that these were things which should come very often and that there was nothing to fight so bitterly."

Dr. V. K. JOHN :—"Sir, why should the hon. Member be surprised that people have grown wiser?"

Mr. PRESIDENT :—"The surprise is that he has expressed it in this House."

* SRI N. RANGA REDDI :—"I only stated that people have realized that it is futile to fight these elections. When they were fighting elections, they were using violence. But now they had given it up. I say advisedly that they have grown wiser. There is nothing surprising here, and I do not know what makes the Hon. the Leader of the Opposition to take exception to my statement."

Mr. PRESIDENT :—"He does not take exception to that statement."

* SRI N. RANGA REDDI :—"I am only stating that if the unit had been bigger, probably so much bitterness could not have been engendered. But this is a matter for trial. The Hon. Minister has taken one step in this Bill, and let us give it a fair trial."

"I may also state at this stage that when the president is not functioning, the vice-president is expected to function. He is expected to discharge the duties of the president. So far as the vice-president is concerned, he is elected by the members of the panchayat, whereas the president is elected by the whole village. If the vice-president who is elected by the members of the panchayat, is expected to function successfully for some time, I ask why not allow the president also to be elected by the members of the panchayat? Thereby, we can completely eliminate the chance of any friction that is bound to arise between the persons who are elected by one device and the person who is returned to office by a different method. So, I say that it would be much better if the members and the president are elected by the same device. This is only my apprehension. I feel it my duty and I have done my duty also in expressing my apprehension so far as the elections are concerned."

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"The Hon. the Leader of the Opposition has said that it would have been much better to confer power gradually on the village panchayats. May I tell him that after the experience that he has and also the people of this Presidency have of how the dyarchy system has worked between 1921 and 1935 both in the Centre and in the Provinces, it is better that we confer some responsibility and power on these villages or on the taluk boards or on the district boards? If you do not confer real responsibility and real power on the people, their criticism will be always irresponsible because they know whatever they say will not be heeded or valued. I do not feel the Leader of the Opposition meant his criticism seriously so far as the principle of this Bill is concerned. He really wanted that his criticism should be taken as a genuine criticism. If that was so, I submit, Sir, it is better to confer real power straightway on the villages so that might grow and develop themselves into bodies which can do real good to the people.

"He also said that gradually all this power should have been conferred stage by stage and that control over irrigation, village court, forest, etc., should not be conferred on them immediately. Sir, if you search the whole village, how many people can you find prepared to take up these positions of responsibility? You may say, it is a different matter. Some person, either 'A' or 'B' will have to be approached. After all, there will be only a handful of people and when it is the case, it is much better that the same body of persons should be entrusted with this power so that those persons may give their whole time to the village administration and the welfare of the people. Otherwise, the people holding position with very little will devote a short time and think 'I need not take much trouble.' But if they are entrusted with the administration of the whole village, they would feel it is their own matter and they would be criticized if anything goes wrong and they would bestow greater attention. Thus we will be training some people as real leaders. That way, I really congratulate the Hon. Minister for Local Administration on conferring powers on only one body of persons.

"I need not say anything about the separation of the judiciary from the executive for it is likely to come up soon due to the kindness of my Hon. Friend the Minister for Law.

"Mr. Suryanarayana Rao at one stage said that the Bill had to be read carefully and he did not find any provision relating to the removal of the president by the people. From the experience that we have gained in the administration of local bodies, may I say that if such a provision is introduced, no president will continue for more than six months? We have seen enough trouble with motions of no confidence having been introduced, in the working of the District Municipalities Act and the Local Boards Act. Fortunately for us, the Government, having gained some experience, have laid

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down that motions of no confidence cannot be entertained before six months; they could be entertained only after six months. If Mr. Suryanarayana Rao really wants that a provision as he enunciated should be inserted and the power should be exercised by the people, let it be after two years or three years. But there is really a provision for removing the president, i.e., by the Inspector of Local Boards. We need not be afraid that the Inspector of Local Boards. We need not be afraid that the Inspector of Local Boards will in any way be influenced by unjust considerations in removing the president. He will be in a much better position to judge whether the president has acted wisely and properly in the interests of the administration of the village, more than the villagers themselves, because we know very often these votes are thrown away capriciously. If they find something has not been done according to their taste or will, then in such a case if these people are given the power of removal, I think no president will continue for a long time. So, it is absolutely necessary that such a power should not be given at this early stage. If we find, after working this Bill, that such a provision is necessary, it can be introduced then.

"With these remarks, I would like to congratulate the Hon. Minister for Local Administration on having brought forward a measure which would really create a revolutionized administration in the villages and improve their conditions."

* SRI M. NARAYANA MENON :—"Sir, the Bill is really a good start. In fact, it is a wise step in the march of democracy and it will take democracy up to the doors of every house even in the remotest village. But one thing has to be remembered, namely, the warning sounded by Mr. Bhima Rao. The villagers are factious, uncultured and uneducated and are not in a position to govern themselves. That is really a warning, but we have to consider whether this Bill has not taken that matter also into consideration. On a perusal of the Bill, it is clearly seen that that also has been taken into account. It is an infant democracy and at every stage there is a check and a counter-check so that it can go on well and if the panchayat commits an error, there is the Inspector and above him there is another and thus a series of persons, to superintend the democracy and to bring it up in the right direction. So, the Bill is one of the best Bills which ought to have been introduced in this House, and the congratulation need not, in fact, come at our instance but it will be rung out when any Member reads the provisions of this Bill. The Leader of the Opposition himself if he peruses the Bill carefully, will join the chorus of praise for the Minister and for the Party on this side.

"Now let me point out a few defects or a few things which may be corrected, so far as the Bill is concerned. One apprehension of mine is that a small number of 500 population is not a sufficiently large group. For every 500 or 600 population, a panchayat is to

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be constituted. If so, any clerk or any officer connected with the administration has to be paid. After all, what would be the income derived by such a panchayat, even after taxation and the contribution of 12½ per cent of land revenue by the Government? I believe it will not be large; it will not be more than Rs. 2,000 or Rs. 1,000 in some cases. In such a case, the administration will not be properly carried on. That defect, of course, may be removed later on but even now it is possible to see such a defect and suggest a remedy. So, there may be a clear provision in this Bill by which the smaller units can be enlarged into one unit having a population of 3,000 or 4,000 so that the income derived therefrom may be utilized properly for the administration of the larger unit of the panchayat. Under the provisions of this Bill, it can never go beyond 1,000 in certain cases but of course, in certain other cases it may be 10,000. Under clause 3 (1) (i) the Inspector shall declare every revenue village with a population of not less than five hundred to be a panchayat. So, if the population is 550 or 600, the Inspector will be compelled, under this clause, to declare that revenue village to be a panchayat. Under sub-clause (ii), the Inspector shall group a revenue village with a population of less than five hundred, with any contiguous revenue village or villages so that the total population of all the revenue villages so grouped is not less than five hundred, and declare the revenue villages so grouped to be a village. Let us assume that starting with a village having a population of 300, the Inspector can add it on to a village having a population of more than 500. The result will be a total of 800 population which the Inspector may declare to be a panchayat. Can he still add to it so that he may have a panchayat of 3,000 or 4,000 or any number he likes? If that is the interpretation that may be put upon it the defect may be remedied to a certain extent but my submission is that it is better to make the provision more elastic in order that larger group could be brought into existence for proper administrative purposes.

“ Then, the panchayat will have some politically educative value. Hereafter we are going to have, on account of the adult suffrage, a large number of voters in every constituency. With the coming into effect of this Bill, the panchayat people will have elections in which the people will be trained in the proper conduct of elections. If they are trained, hereafter you can get better men and the panchayat administration can be carried out with a sense of reality because the population is limited, the area is small and the attention paid will be direct. Every detail can be understood and the real difficulties of the people will be realized. When from such a village a person comes to the Legislature or for a higher appointment, he will act with a sense of reality and a large number of mistakes will not be committed in the case of legislation or administration.

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“ Another suggestion of mine is with regard to the taxes. The Leader of the Opposition felt that the levy of tax is compulsory in every case. But in clause 63 two kinds of taxes are envisaged. One kind is compulsorily to be levied; another is optionally to be levied. Clause 63 (i) says that every panchayat shall levy in the village a house-tax, a profession-tax and a vehicle tax. The word ‘shall’ is used. Under clause 63 (2), a duty shall also be levied in every village on certain transfers of property in accordance with the provisions of section 67. So, there are four compulsory levies. Under sub-clause (3), the panchayat may also levy (a) a land-cess at the rate of three pies in the rupee on the annual rent value of all occupied lands, (b) a tax on agricultural land for a specific purpose and (c) fees on any commercial crop bought and sold in the village. The word ‘may’ is used and so this is optional taxation. You have got both optional and compulsory taxations. Unless there is compulsory taxation, how can we have a panchayat administration? What is the source of deriving money with which the administration can be carried on? So, the word ‘shall’ is necessary in sub-clauses (1) and (2). The panchayat itself can consider whether they should levy land-cess or tax on agricultural land or fees on commercial crops bought and sold in the village as such taxes are only optional.

“ Sir, there is one tax which may prove to be very hard on poor people, that is the tax on transfer of immovable property. I would like to submit this from my personal experience. Suppose, a person wants to borrow money on usufructuary mortgage to the extent of say Rs. 100. He has to get a stamp paper for Rs. 8 and pay registration fee. Again there is the writer and others who will have to be paid. It will come to Rs. 15. Suppose a suit has to be brought on that transaction. Then he will have to pay Rs. 12. There is the vakil's fee, which is, I think, Rs. 7. Thus it comes to Rs. 34. So in a transaction like this, a man loses something like Rs. 35 to Rs. 40 and the Government gains about Rs. 19. The rest of the amount goes as vakil's fee and other charges. I don't think that any vakil will come to argue a suit for a fee of Rs. 7, and the man will have to pay more than Rs. 7, if the suit is a complicated one. It will thus be seen that ultimately the borrower is lost. However much we may say that there is the Agriculturists' Debt Relief Act and so on, yet the borrower will certainly be lost. By this, the middle-class people in our Province will be hit very hard. Of course this is certainly not the innovation of the present Government and it has been there for a very long time. As I come across every day both lenders and borrowers, I know their feelings. I would like to say that while administering this Act, care must be taken to issue directions that so far as the transfer of property levies are concerned, they must be reduced to a minimum. I know that this is not the Act which governs this item of taxation completely and that there are some other Acts which govern this. But whatever it is,

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all these things must be taken into consideration and something should be done to give relief to those who are involved in the transfer-of-property transactions. The person who executes a usufructuary mortgage may be given some relief.

"The Leader of the Opposition referred to section 40 of the Constitution Act and said that this Bill amounts to a negation of independence under its directive. That seems to be the idea of the Leader of the Opposition. I would submit that that view is really incorrect. Section 40 of the Constitution Act says, 'The State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.' It is stated only 'units of self-government'. That does not mean complete independent governments by themselves untouched or unchecked by any other authority. So far as the administrative affairs are concerned, it is a unit of self-governing institution. Then it may be asked, 'Does this Bill satisfy the conditions mentioned in this Article 40?' All of us, if we peruse the Bill, will, I am sure, find that in every matter connected with administration of the area, a panchayat has been given full powers. But there is a check. If they go wrong, there is a machinery provided to correct it. If there is any conflict, there is an authority to check it and set matters right. In that way it goes. Otherwise it is a self-governing unit. There is no doubt about that. It is probably conceived that the term 'units' means absolutely independent unit unconnected with the Central or Provincial Government and they can do things in whatever fashion they like and as it pleases them. I must say that it is not the intention. That is not the conception. They are only self-governing institutions and not independent units. They are self-governing institutions under a superior Government. It means only that. I submit that criticism cannot be levelled against this Act on the basis of this Article 40 of the Constitution Act.

"I do not want to refer to any other criticism either by the Members of the Opposition or others. After going through the whole Bill, I feel it my duty to point out one important thing. The unit of administration should be enlarged. There should be a certain amount of elasticity so that the population of a unit may be raised from 500 to, say, 2,000 or 3,000. I request the Hon. Minister to keep these points in mind and when necessary and if possible such amendments may be made as will help the proper administration of the panchayats."

SRI S. B. ADITYAN :—"Mr. President, Sir, as there appears to be some kind of gap, I thought I could fill up the gap by telling the House what I feel about the provisions on this Act. Sir, there are 138 sections in the whole of this Act and it is quite possible to deal with any particular aspect. First of all, we have the constitution of the panchayats—there are presidents, vice-presidents,

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members and executive officers and other servants and officials of the panchayats. There are also the duties and powers of the various officials provided for the proper working of the self-government. Now I would rather like to deal with the financial aspect. The Leader of the Opposition has dealt with this and Hon. Suryanarayana Rao also has dealt with the financial aspect. I feel that I will be quite right and proper if I dealt with that particular aspect. For a casual observer it looks as though there are various contradictory provisions in the financial section, particularly section 63 and the following sections. It seems to the first reader that there are some provisions for compulsory taxation—house-tax, profession-tax, vehicle-tax and so on. There are some other optional taxes. There are some taxes which the panchayats must impose and some which they may or may not impose. It looks as though that it has been rather casual and cursory. But on a proper reading of the Bill, one will find that a great deal of thought and time and careful consideration has been given to the whole scheme. It is a well-planned Act—not only the preliminary provisions, but particularly the financial provisions. Dealing with the financial resources of the panchayats, we find that there are various kinds of resources. First of all you have the Government grant which is expected to be about one crore of rupees. Now one has to consider whether this grant would by itself be sufficient to run any panchayat. Let us take that ordinarily a panchayat will consist of a 1,000 people. Although the minimum which is stated in the Bill is 500 persons, let us take on an average that a standard panchayat will consist of about 1,000 persons. If it consists of a 1,000 people, then the Government grant which works out, I believe, at the rate of one-fifth of a rupee per head comes to about Rs. 200. A small panchayat will get a grant of Rs. 100 and a bigger village panchayat might get Rs. 200. Now considering the various duties placed upon the panchayats, it is quite obvious that the Rs. 200 will be quite insufficient. Therefore other sources must be found and there ought to be taxation. The various duties which are placed on the panchayat again are well thought out and planned. There are certain compulsory duties and certain optional duties, compulsory duties such as roads, drains and cleansing, which ought to be performed by a panchayat. Now there are also optional duties, such as provision of schools or dispensaries or welfare centres. These are optional duties. That is, it is open to the panchayat to take up responsibilities on these or they may not. Now the Government grant, viz., Rs. 200 for a population of 1,000 will be wholly insufficient even for attending to the compulsory duties. Well, if the village has to be cleansed, this Rs. 200 will not be sufficient even to pay the sweeper or scavenger. Therefore it will be seen that enough grant ought to be supplemented by other sources. What is provided in this Act is certain standard or compulsory sources. These are four.

"First of all you have got the house-tax, then profession-tax, vehicle-tax, and the transfer of property fee. These are fixed or

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standard compulsory sources of revenue. If you carefully look at these sources, you will find again that it is not done in a careless manner. A great deal of planning, thought and consideration had gone into the whole system of the taxation measures. For instance it is a well-known theory that the tax will fall on the shoulders of those who are capable and who can afford to pay. Take every one of these taxes. You will find that it conforms to the well-known standards of taxation. Take the house-tax. You will find that the huts are altogether excluded. It is beyond the powers of the panchayats to tax a hut. Only those who live in houses and can pay these taxes and contribute for public good are taxed. Then again take the profession-tax. It is not as though anybody can be taxed. It is provided that it is subject to a maximum. Section 63 and the following sections have provided for this. These are again within the limits of the maximum and the minimum which are provided in the rules. It has to be borne in mind that there will be good panchayats run by efficient people who will not be afraid of taxing. There may be other panchayats run by rather timid or weak-minded persons who will hesitate before placing even a reasonable tax. Therefore, every panchayat is asked to work within a space of maximum and minimum. Then again the third tax is the vehicle-tax. Now as would be seen from the house-tax and profession-tax, people who own vehicles are not absolutely incapable of paying a small tax. These people can as well share the contribution for the public good. Then again as regards the transfer of property fee, I am sure not even the Leader of the Opposition can find fault with the taxation on transfer of property because only well-to-do persons who have property are intended to be taxed."

DR. V. K. JOHN :—" Not only the well-to-do."

4.45 P.M. SRI S. B. ADITYAN :—" I have seen that the Opposition is anxious to pick holes where holes do not exist. It will find mistakes where none exist. Here, in this case also, it is the same thing the Opposition is trying to do. Now, Sir, the principle underlying the taxation clause strictly conforms to any taxation standard one knows of. Now let us see the fourth compulsory source, viz., transfer of property. This is a source of revenue which was duly considered before its introduction into the Bill. It, along with the other sources, constitutes a revenue which is more or less compulsory, fixed and standard. Apart from these, there is the Government grant also. So, if one works out these things, one will find that these sources will be ordinarily sufficient to meet the cost of day-to-day administration of the village. That is, with the aid of these provisions, the panchayat will be able to perform its routine functions as also the compulsory ones. For instance, lighting, drainage and roads involve some expenditure and this can be easily met from the funds I have mentioned just now. Of course, there are several other activities for which the panchayat may require provision, such as opening of dispensaries, schools and certain other

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public utility schemes. Sir, this work can be undertaken by drawing the necessary funds from what I may call the 'optional' sources. Clause 63, which provides for certain levies by the panchayat, can be taken advantage of in this regard. I call this optional because it will only be open to the panchayat to impose a cess on land, for example, and it need not necessarily do so. This levy also covers commercial crops. Cotton and potatoes may bring in a good revenue as they are the so-called money crops. There is also provision to levy fees on markets, cart-stands and even slaughter-houses. Therefore, I hope that such of the panchayats as are anxious to undertake development works will certainly take advantage of this provision and they will be well advised to do so.

" Sir, I may point out here that this is not a taxation measure as was mentioned by the Leader of the Opposition. If I am correct, I think we have no powers here to vote on any measure of taxation and this House can only discuss the same. I believe it will be a different thing after the 26th January when we are going to get additional powers."

MR. PRESIDENT :—" Yes, wider powers."

SRI S. B. ADITYAN :—" I repeat this is not a taxation measure and it is not as though any portion of the taxes levied in the villages is going to be taken over by the Government. The taxes collected in the villages will be spent on the villages themselves by the panchayat. I may mention in this connection, with the permission of the Hon. the Minister in charge of this Bill, that I suggested another source of revenue and it was promised at every stage by those who were connected with the Bill in the Select Committee . . ."

MR. PRESIDENT :—" May I state what I am feeling about the way in which the Chief Whip is handling the subject? As I am listening to his speech, it looks as though he is trying to make suggestions to the Government to do this or not to do that. There is a Bill before the House with certain definite clauses and objections are raised to it by the Opposition. If hon. Members want to make suggestions as to how a particular thing should be done or why a particular provision should be included in the Bill, I am afraid, it is too late to advance such arguments as, as I have pointed out, any amount of discussion or suggestions will not induce the Government to change the provisions of the Bill except perhaps by way of amendments to be brought in by the Members, and accepted by the Government. Now, when I gave an opportunity to the hon. Member to speak, I expected he was going to refute the arguments put forth by the Opposition in objecting to certain of the provisions of the Bill but he has not done that. I would, therefore, request hon. Members to confine their remarks to the provisions of the Bill as it is presented here."

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DR. V. K. JOHN :—" They do not want to give amendments but they want to say that the Bill is defective." (Laughter.)

SRI S. B. ADITYAN :—" Sir, I was trying to point out to the House what had actually happened and at the same time I was telling that the Leader of the Opposition was interested in . . ."

MR. PRESIDENT :—" I gave an opportunity to the Chief Whip to speak in order that he may prove as strong and as violent as the Opposition (laughter) but he has not done so."

SRI R. SURYANARAYANA RAO :—" He is very mild, Sir." (Laughter.)

SRI S. B. ADITYAN :—" Sir, I rose to speak as there were no hon. Members to speak now. To fill the gap I thought I could keep speaking till 5 of the clock."

MR. PRESIDENT :—" It is not so. There are many hon. Members who would like to speak. If the hon. Member will remember, I did not allow him to interject when the Leader of the Opposition was speaking, because I thought of giving him a chance to refute the points the Opposition might make."

DR. V. K. JOHN :—" What we see in the Chief Whip is not violence, Sir, but enthusiasm." (Laughter.)

SRI S. B. ADITYAN :—" Sir, even on a cursory reading it would appear that the scheme was well planned and well thought out. A point was made that the villages are a hot-bed of factions and hence the levy of taxes will be a failure from the point of view of collection. I may state, Sir, that in this matter the only factor to be considered is the ability of the villager to pay and if that is satisfied the next thing is what would be the best system to collect the taxes. I cannot at the present time think of a better system that can be evolved, than the one envisaged in the Bill. My hon. Friend, Mr. Suryanarayana Rao, made mention of the basis on which grants by Government are to be made. He suggested that it was not fair to have population as the basis. I may inform the House that this aspect was also thoroughly considered and well discussed by the Government and I am sure that the Hon. the Minister will deal with this exhaustively as he should know better than I know. But I should say, Sir, that it was the wish of the people of the dry districts that the grant should be made in accordance with the population of the area and not with reference to the revenue yield. The Bill says that a certain amount will be levied per head. If the grant should be made on the basis of this levy, a village with a population of 1,500 may get a hundred rupees by way of grant. But the people

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in the dry districts may not get even this amount in view of their slender resources and the consequent fall in the revenue from those villages. Therefore, the lesser of the two evils, they must go in for. Sir, the Government have done well to see that no choice vests in the officer who is to make the grants as to the basis that should determine the grant. The officer concerned should distribute or divide the available resources of the panchayats on the strength of the population in every village. This arrangement is an insurance against charges of partiality that may be levelled against the officer concerned or the Government. Sir, if hon. Members will look into the original Bill, they will find a provision in it allowing discretion to the Government or the Inspector to make grants. The Government felt since then that there should be certainty in this matter and the grant should be made on a uniform basis throughout the villages.

" Finally, Sir, I may state one thing. Those who are want to find fault with a Bill will always do so irrespective of its merits. For instance, if the Bill is made flexible—that is if discretion is allowed to the Government in certain matters—then they will say and will allege that the Government are trying to have all powers for themselves. Again, if that flexibility is taken away—in the interests of the people and in a limited sphere—they will call it rigid. It is always possible for the advocates of either side to turn their arguments in any manner they like and to find fault with any provision whatever may be the merits of it. So, all that was to be considered by the Government was whether to have certain of the provisions flexible or fixed, and what would be more advantageous to the villagers. Ultimately, it was decided in this particular matter, viz., making of grants, that the wishes of the people of the dry areas should be given special consideration and in pursuance of that decision, population has been made the basis. I may point out one instance here. Tanjore is a place which gives a very good yield. If this were taken as the criterion, then the dry districts will get practically nothing. Population, therefore, will render more justice to the dry districts than it does to others.

" In conclusion, I may observe that whatever the angle from which the Bill may be viewed, it must be stated that anxious thought and consideration was given to the various provisions of the Bill, particularly those relating to finance, in order to make the scheme workable."

VI.—MESSAGES FROM THE GOVERNOR

MR. PRESIDENT :—" I have to announce to the House that I have received the following messages from His Excellency the Governor of Madras :—

" In pursuance of section 299, sub-section (3), of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby accord my previous sanction for the introduction of the Madras Village Panchayats Bill, 1950, in the Madras Legislative Council."

[Mr. President] [20th January 1950]

"In pursuance of section 82, sub-sections (1) and (3), of the Government of India Act, 1935, I, Krishna Kumarsinhji Bhavsinhji, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras Village Panchayats Bill, 1950."

I now adjourn the House to meet again at 11 a.m. to-morrow."

The House then adjourned.

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

1. G.O. No. 2557, L.A., dated 21st December 1949, regarding postponement of the date of elections to Ambapuram Panchayat Board (Krishna).

2. The Madras Village Panchayats Bill, 1949 (L.A. Bill No. 22 of 1949), as passed by the Assembly and received therefrom in the Council.

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APPENDIX I.

PART I.

[Vide answer to starred question No. 114 asked by Sri N. Sankara Reddi at the meeting of the Legislative Council held on 20th January 1950, page 1115 supra.]

Statement showing the distribution of Tractors in the districts.

Serial number and name of district.	Number of tractors.	Number of bull-dozer attached to the tractors shown in column (2).
(1)	(2)	(3)
1 North Visakhapatnam	4	1
2 South Visakhapatnam	5	2
3 West Godavari	5	1
4 East Godavari	5	2
5 Krishna	4	1
6 Guntur	5	1
7 Nellore	6	2
8 Kurnool	3	1
9 Anantapur	7	1
10 Bellary	6	1
11 Cuddapah	6	3
12 Chittoor	7	3
13 North Arcot	7	2
14 Chingleput	19	7
15 South Arcot	8	2
16 Tanjore	12	2
17 Arakuvalley (Visakhapatnam district) ..	1	..
18 Tiruchirappalli	6	2
19 Mathurai	5	1
20 Tirunelveli	5	1
21 Ramnad	7	1
22 Salem	7	2
23 Coimbatore	14	5
24 Nilgiris	1	1
25 Malabar	4	1
26 South Kanara	4	2
	163	48

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PART II.

Districtwar income to Government through hiring of departmental tractors, bull-dozers, etc., for the year 1948-49

Serial number and district.				RS.	A.	P.
1	North Visakhapatnam	..	..	3,510	0	0
2	South Visakhapatnam	..	..	8,480	0	0
3	East Godavari	..	..	11,470	0	0
4	West Godavari	..	..	2,677	0	0
5	Krishna	..	..	2,170	0	0
6	Guntur	..	..	7,681	4	0
7	Nellore	..	..	11,932	0	0
8	Kurnool	..	..	1,698	0	0
9	Anantapur	..	..	8,971	0	0
10	Bellary	..	..	6,393	0	0
11	Cuddapah	..	..	5,008	4	0
12	Chittoor	..	..	10,853	0	0
13	North Arcot	..	..	7,279	0	0
14	Chingleput	..	..	33,330	13	0
15	South Arcot	..	..	10,528	8	0
16	Tanjore	..	..	58,139	15	9
17	Arakuvalley (Visakhapatnam district)	..	..	638	0	0
18	Tiruchirappalli	..	..	8,072	11	0
19	Mathurai	..	..	11,150	0	0
20	Tirunelveli	..	..	6,801	15	0
21	Ramnad	..	..	9,741	4	9
22	Salem	..	..	14,035	0	4
23	Coimbatore	..	..	68,902	0	0
24	The Nilgiris	..	..	790	0	0
25	Malabar	..	..	7,339	0	0
26	South Kanara	..	..	6,196	4	9
				3,13,788	0	7

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APPENDIX II.

[Vide item V on page 1123 supra]

L.A. BILL No. 22 OF 1949.

(As passed by the Assembly.)

A Bill to make better provision for the administration of village affairs by panchayats.

WHEREAS it is expedient to make better provision in a separate enactment for the administration of village affairs by panchayats; It is hereby enacted as follows:—

CHAPTER I.—PRELIMINARY.

1. (1) This Act may be called the Madras Village Panchayats Act, 1950. Short title, extent and commencement.

(2) It extends to the whole of the Province of Madras except the City of Madras, the municipalities governed by the Madras District Municipalities Act, 1920, and the cantonments governed by the Cantonments Act, 1924.

(3) It shall come into force on such date as the Government may, by notification in the *Fort St. George Gazette*, appoint.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) 'building' includes a house, outhouse, stable, latrine, shed, hut wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, brick, wood, mud, metal or any other material whatsoever;

(2) 'casual vacancy' means a vacancy occurring otherwise than by efflux of time, and 'casual election' means an election held to fill a casual vacancy;

(3) 'Collector' means the Collector of the revenue district;

(4) 'company' means a company as defined in the Indian Companies Act, 1913, or formed in pursuance of an Act of Parliament or of Royal Charter or Letters Patent, or of an Act of the Legislature of a British Possession and includes any firm or association carrying on business in the Province of Madras, whether incorporated or not, and whether its principal place of business is situated in the said Province or not;

(5) 'district board' means the body constituted for the local administration of a district under section 6, sub-section (1), of the Madras District Boards Act, 1920;

Madras Act
XIV of 1920.

Central Act
VII of 1913.

[20th January 1950]

(6) 'election authority' means such authority, not being the president or vice-president or a member of the panchayat, as may be prescribed;

(7) 'executive authority' means—

(i) in the case of a panchayat having an executive officer, the executive officer, and if there is no executive officer in charge, the president of the panchayat;

(ii) in the case of any other panchayat, the president thereof;

(8) 'executive officer' means the executive officer of a panchayat;

(9) 'Government' means the Provincial Government;

(10) 'house' means a building or hut fit for human occupation, whether as a residence or otherwise, having a separate principal entrance from the common way, and includes any shop, workshop or warehouse or any building used for garaging or parking buses or as a bus-stand;

(11) 'hut' means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made, which the panchayat may declare to be a hut for the purposes of this Act;

(12) 'Inspector' means the Inspector of Municipal Councils and Local Boards, and includes any officer who is authorized by the Government to exercise or perform any of the powers or duties of the Inspector under this Act;

(13) 'latrine' includes privy, water-closet and urinal;

(14) 'member' means a member of a panchayat;

(15) 'ordinary vacancy' means a vacancy occurring by efflux of time and 'ordinary election' means an election held to fill an ordinary vacancy;

(16) 'panchayat' means the body constituted for the local administration of a village under this Act;

(17) 'prescribed' means prescribed by the Government by rules made under this Act;

(18) 'president' means the president of a panchayat;

(19) 'private road' means any street, road, square, court, alley, passage, cart-track, footpath or riding-path which is not a 'public road,' but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises;

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(20) 'public road' means any street, road, square, court, alley, passage, cart-track, footpath or riding-path, over which the public have a right of way, whether a thoroughfare or not, and includes—

(a) the roadway over any public bridge or causeway;

(b) the footway attached to any such road, public bridge or causeway; and

(c) the drains attached to any such road, public bridge or causeway, and the land, whether covered or not by any pavement, veranda or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to the Provincial or Central Government;

(21) a person is deemed to have his 'residence' or to 'reside' in any house if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house at any time and has not abandoned his intention of returning;

(22) 'revenue village' means any local area which is recognized as a village in the revenue accounts of Government after excluding therefrom the areas, if any, included in—

(a) the City of Madras including Fort St. George with the glacis;

Madras Act V of 1920. (b) municipalities constituted under the Madras District Municipalities Act, 1920; and

Central Act II of 1924. (c) cantonments constituted under the Cantonments Act, 1924;

and includes a hamlet in existence at the commencement of this Act and notified by the Inspector to be a revenue village for the purposes of this Act;

(23) 'Scheduled Castes' shall have the same meaning as in the Government of India (Scheduled Castes) Order, 1936, as in force for the time being, in regard to the local area concerned;

Madras Act V of 1892. (24) 'unreserved forest' means forest not notified under section 4 of the Madras Forest Act, 1882, and includes unreserved land at the disposal of the Government.

(25) 'village' means any local area which is declared to be a village under this Act;

(26) 'water-course' includes any river, stream or channel, whether natural or artificial;

(27) 'year' means the financial year.

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CHAPTER II.—CONSTITUTION, GOVERNMENT AND CONTROL OF
PANCHAYATS.

3. (1) The Inspector shall, as soon as may be after the commencement of this Act, by notification—

(i) declare every revenue village with a population of not less than five hundred to be a village for the purposes of this Act and specify the name of such village ;

(ii) group a revenue village with a population of less than five hundred, with any contiguous revenue village or villages so that the total population of all the revenue villages so grouped is not less than five hundred, declare the revenue villages so grouped to be a village for the purposes of this Act, and specify the name of such village.

(2) (a) The Inspector may, by notification, exclude from a village any revenue village comprised therein, provided that the population of the village, after such exclusion, is not less than five hundred.

(b) In regard to any village so excluded, the Inspector shall take action under sub-section (1) according as it has population of not less than five hundred or of less than five hundred, as the case may be.

(c) Before issuing a notification under clause (a) or under clause (b) read with sub-section (1), the Inspector shall give the panchayat or panchayats which will be affected by the issue of such notification a reasonable opportunity for showing cause against the proposal and shall consider the explanation and objections, if any, of such panchayat or panchayats.

(3) The Inspector may pass such orders as he may deem fit—

(a) as to the disposal of the property vested in a panchayat which has ceased to exist, and the discharge of its liabilities ;

(b) as to the disposal of any part of the property vested in a panchayat which has ceased to exercise jurisdiction over any local area, and the discharge of the liabilities of the panchayat relating to such property or arising from such local area.

An order made under this sub-section may contain such supplemental, incidental and consequential provisions as the Inspector may deem necessary, and in particular may direct—

(i) that any tax, fee or other sum due to the panchayat or where a panchayat has ceased to exercise jurisdiction over any local area such tax, fee or other sum due to the panchayat as relates to that area shall be payable to such authorities as may be specified in the order ;

(ii) that appeals, petitions, or other applications with reference to any such tax, fee or sum which are pending on the date on which the panchayat ceased to exist, or as the case

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may be, on the date on which the panchayat ceased to exercise jurisdiction over the local area, shall be disposed of by such authorities as may be specified in the order.

4. (1) A panchayat shall be constituted for each village with effect from a date specified in that behalf in the notification issued under section 3, sub-section (1). Constitution of panchayats for villages and their incorporation.

(2) Subject to the provisions of this Act, the administration of the village shall vest in the panchayat but the panchayat shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its president or executive authority, or to the district board or any other authority.

(3) Every panchayat shall be a body corporate by the name of the village specified in the notification issued under section 3, shall have perpetual succession and a common seal, and, subject to any restriction or qualification imposed by or under this Act or any other law, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, of entering into contracts, and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

5. (1) (a) The Government shall classify panchayats with jurisdiction over a population estimated at not less than five thousand and with an estimated annual income of not less than ten thousand rupees as Class I panchayats. Classification of panchayats.

(b) Other panchayats shall be known as Class II panchayats.

(2) The Government may alter the classification of a panchayat if in their opinion the panchayat satisfies or ceases to satisfy the conditions referred to in sub-section (1), clause (a).

(3) Any decision made by the Government under this section shall not be questioned in any Court of law.

6. (1) The total number of members of a panchayat, exclusive of its president shall be notified by the Inspector in accordance with such scale as may be prescribed with reference to population. Strength of a panchayat.

(2) The Inspector may from time to time by notification alter the total number of members of a panchayat notified under sub-section (1).

(3) The number notified under sub-section (1) or the number as altered by notification under sub-section (2) shall not be less than five or more than fifteen.

7. The members of the panchayat shall be elected in such manner as may be prescribed. Elected members.

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8. (1) In every panchayat, the Inspector may, subject to such rules as may be prescribed, by notification, reserve such number of seats, if any, as he thinks fit for the members of the Scheduled Castes, with due regard to their population in the village.

(2) Any reservation made under sub-section (1) shall have effect only until the first ordinary elections to the panchayat after the expiration of a period of ten years from the commencement of this Act.

(3) Nothing contained in sub-section (1) shall be deemed to prevent members of the Scheduled Castes for whom seats have been reserved in any panchayat, from standing for election to the non-reserved seats in the panchayat.

9. (1) For the purpose of electing members to a panchayat, the Inspector shall, after consulting the panchayat, by notification divide the village into wards and determine the number of members to be returned by each ward.

(2) A Class I panchayat village shall be divided into not less than five wards and a Class II panchayat village shall be divided, if it has a population of 1,000 or less, into two wards and if it has a population of more than 1,000 into not more than five wards.

10. (1) The term of office of the members of every panchayat who are elected at ordinary elections shall, save as otherwise expressly provided in, or may be prescribed under, this Act, be three years beginning at noon on the day on which the vacancies occur :

Provided that the Inspector may, by notification, for sufficient cause which shall be stated therein, direct that the term of office of the members of any panchayat as a whole be extended or reduced by such period not exceeding three months as may be specified in the notification.

(2) Ordinary vacancies in the office of an elected member of a panchayat shall be filled at ordinary elections which shall be fixed by the election authority to take place on such day or days within three months before the occurrence of the vacancies, as he thinks fit :

Provided that the Government may for sufficient cause direct or permit the holding of any ordinary election after the occurrence of the vacancy.

(3) (a) Every casual vacancy in the office of an elected member of a panchayat shall be reported by the executive authority to the election authority within such time as may be prescribed.

(b) A member elected in a casual vacancy shall enter upon office forthwith, but shall hold office only so long as the member in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

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(c) Unless the Inspector otherwise directs, no casual election shall be held to a panchayat within three months before the date of retirement of its members by efflux of time.

(4) Where the number of members of a panchayat is increased, the members elected for the additional seats or the members elected in their places in casual vacancies shall hold office until the date on which the members elected to the original seats at the ordinary elections immediately preceding, will vacate office.

11. (1) If, at any ordinary or casual election, no person is elected to fill the vacancy or one or more of the vacancies, as the case may be, a fresh election shall be held on such day as the Inspector may fix. Panchayat to elect members in certain cases and the term of office of such members.

(2) If at such fresh election also, no person is elected to fill the vacancy or any of the vacancies, as the case may be, the panchayat may, in the manner prescribed, elect a qualified person to fill such vacancy.

(3) The term of office of a member of a panchayat elected under this section, shall expire at the time at which it would have expired if he had been elected at the ordinary or casual election, as the case may be.

12. (1) An electoral roll for each panchayat showing the names of persons qualified to vote at elections thereto, shall be prepared and published, and shall be revised, at such times, by such authority, and in such manner as may be prescribed. Preparation and publication of electoral roll and qualifications for inclusion therein.

(2) Every person whose name is included or who is qualified to be included in that part of the electoral roll for any territorial or special constituency of the Madras Legislative Assembly which relates to the village or any portion thereof shall be entitled to be included in the electoral roll for the panchayat, and no other person shall be entitled to be included therein.

Explanation I.—Where in the electoral roll of any territorial or special constituency of the Madras Legislative Assembly there is no distinct part relating to the village, the following persons shall be entitled to be included in the electoral roll for the panchayat :—

(a) All persons who are entered in such roll under the registration area comprising such village and whose addresses as entered in such roll are situated in such village.

(b) All persons who are qualified to be included in such roll under the registration area aforesaid and who reside in such village.

Explanation II.—In this sub-section, the expressions “territorial constituency” and “special constituency” shall have the same meaning as in the Government of India (Provincial Legislative Assemblies) Order, 1936, as in force for the time being.

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(3) The name of any person shall not be included in the electoral roll for a panchayat in more than one place.

(4) The electoral roll for the panchayat shall be divided into separate parts for each ward.

(5) Every person whose name appears in the electoral roll for the panchayat shall, so long as it remains in force and subject to any revision thereof which might have taken place and subject also to the other provisions of this Act, be entitled to vote at an election; and no person whose name does not appear in such roll shall vote at an election:

Provided that a person who is of unsound mind, a deaf-mute or a leper, shall not be entitled to vote at any election.

Qualifica-
tion of
candidates.

13. No person shall be qualified for election as a member of a panchayat unless his name appears on its electoral roll.

Disqualifi-
cation of
officers and
servants of
Government
and local
bodies.

14. (1) No village headman, karnam, or village servant and no other officer or servant of the Provincial or Central Government or of a panchayat, district board, municipal council or the Corporation of Madras shall be qualified for election as a member or for holding office as an elected member.

(2) If any question arises either before or after an election, whether any person is or is not disqualified under this section the question shall be referred to the Government whose decision shall be final.

Disqualifi-
cation of
persons
convicted
of election
offences.

15. Every person convicted of an offence punishable under Chapter IX-A of the Indian Penal Code or under any law or rule relating to the infringement of the secrecy of an election, shall be disqualified from voting or from being elected in any election to which this Act applies or from holding the office of member of a panchayat, for a period of five years from the date of his conviction or for such shorter period as the Court may by order determine.

Central Act
XLV of
1860.

Disqualifi-
cations of
candidates.

16. (1) A person who has been sentenced by a criminal court to transportation or to imprisonment for a period of more than six months for any offence other than an offence not involving moral delinquency (such sentence not having been reversed or the offence pardoned), shall be disqualified for election as a member while undergoing the sentence and for five years from the date of the expiration thereof:

Provided that the Government may direct that such sentence shall not operate as a disqualification.

(2) A person shall be disqualified for election as a member if, at the date of nomination or election, he is—

(a) of unsound mind, a deaf-mute or a leper;

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(b) an applicant to be adjudicated an insolvent or an undischarged insolvent;

(c) interested in a subsisting contract made with, or any work being done for, the panchayat, except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act;

(d) employed as paid legal practitioner on behalf of the panchayat or as legal practitioner against the panchayat;

Central Act
V of 1898.

(e) an honorary Magistrate under the Code of Criminal Procedure, 1898, with jurisdiction over any part of the village;

(f) already a member of the panchayat whose term of office will not expire before his fresh election can take effect or has already been elected as a member of the panchayat whose term of office has not yet commenced;

(g) the servant or employer or the official subordinate or official superior of a member holding office at the said date; or

(h) in arrears of any kind due by him (otherwise than in a fiduciary capacity) to the panchayat up to and inclusive of the previous year, in respect of which a bill or notice has been duly served upon him and the time, if any, specified therein for payment has expired.

17. Subject to the provisions of section 19, a member shall cease to hold office as such if he—

Disqualifica-
tions of
members.

(a) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 16:

Provided that the Government may direct that such sentence shall not operate as a disqualification;

(b) becomes of unsound mind, a deaf-mute or a leper;

(c) applies to be adjudicated, or is adjudicated an insolvent;

(d) acquires any interest in any subsisting contract made with, or work being done for, the panchayat except as a shareholder (other than a director) in a company or except as permitted by rules made under this Act;

(e) is employed as paid legal practitioner on behalf of the panchayat, or accepts employment as legal practitioner against the panchayat;

(f) is appointed as an officer or servant under this Act;

Central Act
V of 1898.

(g) is appointed as an honorary Magistrate under the Code of Criminal Procedure, 1898, with jurisdiction over any part of the village;

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(h) accepts employment under or becomes the official subordinate of any other member ;

(i) ceases to reside in the village ;

(j) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the panchayat within three months after a bill or notice has been served upon him in pursuance of rules made under this Act, or where in the case of any arrear, such rules do not require the service of any bill or notice, within three months after a notice requiring payment of the arrear (which notice it shall be the duty of the executive authority of the panchayat to serve at the earliest possible date) has been duly served upon him by the executive authority ;

(k) absents himself from the meetings of the panchayat for a period of three consecutive months reckoned from the date of the commencement of his term of office, or of the last meeting which he attended, or of his restoration to office as member under section 18, sub-section (1), as the case may be, or if within the said period, less than three meetings have been held, absents himself from three consecutive meetings held after the said date :

Provided that no meeting from which a member absented himself shall be counted against him under this clause if—

(i) due notice of that meeting was not given to him ; or

(ii) the meeting was held after giving shorter notice than that prescribed for an ordinary meeting ; or

(iii) the meeting was held on a requisition of members ; or

(l) is removed from office under section 132, sub-section (4).

Restoration
of members
to office.

18. (1) Where a person ceases to be a member under section 15 or clause (a) of section 17, he shall be restored to office for such portion of the period for which he was elected, as may remain unexpired at the date of such restoration, if and when the sentence is annulled on appeal or revision, or the disqualification caused by the sentence is removed by an order of the Government ; and any person elected to fill the vacancy in the interim shall, on such restoration, vacate office.

(2) Where a person ceases to be a member under clause (k) of section 17, the executive authority shall at once intimate the fact in writing to such person and report the same to the panchayat at its next meeting. If such person applies for restoration *suo motu* to the panchayat on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, the panchayat may at the meeting next after the receipt of such application restore him to office of member ;

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Provided that a member shall not be so restored more than twice during his term of office.

19. (1) Whenever it is alleged that any person who has been elected as a member of a panchayat is not qualified or has become disqualified under section 13, 15, 16 or 17 and such person does not admit the allegation, or whenever any member is himself in doubt whether or not he is not qualified or has become disqualified under section 15, 16 or 17, such member or any other member may, and the executive authority shall, on the direction of the panchayat or of the Inspector, apply to the prescribed judicial authority whose decision shall be final.

Authority
to decide
questions of
disqualifi-
cation of
members.

(2) Pending such decision, the member shall be entitled to act as if he is qualified or were not disqualified.

President and vice-president.

20. There shall be a president and a vice-president for every panchayat.

President
and vice-
president
of pancha-
yat.

21. (1) The president shall be elected by the persons whose names appear in the electoral roll for the panchayat, from among themselves.

Election
and term of
office of
president.

If at an election held under this sub-section no president is elected, a fresh election shall be held :

Provided that no member shall be eligible to stand for election as president :

Provided further that a person who stands for election as president shall not be eligible to stand for election as a member.

(2) The election of the president may be held at the same times and in the same places as the ordinary elections of the members of the panchayat.

(3) Save as otherwise expressly provided in or prescribed under this Act, the term of office of the president who is elected at an ordinary election shall be three years beginning at noon on the day on which the vacancy occurs, and if such election is held after the occurrence of the vacancy, his term of office shall commence from the date of his election and expire at the time at which it would have expired if he had been elected before the occurrence of the vacancy.

(4) Subject to the provisions of sub-section (5), any casual vacancy in the office of the president shall be filled by a fresh election and a person elected as president in any such vacancy shall hold office only so long as the person in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

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(5) Unless the Inspector otherwise directs no casual vacancy in the office of the president shall be filled within three months before the date on which the ordinary election of the president under sub-section (1) is due.

(6) The provisions of sections 14 to 18 shall apply in relation to the office of the president as they apply in relation to the office of an elected member of the panchayat.

(7) The president shall be an *ex-officio* member of the panchayat and shall be entitled to vote at meetings of the panchayat.

Election of
vice-presi-
dent.

22. The vice-president shall be elected by the panchayat from among its members.

If at an election held under this section no vice-president is elected, a fresh election shall be held.

Cessation of
office of
president
and vice-
president.

23. The president or vice-president shall cease to hold office as such—

(a) in every case, on his election as president or vice-president of the district board or of any other panchayat in the district;

(b) in the case of the president, on his becoming disqualified for holding the office or on his removal from office or on the expiry of his term of office;

(c) in the case of the vice-president, on the expiry of his term of office as a member or on his otherwise ceasing to be a member or on his election as president.

Functions
of the
president.

24. The president shall—

(a) make arrangements for the election of the vice-president;

(b) convene the meetings of the panchayat;

(c) have full access to the records of the panchayat;

(d) discharge all the duties and exercise all the powers specifically imposed or conferred on the president by this Act.

Devolution
and
delegation
of presi-
dent's
functions
and filling
up of
vacancies in
the office of
president.

25. (1) When the office of president is vacant, the vice-president shall exercise the functions of the president until a new president is declared elected and assumes office.

(2) If the president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, his functions during such absence or incapacity shall, except in such circumstances as may be prescribed, devolve on the vice-president.

(3) When the office of president is vacant or the president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated and there is either a

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vacancy in the office of vice-president or the vice-president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, the functions of the president shall devolve on a member of the panchayat appointed by the Inspector in this behalf.

The member of the panchayat so appointed (who shall be styled the temporary president) shall perform the functions of the president subject to such restrictions and conditions as may be prescribed, until a new president or vice-president is declared elected and assumes office, or either the president or the vice-president returns to jurisdiction or recovers from his incapacity, as the case may be.

(4) Any vacancy in the office of president shall be reported to the election authority, by such person and within such time as may be prescribed, and the election authority shall arrange for the election of the president.

(5) Subject to such rules as may be prescribed, the president may, by an order in writing, delegate any of his functions, with such restrictions and conditions as may be specified in the order, to the vice-president, or in case there is a vacancy in the office of vice-president or the vice-president has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, to any member.

(6) The reference to the president's functions in sub-sections (1), (2), (3) and (5) shall, where he is also the executive authority, be deemed to include a reference to his functions as executive authority.

(7) The president shall have power to control and revise the exercise or discharge of any functions devolving on the vice-president under sub-section (2) or delegated to the vice-president or any member under sub-section (5).

Members.

26. (1) Any member may call the attention of the executive authority to any neglect in the execution of panchayat work, to any waste of panchayat property or to the wants of any locality, and may suggest any improvements which may appear desirable.

(2) Every member shall have the right to move resolutions and to interpellate the president on matters connected with the administration of the panchayat, subject to such rules as may be prescribed.

(3) Every member shall have access during office hours to the records of the panchayat after giving due notice to the executive authority, provided that the executive authority may, for reasons given in writing, forbid such access.

Rights of
individual
members.

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No president, vice-president or member to receive remuneration.

27. No president, vice-president or member shall receive, or be paid from the funds at the disposal of or under the control of the panchayat any salary or other remuneration for services rendered by him whether in his capacity as such or in any other capacity.

The executive officer.

Appointment of executive officers of certain panchayats.

28. (1) A whole-time executive officer shall be appointed by the Government for any panchayat which may be notified by them in this behalf.

(2) In the case of every panchayat not so notified and also in the case of any panchayat so notified, if there is no executive officer in charge, the president of the panchayat shall, subject to such rules as may be prescribed, perform the functions of the executive officer.

(3) Save as otherwise prescribed, no executive officer appointed under sub-section (1) shall undertake any work unconnected with his office without the sanction of the Government.

(4) The panchayat shall pay the executive officer such salary and allowances as may from time to time be fixed by the Government.

(5) The panchayat shall also make—

(a) if the executive officer is in the service of the Government such contribution towards his leave allowances, pension and provident fund as may be required by the conditions of his service under the Government to be made by him or on his behalf;

(b) if the executive officer is not in the service of the Government such contribution towards his leave allowances, pension and provident fund as may be prescribed in this behalf.

(6) The Government shall have power to regulate the classification, methods of recruitment, conditions of service, pay and allowances, and discipline and conduct of the executive officers appointed under sub-section (1).

Functions of executive officer.

29. The executive officer shall—

(a) have the right to attend the meetings of the panchayat or of any committee thereof and take part in the discussions thereat but without the right to move any resolution or to vote;

(b) attend any meeting of the panchayat or of any committee thereof if required to do so by the presiding officer.

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Powers and duties of the executive authority.

30. The executive authority shall—

Functions of the executive authority.

(a) carry into effect the resolutions of the panchayat:

Provided that where the president considers that a resolution has not been legally passed or is in excess of the powers conferred by this Act or that, if carried out, it is likely to endanger human life or health or the public safety, the executive authority shall refer the matter to the Government for orders, and their decision shall be final.

(b) control all the officers and servants of the panchayat;

(c) discharge all the duties and exercise all the powers specifically imposed or conferred on the executive authority by or under this Act and subject to all restrictions and conditions imposed by or under this Act, exercise the executive power for the purpose of carrying out the provisions of this Act and be directly responsible for the due fulfilment of the purposes thereof.

31. The executive authority may in cases of emergency direct the execution of any work or the doing of any act which requires the sanction of the panchayat and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public, and may direct that the expenses of executing such work or doing such act shall be paid from the panchayat fund:

Emergency powers of executive authority.

Provided that—

(a) he shall not act under this section in contravention of any order of the panchayat prohibiting the execution of any particular work or the doing of any particular act, and

(b) he shall report the action taken under this section and the reasons therefor to the panchayat at its next meeting.

32. The Inspector may, by general or special order, authorize the Health Officer of a panchayat, or if there is no such officer, the Health Officer of the district, to exercise such of the functions of an executive authority under this Act in such area and subject to such restrictions and conditions and to such control and revision as may be specified in such order.

Exercise of functions of executive authority by Health Officer in certain cases.

33. Subject to such restrictions and control as may be prescribed, the executive authority may, by an order in writing delegate any of his functions as such—

Delegation of functions of executive authority.

(i) if he is the president, to the vice-president and in the absence of the vice-president, to any other member;

(ii) if he is not the president, to the president; in the absence of the president, to the vice-president; and in the absence of both the president and vice-president, to any other member.

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The exercise or discharge of any functions so delegated shall be subject to such restrictions and conditions as may be laid down by the executive authority and shall also be subject to his control and revision.

Establishment.

Officers and
servants of
panchayats.

34. (1) Subject to such rules as may be made under sub-section (2), the Inspector shall fix, and may alter, the number, designations and grades of, and the salaries, fees and allowances payable to, the officers and servants of every panchayat, other than the executive officer:

Provided that in an emergency, the executive authority may, subject to such rules as may be prescribed, employ temporarily additional officers and servants.

(2) The Government shall have power to make rules regarding the authorities who may appoint the officers and servants of panchayats, other than the executive officers, and the classification, methods of recruitment, pay and allowances, discipline and conduct, and conditions of service of such officers and servants.

Such rules may provide for the constitution of any class of officers or servants of panchayats other than the executive officers into a separate service for the whole of the province.

(3) Two or more panchayats may, subject to such rules as may be prescribed, and shall if so required by any authority empowered in this behalf by rules, appoint the same officer or servant to exercise or discharge any powers or duties of a similar nature for both or all of them.

(4) Notwithstanding anything contained in this Act, Madras Act the Madras District Municipalities Act, 1920, or the Madras V of 1920. District Boards Act, 1920, any officer or servant of a panchayat (including the executive officer) may be transferred—

(i) to the service of any other panchayat by the Inspector;

(ii) to the service of any district board constituted under the Madras District Boards Act, 1920, or of any municipality constituted under the Madras District Municipalities Act, 1920, by the Government:

Provided that no officer or servant (other than the executive officer) shall be so transferred except after consulting—

(a) the executive authorities of the panchayats concerned in cases falling under clause (i) of this sub-section; and

(b) the district board or municipal council concerned and the executive authority of the panchayat in cases falling under clause (ii) of this sub-section.

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Any authority making a transfer under this sub-section may issue such general or special directions as may in its opinion be necessary for the purpose of giving due effect to such transfer.

(5) The Inspector may recover from a panchayat the whole or such proportion of the salary and allowances paid to any officer or servant of the panchayat other than the executive officer, and such contribution towards his leave allowances, pension and provident fund, as the Government may by general or special order determine, in the following cases, namely:—

(a) where such officer or servant was appointed to the service of the panchayat by the Government; and

(b) where such officer or servant is a servant of the Government.

(6) All officers and servants of the panchayat shall be subordinate to the executive authority, and save as otherwise provided in this Act or in the rules made thereunder and subject to such restrictions and control and such rights of appeal as may be prescribed in such rules, the executive authority may—

(a) appoint all officers and servants of the panchayat;

(b) grant leave to any such officer or servant; and

(c) for any good and sufficient reason, censure, fine, withhold increments or promotion from, reduce to a lower rank in the seniority list or to a lower post or time-scale or to a lower stage in a time-scale, suspend, remove or dismiss any such officer or servant.

(7) The provisions of this section shall also apply to the public health establishments of panchayats, notwithstanding anything contained in the Madras Public Health Act, 1939.

(8) (i) Notwithstanding anything contained in this Act, and subject to such rules as may be prescribed, the Inspector may—

(a) appoint such engineering and other staff as he considers necessary for the purposes of any panchayat and recover from it the salary and allowances paid to the members of such staff and such contributions towards their leave allowances, pension and provident fund as he may, by general or special order, determine;

(b) appoint a common engineering or other staff for the purposes of two or more panchayats and recover from each of the panchayats concerned such proportion of the salary and allowances paid to the members of such staff and such contribution towards their leave allowances, pension and provident fund as he may, by general or special order, determine.

(ii) The pay and allowances and conditions of service of any member of the staff appointed under clause (i) shall be such as may be prescribed.

Madras Act
III of 1939.

Madras Act
XIV of 1920.
Madras Act
V of 1920.

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*Procedure.*Presidency
at meetings.

35. (1) Every meeting of a panchayat shall be presided over by the president, in his absence, by the vice-president, and in the absence of both the president and the vice-president, by a member chosen by the meeting to preside for the occasion.

(2) The president shall preserve order and decide all points of order arising at or in connexion with meetings. There shall be no discussion on any point of order and the decision of the president on any point of order shall, save as otherwise expressly provided in this Act, be final.

(3) A vice-president or member presiding for the occasion shall, for that meeting and during the period that he presides over it, have all the powers of the president.

Minutes of
proceedings.

36. A copy of the minutes of the proceedings at every meeting of a panchayat as well as of all minutes of dissent in respect of such proceedings received from any member (other than the president) present at the meeting within 48 hours of the close thereof shall be submitted by the president within three days of the date of the meeting to the Inspector :

Provided that the Inspector may direct that such minutes shall be submitted either generally or in any specified classes of cases to any officer empowered by him in this behalf.

Power of
panchayat
to call for
records.

37. A panchayat may require the executive authority to produce any document which is in his custody and he shall subject to such rules as may be prescribed, comply with every such requisition.

Proceedings
of pancha-
yats and
committees.

38. (1) The proceedings of every panchayat and of all committees thereof shall be governed by such rules as may be prescribed and by regulations, not inconsistent with such rules or the provisions of this Act, made by the panchayat with the approval of the Inspector.

(2) The Inspector shall have power to add to, omit, or alter any regulations submitted for his approval under sub-section (1).

(3) The rules referred to in sub-section (1) may provide for preventing any member or president or any member or chairman of a committee from voting on, or taking part in the discussion of, any matter in which apart from its general application to the public, he has any direct or indirect pecuniary interest, whether by himself or through some other person, or from being present or presiding at any meeting of the panchayat or of the committee during the discussion of any such matter.

Appoint-
ment of
joint com-
mittees.

39. (1) A panchayat may, and if so required by the Inspector shall, join with one, or more than one, other local authority in constituting a joint committee for any purpose for which they are jointly responsible.

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(2) The constitution, powers and procedure of a joint committee and the method of settling differences of opinion arising in connexion with the committee between the local authorities concerned shall be in accordance with such rules as may be prescribed.

40. (1) Every panchayat shall submit to the Inspector a report on its administration for each year as soon as may be after the close of such year and not later than the prescribed date, in such form, with such details, and through such authority as may be prescribed.

(2) The report shall be prepared by the executive authority and the panchayat shall consider it and forward the same to the Inspector with its resolutions thereon, if any.

(3) The Inspector shall submit to the Government a general report on the administration of panchayats in the Province during the year.

Validation of proceedings.

41. No act of a panchayat or of a committee thereof or of any person acting as president, vice-president, chairman or member of such panchayat or committee shall be deemed to be invalid by reason only of a defect in the establishment of such panchayat or committee, or on the ground that the president, vice-president, chairman or any member of such panchayat or committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election, or by reason of such act having been done during the period of any vacancy in the office of president, vice-president, chairman or member of such panchayat or committee.

Control.

42. (1) The Inspector shall supervise the administration of all panchayats in the Province and shall also exercise the powers and perform the duties vested in him by or under this Act. He shall be assisted by one or more Regional Inspectors appointed by the Government.

(2) (a) The Government may appoint such other officers as they may consider necessary for the purpose of inspecting or superintending the operations of all or any of the panchayats constituted under this Act.

(b) In particular and without prejudice to the generality of the foregoing provision, the Government may appoint one or more District Panchayat Officers and one or more Deputy Panchayat Officers for each revenue district.

(c) The Government shall have power to regulate the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the officers

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referred to in clauses (a) and (b) and of the members of their establishment.

(3) The cost of the officers and the members of the establishment aforesaid shall be paid out of the revenues of the Province.

(4) The District and the Deputy Panchayat Officers shall exercise such powers and perform such duties as may be prescribed, or as may be delegated to them under this Act.

(5) The Inspector or the Collector or any officer appointed under sub-section (1) or any other officer or person whom the Government, or the Inspector or the Collector may empower in this behalf, may enter on and inspect, or cause to be entered on and inspected—

(a) any immovable property, or any work in progress, under the control of any panchayat or executive officer ;

(b) any school, hospital, dispensary, vaccination station, choultry or other institution maintained by, or under the control of, any panchayat and any records, registers or other documents kept in such institution ;

(c) the office of any panchayat and any records, registers or other documents kept therein.

Panchayats and their presidents, executive authorities, officers and servants shall be bound to afford to the officers and persons aforesaid, such access, at all reasonable times, to panchayat property or premises and to all documents as may, in the opinion of such officers or persons, subject to such rules as may be prescribed, be necessary to enable them to discharge their duties under this section.

(6) The Inspector or any officer or person whom the Government, or the Inspector may empower in this behalf may—

(a) direct the panchayat to make provision for and to execute or provide any public work or amenity, or service of the description referred to in section 50 ;

(b) call for any record, register or other document in the possession, or under the control, of any panchayat, or executive authority ;

(c) require any panchayat, or executive authority to furnish any return, plan, estimate, statement, account or statistics ;

(d) require any panchayat, or executive authority to furnish any information or report on any matter connected with such panchayat ;

(e) record in writing for the consideration of any panchayat, or executive authority any observations in regard to its or his proceedings or duties.

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43. (1) The Inspector may, by order in writing,—

(i) suspend or cancel any resolution passed, order issued, or licence or permission granted, or

(ii) prohibit the doing of any act which is about to be done or is being done,

in pursuance or under colour of this Act if, in his opinion,—

(a) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorized, or

(b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or any other law or an abuse of such powers or is considered by the Inspector to be otherwise undesirable, or

(c) the execution of such resolution or order, or the continuance in force of such licence or permission or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray :

Provided that nothing in this sub-section shall enable the Inspector to set aside any election which has been held.

(2) The Inspector shall, before taking action on any of the grounds referred to in clauses (a) and (b) of sub-section (1), give the authority or person concerned an opportunity for explanation.

(3) The power conferred on the Inspector under clause (c) of sub-section (1), may be exercised by the Collector in accordance with the provisions of that clause.

44. Subject to such control as may be prescribed, the Inspector or the Collector may, in cases of emergency, direct or provide for the execution of any work, or the doing of any act which a panchayat or executive authority is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the safety of the public, and may direct that the expense of executing such work or doing such act shall be paid by the person having the custody of the panchayat fund in priority to any other charge against such fund except charges for the service of authorized loans.

45. The administration by a panchayat of any undertaking for the generation, transmission, supply or use of electrical energy shall be subject to such control as may be prescribed, not inconsistent with the Indian Electricity Act, 1910, or the Electricity (Supply) Act, 1948, as in force for the time being, the rules made under those Acts, and the terms of the licence granted under them to the panchayat.

Central
Act XI of
1910.
Central Act
LIV of 1948.

Power to
suspend
or cancel
resolution,
etc., under
the Act.

Emergency
powers of
Collector
and
Inspector.

Control
over
electrical
undertakings
of
panchayats.

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Power to
take
action in
default of a
panchayat,
president or
executive
authority.

46. (1) If at any time it appears to the Inspector that a panchayat, president or executive authority has made default in performing any duty imposed by or under this or any other Act, he may, by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, the Inspector may appoint some person to perform it, and may direct that the expense of performing it shall be paid by the person having the custody of the panchayat fund in priority to any other charges against such fund except charges for the service of authorized loans.

Removal of
president,
vice-presi-
dent or
member.

47. (1) The Inspector may, by notification and with effect from a date to be specified therein, remove any president or vice-president who, in his opinion, wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules, by-laws, regulations or lawful orders issued thereunder, or abuses the powers vested in him.

(2) The Inspector may, by notification and with effect from a date to be specified therein, remove any member who, in his opinion, is guilty of any misconduct in the discharge of his duties.

(3) The Inspector shall, when he proposes to take action under sub-section (1) or (2), give the president, vice-president or member concerned an opportunity for explanation, and the notification issued shall contain a statement of the reasons for the action taken.

(4) The Government shall have power to cancel any notification issued under sub-section (1) or (2) and may, pending a decision on the question of such cancellation, postpone the date specified in such notification.

(5) Any person in respect of whom a notification has been issued under sub-section (1) or (2) removing him from the office of president, vice-president or member shall, unless the notification is cancelled under sub-section (4), be ineligible for election as president or vice-president or for election as member or from holding any of those offices until the date on which notice of the next ordinary elections to the panchayat is published in the prescribed manner, or the expiry of one year from the date specified in such notification as postponed by the order, if any, issued under sub-section (4), whichever is earlier.

Dissolution
and super-
session of
panchayats.

48. (1) If, in the opinion of the Government, a panchayat is not competent to perform or persistently makes default in performing the duties imposed on it by law, or exceeds or abuses its powers, they may, by notification—

(a) direct that the panchayat be dissolved with effect from a specified date and reconstituted either immediately or with effect from another specified date, or

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(b) supersede the panchayat for a period not exceeding one year from a specified date :

(2) Nothing contained in sub-section (1) shall affect the continuance in office of the president during the period of dissolution or supersession of the panchayat.

(3) Before publishing a notification under sub-section (1), the Government shall communicate to the panchayat the grounds on which they propose to do so, fix a reasonable period for the panchayat to show cause against the proposal, and consider its explanations and objections, if any.

(4) On the date fixed for the dissolution or supersession of a panchayat under sub-section (1), all its members as well as its vice-president shall forthwith be deemed to have vacated their offices as such.

(5) During the interval, if any, between the dissolution and the reconstitution of a panchayat or during the period of its supersession, as the case may be, the president shall exercise and discharge the powers and duties of the panchayat as far as may be and to such extent as the Government may determine in that behalf. In case the office of president is vacant on the date of dissolution or supersession of the panchayat or falls vacant before the reconstitution of the panchayat, the Inspector may appoint a person to exercise the powers and discharge the duties of the panchayat and of its president including where the president is also the executive authority, his powers and duties as such until the reconstitution of the panchayat. Any person other than the executive officer who is so appointed may, if the Inspector so directs, receive payment for his services from the panchayat.

(6) The members, other than the president, of a reconstituted panchayat shall enter upon their offices on the date fixed for its reconstitution and their term of office shall expire in such year and on such date as the Government may fix. The year so fixed shall be either the year in which the next ordinary elections or the year in which the ordinary elections immediately succeeding such elections are to be held for any panchayat in the same district. The date so fixed shall not be later than the 31st day of December.

(7) When a panchayat is dissolved or superseded under this section, the Government until the date of the reconstitution thereof, and the reconstituted panchayat thereafter, shall be entitled to all the assets and be subject to all the liabilities of the panchayat as on the date of the dissolution or supersession and on the date of the reconstitution respectively.

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Powers of officers acting for, or in default of, panchayat and liability of panchayat fund.

49. The Government, the Inspector or any other person lawfully taking action on behalf, or in default, of a panchayat under this Act, shall have such powers as are necessary for the purpose and shall be entitled to the same protection under this Act as the panchayat or its officers or servants whose powers are exercised; and compensation shall be recoverable from the panchayat fund by any person suffering damage from the exercise of such powers to the same extent, as if the action had been taken by the panchayat or its officers or servants.

CHAPTER III.—FUNCTIONS, POWERS AND PROPERTY OF PANCHAYATS.

Duty of panchayat to provide for certain matters.

50. Subject to the provisions of this Act and the rules made thereunder, it shall be the duty of a panchayat, within the limits of its funds, to make reasonable provision for carrying out the requirements of the village in respect of the following matters, namely :—

(a) the construction, repair and maintenance of all public roads in the village (other than district roads and roads which are classified by the Government as national and provincial highways) and of all bridges, culverts, road-dams and causeways on such roads;

(b) the lighting of public roads and public places;

(c) the construction of drains and the disposal of drainage water and sullage;

(d) the cleansing of streets, the removal of rubbish heaps, jungle growth and prickly-pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows, and other improvements of the sanitary condition of the village;

(e) the provision of public latrines and arrangements to cleanse latrines whether public or private;

(f) the opening and maintenance of burial and burning grounds;

(g) the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks and the construction and maintenance of water-works for the supply of water for washing and bathing purposes and of protected water for drinking purposes;

(h) preventive and remedial measures connected with any epidemic, or with malaria.

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51. Subject to the provisions of this Act and the rules made thereunder, a panchayat may also make such provision as it thinks fit for carrying out the requirements of the village in respect of the following matters, namely :—

Power of panchayat to provide for certain other matters.

(a) the planting and preservation of trees on the sides of public roads in the village not being district roads or roads classified by the Government as national or provincial highways;

(b) the opening and maintenance of public markets other than markets which are classified as district markets;

(c) the control of fairs and festivals other than those classified as district fairs and festivals;

(d) the opening and maintenance of public landing places, halting places and cart-stands and of public cattle-sheds;

(e) the opening and maintenance of public slaughter-houses;

(f) the establishment and maintenance of choultries other than those classified as district choultries;

(g) the extension of village-sites and the regulation of building;

(h) the registration of births and deaths;

(i) improvements of agriculture and agricultural stock and the holding of agricultural shows;

(j) the promotion and encouragement of cottage industries;

(k) the opening and maintenance of elementary schools;

(l) the opening and maintenance of reading rooms and of libraries which are not classified as district libraries;

(m) the establishment and maintenance of wireless receiving sets, playgrounds, sports clubs and centres of physical culture;

(n) the establishment and maintenance of dispensaries and the payment of subsidies to rural medical practitioners;

(o) the establishment and maintenance of maternity and child-welfare centres;

(p) veterinary relief;

(q) other measures of public utility calculated to promote the safety, health, comfort or convenience of the inhabitants of the village.

52. Subject to the provisions of this Act and the rules made thereunder, two or more panchayats may establish and maintain common dispensaries, child-welfare centres and institutions of such other kind as may be prescribed.

Maintenance of common dispensaries, child-welfare centres, etc.

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Transfer to
panchayats
of unreser-
ved forests
and other
institutions
or works.

53. (1) (a) All unreserved forests in the village at the commencement of this Act shall vest in the panchayat and be administered by it for the benefit of the villagers.

(b) In respect of every forest so vested, the panchayat shall, if so required by the Collector, pay to the Government such rent as the Collector may, from time to time, subject to the control of the Board of Revenue, fix in this behalf.

(2) (a) If the Revenue Divisional Officer is of opinion that a panchayat is not administering properly a forest vesting in it under sub-section (1), he may, by order, withdraw such forest from the control of the panchayat for such period as may be specified in the order, not exceeding the period, if any, prescribed in this behalf.

(b) The Revenue Divisional Officer may, from time to time, by order, extend the period specified in any order issued under clause (a).

(c) Before issuing an order under clause (a) or (b), a reasonable opportunity shall be given to the panchayat to show cause against such issue.

(d) Where an order is issued under clause (a) or (b), the panchayat concerned may, within three months of the service of the order, appeal against it to the Collector; and the Collector may confirm, modify or reverse the order.

(3) The Board of Revenue may, in its discretion, at any time, either *suo motu* or on application, call for and examine the record of any order issued by the Revenue Divisional Officer or the Collector under sub-section (2) for the purpose of satisfying itself as to the legality or propriety of such order, and may pass such order in reference thereto as it thinks fit.

(4) Subject to such rules as may be prescribed, the Government, the Board of Revenue, the Collector or Revenue Divisional Officer, the district board or its executive authority, or any person or body of persons, may transfer to the panchayat, with its consent and subject to such conditions as may be agreed upon, the management of any institution, or the execution or maintenance of any work, or the exercise of any power or the discharge of any duty, whether within or without the village, and whether provided for in this Act or not.

Power of
Board of
Revenue to
transfer or
resume
control of
endowments
and inams.

54. (1) (a) Subject to the control of the Government, the Board of Revenue may, by notification, make over to a panchayat, with its consent, the management and superintendence of any charitable endowment in respect of which powers and duties attach to the Board of Revenue under the provisions of the Madras Endowments and Escheats Regulation, 1817; and thereupon all powers and duties attaching to the Board of Revenue in respect thereof shall attach to the panchayat as if it had been specially named in the said Regulation, and the panchayat shall manage and superintend such endowment.

Madras
Regulation
VII of 1817.

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(b) The Board of Revenue may of its own motion, and shall on a direction from the Government, by notification, resume the management and superintendence of any endowment made over to a panchayat under clause (a) and upon such resumption, all the powers and duties attaching to the panchayat in respect of the endowment shall cease and determine.

(2) The Government may assign to a panchayat with its consent, a charitable inam resumed by the Government or any other authority, provided that the net income from such inam can be applied exclusively to any purpose to which the funds of such panchayat may be applied; and may revoke any assignment so made.

55. A panchayat may accept donations for, or trusts relating exclusively to, the furtherance of any purpose to which its funds may be applied.

Limitation
of power to
accepting
donations
and trusts.

56. (1) All public roads in any village (other than district roads and roads which are classified by the Government as national or provincial highways), shall vest in the panchayat together with all pavements, stones and other materials thereof, all works, materials and other things provided therefor, all sewers, drains, drainage works, tunnels and culverts, whether made at the cost of the panchayat fund or otherwise, in, alongside or under such roads, and all works, materials and things appertaining thereto.

Vesting of
public roads
in pancha-
yats.

(2) The Government may, by notification, exclude from the operation of this Act any such public road, sewer, drain, drainage work, tunnel or culvert, and may also modify or cancel such notification.

57. All rubbish, sewage, filth and other matter collected by a panchayat under this Act shall belong to it.

Collected
sewage, etc.,
to belong to
panchayat.

58. Any property or income which by custom belongs to, or has been administered for the benefit of, the villagers in common, or the holders in common of village land generally or of lands of a particular description or of lands under a particular source of irrigation shall vest in the panchayat and be administered by it for the benefit of the villagers or holders aforesaid.

Vesting of
communal
property or
income in
panchayat.

59. (1) Subject to such conditions and control as may be prescribed, the Government may transfer to any panchayat the protection and maintenance of any village irrigation work, the management of turns of irrigation, or the regulation of distribution of water from any irrigation work to the fields depending on it.

Power of
panchayats
to execute
kudimara-
mat and
levy fees
for the
purpose.

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(2) The panchayat shall have power, subject to such restriction and control as may be prescribed, to execute kudimaramat in respect of any irrigation source in the village and to levy such fee and on such basis for the purposes thereof as may be prescribed :

Provided that nothing contained in this section shall be deemed to relieve the village community or any of its members of its or his liability under the Madras Compulsory Labour Act, Central Act 1858, in respect of any irrigation source in the village, in case the panchayat makes default in executing the kudimaramat in respect of that irrigation source.

Panchayat to regulate the use of certain porambocks in ryotwari tracts.

60. (1) The provisions of this section shall apply only in ryotwari tracts.

(2) The panchayat shall have power, subject to such restrictions and control as may be prescribed, to regulate the use of the following porambocks, namely, grazing grounds, threshing floors, burning and burial grounds, cattle-stands, cart-stands and topes, provided the porambocks are at the disposal of the Government.

(3) The Collector after consulting the panchayat, may, by notification, exclude from the operation of this Act any poramboke referred to in sub-section (2), and may also modify or cancel such notification.

(4) The panchayat shall also have power, subject to such restrictions and control as may be prescribed, to regulate the use of any other poramboke which is at the disposal of the Government, if the panchayat is authorized in that behalf by an order of the Government.

(5) The panchayat may, subject to such restrictions and control as may be prescribed, plant trees on any poramboke the use of which is regulated by it under sub-section (2) or sub-section (4).

Panchayat to regulate the use of certain communal lands in estates governed by the Madras Estates Land Act, 1908.

61. (1) In estates governed by the Madras Estates Land Act, 1908, notwithstanding anything contained in that Act, the panchayat shall have power subject to such restrictions and control as may be prescribed—

(a) to regulate the use of lands which are set apart for any of the purposes referred to in sub-clause (b) of clause (16) of section 3 of the said Act, namely, threshing floors, cattle-stands, village-sites and other lands situated in the village which are set apart for the common use of the villagers ;

(b) to exercise the power vested in the District Collector by section 20-A of the said Act, namely, to direct that any land referred to in clause (a) which is no longer

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required for its original purpose shall be used for any other specified communal purpose, provided that the sanction of the District Collector is obtained therefor ; and

(c) to plant trees on any land the use of which is regulated by the panchayat under clause (a).

Nothing contained in clause (b) shall be deemed to affect in any way the operation of the provisos to sub-section (1) of the said section 20-A.

Madras Act I of 1908.

(2) After an estate ceases to be governed by the Madras Estates Land Act, 1908, the provisions of sub-section (1) shall apply to the lands referred to in that sub-section, to such extent and with such modifications, as may be prescribed.

Central Act I of 1894.

62. Any immovable property which any panchayat is authorized by this Act or any rules made thereunder to acquire may be acquired under the provisions of the Land Acquisition Act, 1894, and on payment of the compensation awarded under the said Act in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the panchayat.

Immovable property required by panchayats may be acquired under the Land Acquisition Act, 1894.

CHAPTER IV.—TAXATION AND FINANCE.

63. (1) Every panchayat shall levy in the village a house-tax, a profession-tax and a vehicle tax.

Taxes which may be levied by panchayats.

(2) A duty shall also be levied in every village on certain transfers of property in accordance with the provisions of section 67.

(3) Subject to such rules as may be prescribed and with the sanction of the Inspector and subject to such restrictions and conditions, if any, as may be imposed by him either at the time of granting sanction or later, the panchayat may also levy in the village—

(a) a land-cess at the rate of three pies in the rupee on the annual rent value of all occupied land which are not occupied by, or adjacent and appurtenant to, buildings ;

(b) a tax on agricultural land for a specific purpose.

(c) fees on any commercial crop bought and sold in the village, not being a crop on which fees are levied in the village by a market committee under section 11 of the Madras Commercial Crops Markets Act, 1933.

Madras Act XX of 1933.

Explanation.—For the purpose of this clause, 'commercial crop' shall have the same meaning as in section 2 (i-a) of the Madras Commercial Crops Markets Act, 1933.

Madras Act XX of 1933.

64. (1) The house-tax referred to in section 63, sub-section (1) shall be levied on all houses (other than huts) in the village on any one of the following bases, namely, (a) annual value, (b) capital value or (c) such other basis as may be prescribed.

House-tax.

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(2) The house-tax shall, subject to the prior payment of the land revenue, if any, due to the Government in respect of the site of the house, be a first charge upon the house and upon the movable property, if any, found within or upon the same and belonging to the person liable to such tax.

(3) The house-tax shall be levied every half-year at such rates as may be fixed by the panchayat, not being less than the minimum rates and not exceeding the maximum rates, prescribed in regard to the basis of levy adopted by the panchayat.

(4) The Government may make rules providing for—

(i) the exemption of specified classes of houses from the tax;

(ii) the manner of ascertaining the annual or capital value of houses or the categories into which they fall for the purposes of taxation;

(iii) the persons who shall be liable to pay the tax and the giving of notices of transfer of houses;

(iv) the grant of exemptions from the tax on the ground of poverty;

(v) the grant of vacancy and other remissions;

(vi) the circumstances in which, and the conditions subject to which, houses constructed, reconstructed or demolished, or situated in areas included in, or excluded from, the village, during any half-year, shall be liable or cease to be liable to the whole or any portion of the tax.

(5) If the occupier of a house pays the house-tax on behalf of the owner thereof, such occupier shall be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

Profession-
tax.

65. (1) The profession-tax referred to in section 63, subsection (1), shall subject to such rules as may be prescribed, be levied every half-year in every village on—

(i) every company which transacts business in such village for not less than sixty days in the aggregate in that half-year; and

(ii) every person who, in that half-year—

(a) exercises a profession, art or calling or transacts business or holds any appointment, public or private—

(i) within such village for not less than sixty days in the aggregate, or

(ii) without such village, but who resides in it for not less than sixty days in the aggregate, or

(b) resides in such village for not less than sixty days in the aggregate and is in receipt of any pension or income from investments.

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(2) The profession-tax shall be levied at such rates as may be fixed by the panchayat, not being less than such minimum rates and not exceeding such maximum rates as may be prescribed.

(3) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax.

(4) If a company or person proves that it or he has paid the sum due on account of the profession-tax levied under this Act, or the companies or profession-tax levied under the Madras City Municipal Act, 1919, or the Madras District Municipalities Act, 1920, or any tax of the nature of a profession-tax imposed under the Cantonments Act, 1924, for the same half-year to any panchayat or municipal council or cantonment authority in the Province of Madras, such company or person shall not be liable by reason merely of change of place of business, exercise of profession, art or calling, appointment or residence to pay to any other panchayat, municipal council or cantonment authority more than the difference between such sum and the amount to which it or he is otherwise liable for the profession or companies tax for the half-year under this Act or any of the aforesaid Acts.

(5) Nothing contained in this section shall be deemed to render a person who resides within the local limits of one local authority and exercises his profession, art or calling or transacts business or holds any appointment within the limits of any other local authority or authorities liable to profession-tax for more than the higher of the amounts of the tax leviable by any of the local authorities. In such a case the Government shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the Government shall be final.

Provided that where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the decision of the Government shall be subject to the concurrence of the Central Government.

(6) The profession-tax leviable from a firm, association or joint Hindu family may be levied from any adult member of the firm, association or family.

(7) (a) If a company or person employs a servant or agent to represent it or him for the purpose of transacting business in any local area, such company or person shall be deemed to transact business in the local area and such servant or agent shall be liable for the profession-tax in respect of the business of such company or person whether or not such servant or agent has power to make binding contracts on behalf of such company or person.

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(b) Where one company or person is the agent of another company or person, the former company or person shall not be liable separately to the profession-tax on the same income as that of the principal.

Vehicle tax.

66. The vehicle tax referred to in section 63, sub-section (1), shall, subject to such rules as may be prescribed including rules relating to exemptions and restrictions, be levied every half-year on all vehicles kept or used within the village at such rates as may be fixed by the panchayat not being less than the minimum rates and not exceeding the maximum rates prescribed.

Explanation.—In this section, 'vehicle' means a conveyance suitable for use on roads and includes any kind of tram car, carriage, cart, wagon, bicycle, tricycle and rickshaw, but does not include a motor vehicle as defined in the Motor Vehicles Act, 1939.

Central Act
IV of 1939.Duty on
transfers of
property.

67. (1) The duty on transfers of property shall be levied—

(a) in the form of a surcharge on the duty imposed by the Indian Stamp Act, 1899, as in force for the time being in the Province of Madras, on every instrument of the description specified below, which relates to immovable property situated in the area under the jurisdiction of a panchayat; and

Central Act
II of 1899.

(b) at such rate as may be fixed by the Government, not exceeding five per centum on the amount specified below against such instrument.

Description of instrument.	Amount on which duty should be levied.
(i) Sale of immovable property.	The amount or value of the consideration for the sale, as set forth in the instrument.
(ii) Exchange of immovable property.	The value of the property of the greatest value, as set forth in the instrument.
(iii) Gift of immovable property.	The value of the property as set forth in the instrument.
(iv) Mortgage with possession of immovable property.	The amount secured by the mortgage as set forth in the instrument.
(v) Lease in perpetuity of immovable property.	An amount equal to one-sixth of the whole amount or value of the rents which would be paid or delivered in respect of the first fifty years of the lease, as set forth in the instrument.

(2) On the introduction of the duty aforesaid—

(a) section 27 of the said Indian Stamp Act shall be read as if it specifically required the particulars to be set forth

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separately in respect of property situated in the area under the jurisdiction of a panchayat and in respect of property situated outside such area;

(b) section 64 of the same Act shall be read as if it referred to the panchayat as well as the Government.

(3) The Government may make rules not inconsistent with this Act for regulating the collection of the duty, the payment thereof to the panchayat and the deduction of any expenses incurred by the Government in the collection thereof.

68. Subject to such restrictions and control as may be prescribed, a panchayat may write off any tax, fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connexion therewith, if in its opinion such tax, fee, amount or sum is irrecoverable: Power to write off irrecoverable amounts.

Provided that where the Collector or any of his subordinates is responsible for the collection of any tax, fee or other amount due to a panchayat, the power to write off such tax, fee or amount or any sum payable in connexion therewith, on the ground of its being irrecoverable, shall be exercised by the Board of Revenue or subject to its control, by the Collector or any officer authorized by him.

69. Subject to such rules, as may be prescribed, the executive authority shall have power to require the village headman having jurisdiction over the village or any part thereof to collect any tax or fee due to the panchayat on payment of such remuneration not exceeding 6½ per cent of the gross sum collected by the headman as the Collector may, by general or special order, determine. Power to require village headmen to collect taxes and fees due to panchayats.

70. (1) All moneys received by the panchayat shall constitute a fund called the panchayat fund, and shall be applied and disposed of in accordance with the provisions of this Act and other laws: Panchayat fund.

Provided that the panchayat shall have power, subject to such rules as may be prescribed, to direct that the proceeds of any tax or additional tax levied under this Act shall be earmarked for the purpose of financing any specific public improvement. A separate account shall be kept of the receipts from every such tax or additional tax and the expenditure thereof.

(2) the receipts which shall be credited to the panchayat fund shall include—

(i) the house-tax, the profession-tax, the vehicle tax and any other tax or any cess or fee, levied under section 63 of this Act;

(ii) the proceeds of the duty on transfers of property levied under section 67 of this Act;

(iii) one-fourth of the land-cess levied in the village under section 78 of the Madras District Boards Act, 1920; Madras Act XIV of 1920.

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(iv) the pilgrim tax levied in respect of the village under section 110 of the Madras District Boards Act, 1920, Madras Act except where the occasion for pilgrimage is a festival classified XIV of 1920, as a district festival;

(v) any payments made to the panchayat by a market committee in pursuance of section 11, sub-section (3), of the Madras Commercial Crops Markets Act, 1933;

(vi) the taxes and tolls levied in the village under sections 117 and 118 of the Madras Public Health Act, 1939; Madras Act XX of 1933.

(vii) the contribution paid by the district board on the scale fixed by the Government in respect of markets in the village classified as district markets and in respect of ferries under the management of the district board;

(viii) fees for the temporary occupation of village-sites, roads and other similar public places or parts thereof in the village;

(ix) fees levied by the panchayat in pursuance of any provision in this Act or any rule or order made thereunder;

(x) the contribution, if any, paid by the district board on the scale fixed by the Government for the opening and maintenance of elementary schools in the village;

(xi) income from endowments and trusts under the management of the panchayat;

(xii) the net assessment on service inams which are resumed by the Government after the commencement of this Act;

(xiii) income derived from village fisheries;

(xiv) income derived from ferries under the management of the panchayat;

(xv) unclaimed deposits and other forfeitures;

(xvi) a sum equivalent to the seigniorage fees collected by the Government every year from persons permitted to quarry for road materials in the village;

(xvii) all income derived from porambokes the user of which is vested in the panchayat;

(xviii) where the village is in a ryotwari tract, all income derived from trees standing on porambokes although the user of the porambokes is not vested in the panchayat;

(xix) income from leases of Government property obtained by the panchayat;

(xx) a sum equivalent to nine-tenths of the gross income derived by the Government every year from fines imposed by Magistrates in respect of offences committed in the village under this Act or any rule or by-law made thereunder or any other provision of law which is prescribed in this behalf;

(xxi) grants received from the Government; and

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(xxii) all sums other than those enumerated above which arise out of, or are received in aid of or for expenditure on, any institutions or services maintained or financed from the panchayat fund or managed by the panchayat.

71. The Government shall set apart every year a sum not being less than twelve and a half per cent of the total land revenue (including water-cess) collected in the Province during that year and distribute such sum in the prescribed manner as grants to Class II panchayats on the basis of their population. Grants by Government to Class II panchayats.

72. (1) The purposes to which the panchayat fund may be applied include all objects expressly declared obligatory or discretionary by this Act or any rules made thereunder or by any other laws or rules and the fund shall be applicable thereto within the village subject to such rules or special orders as the Government may prescribe or issue and shall, subject as aforesaid, be applicable to such purposes outside the village if the expenditure is authorized by this Act or specially sanctioned by the Inspector. Expenditure from panchayat fund.

(2) (a) It shall be the duty of every panchayat to provide for the payment of—

(i) any amounts falling due on any loans contracted by it;

(ii) the election expenses including the cost of the preparation and revision of the electoral roll, the conduct of elections to the panchayat, and the maintenance of the election establishment;

Explanation.—The cost of maintenance of the election establishment shall include the pay, pension and leave allowances, if any, of the officers and servants of the Government or of any other authority, employed in the preparation and revision of the electoral roll and in the conduct of the elections;

(iii) the salaries and allowances and the pensions, pensionary contributions and provident fund contributions of its officers and servants;

(iv) sums due under any decree or order of a Court; and

(v) any other expenses rendered obligatory by or under this Act or any other law.

(b) The Government shall determine every year the amount of the election expenses referred to in sub-clause (ii) of clause (a) and their determination shall be final and binding on the panchayat. Such amount shall have priority over all other charges except charges for the service of authorized loans including the loans and advances referred to in section 76 and the expenses specified in sections 44 and 46 (2).

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(3) A panchayat may, with the sanction of the Government, contribute to any fund for the defence of India.

(4) A panchayat may, with the sanction of the Inspector, also—

(i) contribute towards the expenses of any public exhibition, ceremony or entertainment in the village;

(ii) contribute to any charitable fund, or to the funds of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of diseased or infirm persons or the investigation of the causes of disease; and

(iii) defray any other extraordinary charges.

Preparation
and sanction
of budgets.

73. (1) The executive authority shall in each year frame and place before the panchayat a budget showing the probable receipts and expenditure during the following year, and the panchayat shall sanction the budget with such modifications, if any, as it thinks fit.

(2) The budget of a panchayat shall, after being so sanctioned, be submitted on or before such date and to such officer as may be prescribed, and if he is satisfied that adequate provision has not been made therein for the performance of any necessary service or services, he shall have power to modify the budget in such manner as may be necessary to secure such provision.

(3) If, in the course of a year, a panchayat finds it necessary to alter the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services undertaken by it, a supplemental or revised budget may be framed, sanctioned, submitted and modified in the manner provided in sub-sections (1) and (2), provided that no such alteration shall be given effect to except with the consent of the prescribed officer.

Appointment
of auditors.

74. (1) The Government shall appoint auditors of the accounts of the receipts and expenditure of the panchayat fund. Such auditors shall be deemed to be "public servants" within the meaning of section 21 of the Indian Penal Code.

Central Act
XLV of
1860.

(2) No contribution shall be recovered by the Government from the panchayat towards the pay and allowances of such auditors or towards any other expenditure involved in the audit of the accounts of the panchayat.

Contribution
to expenditure
by other
local authorities.

75. If the expenditure incurred by the Government or by any other panchayat or the district board or by any other local authority in the Province for any purpose authorized by or under this Act, is such as to benefit the inhabitants of the village, the panchayat may with the sanction of the Inspector, and shall if so directed by him, make a contribution towards such expenditure.

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Central Act
IX of 1914.

76. (1) Notwithstanding anything contained in the Local Authorities Loans Act, 1914, the Government may—

Recovery of
loans and
advances
made by
Government.

(a) by order direct any person having custody of the panchayat fund to pay to them in priority to any other charges against such fund, except charges for the service of authorized loans, any loan or advance made by them to the panchayat for any purpose to which its funds may be applied under this Act,

(b) recover any such loan or advance by suit.

(2) The person to whom the order referred to in clause (a) of sub-section (1) is addressed shall be bound to comply with such order.

CHAPTER V.—PUBLIC SAFETY, CONVENIENCE AND HEALTH.

Public water-courses, springs, etc.

77. (1) All public water-courses, springs, reservoirs, tanks, cisterns, fountains, wells, stand-pipes and other water-works (including those used by the public to such an extent as to give a prescriptive right to their use) whether existing at the commencement of this Act or afterwards made, laid or erected, and whether made, laid or erected at the cost of the panchayat or otherwise, and also any adjacent land (not being private property) appertaining thereto, shall vest in the panchayat and be subject to its control:

Vesting of
water-works
in pancha-
yats.

Provided that nothing contained in this sub-section shall apply to any work which is, or is connected with, a work of irrigation or to any adjacent land appertaining to any such work.

(2) The Government may, by notification, define or limit such control or may assume the administration of any public source of water-supply and public land adjacent and appertaining thereto after consulting the panchayat and giving due regard to its objections, if any.

Contributions for sanitary arrangements.

78. Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs, or festivals or for other like purposes is situated within the limits of a village or in the neighbourhood thereof and attracts either throughout the year or on particular occasions a large number of persons, any special arrangements necessary for public health, safety or convenience, whether permanent or temporary, shall be made by the panchayat; but the Government may after consulting the trustee or other person having control over such place require him to make such recurring or non-recurring contribution to the funds of the panchayat as they may determine.

Contribu-
tions from
persons
having
control over
places of
pilgrimage,
etc.

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Roads.

Prohibition
against
obstructions
in or over
public roads,
etc.

79. No person shall, except as permitted by rules made under this Act and except in accordance with the conditions imposed by any licence made requisite, by such rules—

(a) build any wall or erect any fence or other obstruction or projection or make any encroachment whatsoever, whether permanent or temporary, in or over any public road;

(b) make any hole or deposit any matter in or upon any public road;

(c) work a quarry in or remove stone, earth or other material from any place within twenty yards of a public road or of other immovable property vesting in or belonging to a panchayat, provided that nothing in this clause shall be deemed to apply to any work which, in the opinion of the Inspector, is done in connexion with a *bona fide* agricultural operation;

(d) erect any building over any sewer or drain or any part thereof;

(e) plant any tree on any public road or other property vesting in or belonging to a panchayat; or

(f) fell, remove, destroy, lop or strip bark, leaves or fruits from, or otherwise damage, any tree which is growing on any such public road or other property or on any poramboke or land, the use of which is regulated by a panchayat under section 60 or section 61 and the right to which has not been established by such person as vesting in or belonging to him.

Markets.

Public
markets.

80. (1) The panchayat may provide places for use as public markets and, with the sanction of the Inspector, close any such market or part thereof.

(2) Subject to such rules as may be prescribed, the panchayat may levy any one or more of the following fees in any public market at such rates, not exceeding the maximum rates, if any, prescribed in that behalf as the panchayat may think fit:—

(a) fees for the use of, or for the right to expose goods for sale in, such market;

(b) fees for the use of shops, stalls, pens or stands in such market;

(c) fees on vehicles (including motor vehicles as defined in the Motor Vehicles Act, 1939) or pack-animals bringing, or on persons carrying, any goods for sale in such market; Central Act IV of 1939.

(d) fees on animals brought for sale into or sold in such market;

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(e) licence fees on brokers, commission agents, weighmen and measurers practising their calling in such market.

81. (1) No person shall open a new private market after the commencement of this Act, or continue to keep open a private market, after the commencement of such year as the Government may, by notification, appoint in this behalf: Private markets.

Provided that nothing in this sub-section shall apply to any private market, existing on the date of publication of the notification aforesaid, if the income derived from such market after deducting therefrom the cost of collection and management and such other sums as may be prescribed, has been, and continues to be utilized solely for educational, charitable and religious purposes.

(2) If any question arises as to whether any market falls within the scope of the proviso to sub-section (1) or not, the panchayat shall make a reference thereon to the Government and their decision shall be final.

(3) In lieu of each of the private markets closed in pursuance of sub-section (1), the panchayat shall provide a public market.

82. (1) No person shall keep open a private market of the nature referred to in the proviso to sub-section (1) of section 81 unless he has obtained a licence from the panchayat to do so. Such licence shall be renewed every year. Licensing of private markets.

(2) (a) The panchayat shall grant the licence applied for, subject to such conditions as it may think fit as to supervision and inspection, sanitation and water-supply, weights and measures to be used, rents and fees to be charged and such other matters as may be prescribed.

(b) The panchayat may modify the conditions of the licence to take effect from a specified date.

(c) The panchayat may at any time suspend or cancel any licence granted under clause (a) for breach of the conditions thereof.

(d) Any person aggrieved by an order of the panchayat under clause (a), (b) or (c) may appeal against such order to the Inspector who may, if he thinks fit, suspend the execution of the order pending the disposal of the appeal.

(3) (a) Any person claiming to levy in a private market lawfully established prior to the coming into force of the Madras Local Boards Act, 1884, fees of the nature specified in section 80, sub-section (2), shall apply to the Inspector for a certificate recognizing his right in that behalf; and the Inspector shall pass orders on such application after giving due notice to the panchayat and considering any representations made by it. Madras Act V of 1884.

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(b) Any person aggrieved by an order of the Inspector refusing to grant a certificate under clause (a) may, within six months from the date of such order, institute a suit to establish the right claimed by him, and subject to the result of such suit the Inspector's order shall be final.

(4) When a licence granted under sub-section (2) does not permit the levy of any fees, it shall be granted free of charge; but when such permission is given, a fee not exceeding 15 per cent of the gross income of the owner from the market in the preceding year shall be charged by the panchayat for such licence.

(5) The panchayat or any officer duly authorized by it may close a private market which is unlicensed or the licence for which has been suspended or cancelled, or which is held or kept open contrary to the provisions of this Act.

83. If any question arises as to whether any place is a market or not, the panchayat shall make a reference thereon to the Government and their decision shall be final.

84. No person shall sell or expose for sale any animal or article—

(a) in any public or licensed private market without the permission of the executive authority or licensee, as the case may be, or of any person authorized by him, or

(b) in any unlicensed private market.

85. The executive authority may, with the sanction of the panchayat, prohibit by public notice or licence or regulate the sale or exposure for sale of any animals or articles in or upon any public road or place or part thereof.

86. The Government shall have power to classify public and private markets situated in a village as district markets and panchayat markets and provide for the control of any such market, and for the apportionment of the income derived therefrom between the district board and the panchayat or the payment of a contribution in respect thereof to the panchayat or the district board, as the case may be.

In the case of markets classified as district markets, the panchayat and its executive authority shall not exercise any of the powers conferred on them by sections 80 to 85.

Public halting places.

87. Subject to such rules as may be prescribed, the panchayat may—

(a) provide public landing places, halting places and cart-stands (which last expression includes stands for animals and vehicles of any description including motor vehicles) and levy fees for their use; and

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(b) where any such place or stand has been provided, prohibit the use for the same purpose by any person, within such distance thereof of any public place or the sides of any public road as the panchayat may, subject to the control of the Inspector specify.

88. (1) No person shall open a new private cart-stand or Private continue to keep open a private cart-stand, unless he obtains cart-stands. from the panchayat a licence to do so. Such licence shall be renewed every year.

(2) The panchayat shall, as regards private cart-stands already lawfully established, and may at its discretion as regards new private cart-stands, grant the licence applied for, subject to such conditions as the panchayat may think fit as to supervision and inspection, conservancy and such other matters as may be prescribed; or the panchayat may refuse to grant such licence for any new cart-stand.

(3) The panchayat may modify the conditions of the licence to take effect from a specified date.

(4) The panchayat may at any time suspend or cancel any licence granted under sub-section (2) for breach of the conditions thereof.

(5) The panchayat may levy on every grant or renewal of a licence under this section a fee not exceeding two hundred rupees.

Slaughter-houses.

89. A panchayat may provide places for use as public slaughter-houses and charge rents and fees for their use. Public slaughter-houses.

90. The Government shall have power to make rules for— Prohibition or regulation of the use of places for slaughtering animals and the licensing of slaughterers.
(a) prohibiting or regulating the slaughter, cutting up or skinning of animals specified in the rules on all occasions not excepted therein, at places other than public slaughter-houses;

(b) licensing persons to slaughter animals specified in the rules for purposes of sale to the public; and

(c) the inspection of slaughter-houses and of the meat therein and the payment of remuneration to the officers employed for such inspection.

Industries and factories.

91. The panchayat may with the previous approval of the prescribed authority notify that no place within the limits of the village shall be used for any of the purposes specified in the rules made in this behalf, being purposes which, in the opinion of the Government, are likely to be offensive or dangerous to human life or health or property, without a licence issued by the executive authority and except in accordance with the conditions specified in such licence: Purposes for which place may not be used without a licence.

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Provided that no such notification shall take effect until sixty days from the date of its publication.

Permission for the construction of factories and the installation of machinery. 92. No person shall, without the permission of the panchayat and except in accordance with the conditions specified in such permission,—

(a) construct or establish any factory, workshop or work-place in which it is proposed to employ steam power, water power or other mechanical power or electrical power, or

(b) install in any premises any machinery or manufacturing plant driven by any power as aforesaid, not being machinery or manufacturing plant exempted by the rules.

Power of Government to make rules in respect of grant and renewal of licences and permissions. 93. (1) The Government may make rules—

(a) prohibiting or regulating the grant or renewal of licences under section 91 and the period for which such licences shall be valid ;

(b) as to the time within which applications for such licences or renewals thereof shall be made ; and

(c) prohibiting or regulating the grant of permissions under section 92.

(2) Rules made under clause (c) of sub-section (1) may empower the panchayat to set apart specified areas in the village for industrial purposes and provide for the refusal of permissions under section 92 in respect of any factory, workshop, workplace or premises outside such areas and also, subject to the sanction of the prescribed authority, for the removal to such areas, of any factory, workshop or workplace which has been already established at any place, or any machinery which has already been installed in any premises, situated outside such areas :

Provided that no such rule shall authorize the removal of any factory, workshop or workplace or machinery installed in any premises, in the occupation or under the control of the Central or the Provincial Government or of a market committee established under the Madras Commercial Crops Markets Act, 1933. Madras Act XX of 1933.

(3) The Government may either generally or in any particular case, make such order or give such directions as they may deem fit in respect of any action taken or omitted to be taken under section 91 or section 92.

Application of the Places of Public Resort Act, 1888.

94. Notwithstanding anything contained in the Places of Public Resort Act, 1888, when the Government extend that Act to any village or part thereof— Madras Act II of 1888.

(a) the authority to whom application shall be made for a licence under that Act in respect of any place or building to

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be used exclusively for purposes other than the holding of cinematograph exhibitions, and who may grant or refuse such licence, shall be the executive authority ; and

(b) the appeal from the order of the executive authority granting, refusing, revoking or suspending a licence under that Act shall lie to the panchayat.

CHAPTER VI.—GENERAL AND MISCELLANEOUS.

Numbering of buildings.

95. (1) In any area to which this Act applies, such authority as may be prescribed in this behalf, may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the premises. Numbering of buildings.

(2) No person shall, without lawful authority, destroy, pull down or deface any such number, or any number assigned to any building in any such area in connexion with the preparation of electoral rolls on the basis of adult franchise during the year 1948 or 1949.

(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced ; and if he fails to do so, the authority referred to in sub-section (1) may by notice require him to replace it.

Licences and permissions.

96. (1) Save as otherwise expressly provided in or may be prescribed under this Act, every application for any licence or permission under this Act or any rule, by-law or regulation made thereunder, or for the renewal thereof, shall be made not less than thirty and not more than ninety days before the earliest date with effect from which, or the commencement of the period (being a year or such less period as is mentioned in the application) for which the licence or permission is required. General Provisions regarding licences and permissions.

(2) Save as aforesaid, for every such licence or permission, fees may be charged on such units and at such rates as may be fixed by the panchayat, provided that the rates shall not exceed the maxima, if any, prescribed.

(3) Save as aforesaid, if orders on an application for any such licence or permission are not communicated to the applicant within thirty days or such longer period as may be prescribed in any class of cases after the receipt of the application by the executive authority, the application shall be deemed to have been allowed for the period, if any, for which it would have been ordinarily allowed and subject to the law, rules, by-laws and regulations and all conditions ordinarily imposed.

(4) The acceptance of the pre-payment of the fee for any such licence or permission shall not entitle the person making such pre-payment to the licence or permission, but only to a refund of the fee in case of refusal of the licence or permission.

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(5) If an act for which any such licence or permission is necessary is done without such licence or permission, or in a manner inconsistent with the terms of the licence or permission obtained, then—

(a) the executive authority may by notice require the person so doing such act to alter, remove, or as far as practicable, restore to its original state, the whole, or any part of any property, movable or immovable, public or private, affected thereby, within a time to be specified in the notice; and further,

(b) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be punishable with fine not exceeding fifty rupees for every such offence.

(6) Whenever any person is convicted of an offence in respect of the failure to obtain any such licence or permission, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the panchayat the amount of the fee chargeable for the licence or permission, and may, in his discretion, also recover summarily and pay over to the panchayat such amount, if any, as he may fix as the costs of the prosecution.

Explanation.—The recovery of the fee for a licence or permission under this sub-section shall not entitle the person convicted to the licence or permission.

Government and market committees not to obtain licences and permissions.

97. Nothing in this Act or in any rule, by-law or regulation made thereunder shall be construed as requiring the taking out of any licence or the obtaining of any permission under this Act or any such rule, by-law or regulation in respect of any place in the occupation or under the control of the Central or the Provincial Government or of a market committee established under the Madras Commercial Crops Markets Act, 1933, or in respect of any property of the Central or the Provincial Government or of any property belonging to such market committee.

Madras Act XX of 1933.

Power to enforce notices, orders, etc.

Time for complying with notice, order, etc., and power to enforce in default.

98. (1) Whenever by any notice, requisition or order under this Act, or under any rule, by-law or regulation made thereunder, any person is required to execute any work, to take any measures or to do anything a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named—

(a) the executive authority may cause such work to be executed, or may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order; and further,

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(b) if no penalty has been specially provided in this Act for failure to comply with such notice, requisition or order, the said person shall be punishable with fine not exceeding fifty rupees for every such offence.

Powers of entry and inspection.

99. (1) Subject to such restrictions and conditions as may be prescribed, the executive authority or any person authorized by him may enter on or into any place, building or land, with or without notice and with or without assistants or workmen in order—

Powers of entry and inspection.

(a) to make any inquiry, inspection, test, examination, survey, measurement or valuation or to execute any other work, which is authorized by the provisions of this Act or of any rule, by-law, regulation or order made under it or which it is necessary to make or execute for any of the purposes of this Act or in pursuance of any of the said provisions, or

(b) to satisfy himself that nothing is being done in such place, building or land for which a licence or permission is required under any of the said provisions, without such licence or permission or otherwise than in conformity with the terms of the licence or permission obtained.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under sub-section (1) or of any force necessary for effecting an entrance under that sub-section.

100. The executive authority or any person authorized by him may examine and test the weights and measures used in the markets and shops in the village with a view to the prevention and punishment of offences relating to such weights and measures under Chapter XIII of the Indian Penal Code.

Testing of weights and measures.

Central Act XLV of 1860.

101. (1) The executive authority may, by an order in writing, require the headman or karnam or both of any revenue village comprised within the jurisdiction of the panchayat to furnish him with information on any matter falling within such categories as may be prescribed in respect of such village or any part thereof or any person or property therein.

Power to call for information from village headmen and karnams.

(2) The order shall specify the period within which it may be complied with but the executive authority may, from time to time, extend such period.

Limitation.

102. No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any tax or other sum due to a panchayat under this Act or any rule, by-law, regulation or order made under it after the expiration of a period of three years from the date on which distraint

Limitation for recovery of dues.

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might first have been made, a suit might first have been instituted, or prosecution might first have been commenced, as the case may be, in respect of such tax or sum.

Prosecutions, suits, etc.

Persons
empowered
to prosecute.

103. Save as otherwise expressly provided in this Act, no person shall be tried for any offence against this Act or any rule or by-law made thereunder unless complaint is made within three months of the commission of the offence by the Police, the executive authority or a person expressly authorized in this behalf by the panchayat or executive authority; but nothing herein shall affect the provisions of the Code of Criminal Procedure, 1898, in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion:

Central Act
V of 1898.

Provided that failure to take out a licence or obtain permission under this Act shall, for the purposes of this section, be deemed to be a continuing offence until the expiration of the period, if any, for which the licence or permission is required and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

Composition
of offences.

104. The executive authority may, subject to such restrictions and control, as may be prescribed, compound any offence against this Act or any rule or by-law made thereunder, which may by rules be declared compoundable.

Prosecutions
and composi-
tions to be
reported to
panchayat.

105. Every prosecution instituted or offence compounded by the executive authority shall be reported by him to the panchayat at its next meeting.

Sanction for
prosecution
of president
or members
of a pancha-
yat.

106. When the president, executive authority or any member, is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction of the Government.

Notice of
action
against
panchayat,
etc.

107. (1) Subject to the provisions of section 103, no suit or other legal proceeding shall be brought against any panchayat or its president or executive authority or any member, officer or servant thereof or against any person acting under the direction of such panchayat, president, executive authority, member, officer or servant, in respect of any act done or purporting to be done under this Act or in respect of any alleged neglect or default in the execution of this Act or any rule, by-law, regulation or order made under it, until

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the expiration of two months next after notice in writing, stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of residence of the intended plaintiff has been left at the office of the panchayat, and if the proceeding is intended to be brought against any such president, executive authority, member, officer, servant or person, also delivered to him or left at his place of residence; and unless such notice be proved, the Court shall find for the defendant.

(2) Every such proceeding shall, unless it is a proceeding for the recovery of immovable property or for a declaration of title thereto, be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage, during such continuance or within six months after the ceasing thereof.

(3) If any panchayat or person to whom notice is given under sub-section (1) tenders amends to the plaintiff before the proceeding is commenced and if the plaintiff does not in such proceeding recover more than the amounts so tendered, he shall not recover any costs incurred by him after such tender; and the plaintiff shall also pay all costs incurred by the defendant after such tender.

108. No suit or other legal proceeding shall be brought against the president, executive authority or any member, officer or servant of a panchayat, or any person acting under the direction of a panchayat or of such president, executive authority, member, officer or servant, in respect of any act done or purporting to be done under this Act or in respect of any alleged neglect or default on his part in the execution of this Act, or any rule, by-law, regulation or order made under it, if such act was done or such neglect or default occurred in good faith; but any such proceeding shall, so far as it is maintainable in a Court, be brought against the panchayat except in the case of suits brought under section 110.

Protection of
president
and officers
acting in
good faith.

109. Notwithstanding anything contained in the Code of Civil Procedure, 1908, or in any other law for the time being in force, no Court shall grant any permanent or temporary injunction or make any interim order restraining any proceeding which is being or about to be taken under this Act for the preparation or publication of any electoral roll or for the conduct of any election.

Central Act
V of 1908.

Liability of
the president
executive
authority
and members
for loss,
waste or
misapplica-
tion of pro-
perty.

110. (1) The president, executive authority and every member of a panchayat shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the panchayat if such loss, waste or misapplication is a direct consequence of his neglect or misconduct; and a suit for compensation may be instituted against him in any Court of competent jurisdiction by the panchayat with the previous sanction of the Inspector.

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(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

Assessments, etc., not to be impeached. 111. (1) No assessment or demand made, and no charge imposed, under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake (a) in respect of the name, residence, place of business or occupation of any person, or (b) in the description of any property or thing, or (c) in respect of the amount assessed, demanded or charged, provided that the provisions of this Act have in substance and effect been complied with. And no proceedings under this Act shall, merely for defect in form, be quashed or set aside by any Court of Justice.

(2) No suit shall be brought in any Court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment or collection of money made under the said authority :

Provided that the provisions of this Act have in substance and effect been complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect, or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto, if the provisions of this Act, and of the rules and by-laws made thereunder have in substance and effect been complied with :

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.

CHAPTER VII.—RULES, BY-LAWS AND PENALTIES.

Rules.

112. (1) The Government shall, in addition to the rule-making powers conferred on them by any other provisions contained in this Act, have power to make rules generally to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules—

(i) as to all matters relating to electoral rolls or elections, not expressly provided for in this Act, including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited, and the conduct of inquiries and the decision of disputes relating to electoral rolls or elections ;

(ii) as to the resignations of presidents, vice-presidents and members, and the dates on which such resignations shall take effect ;

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(iii) as to the interpellation of the president by the members and the moving of resolutions at meetings ;

(iv) as to the constitution of committees of panchayats, the inclusion of outsiders therein, and the delegation of functions to such committees ;

(v) as to the delegation of any function of a panchayat to the president, member, any officer of the panchayat or any servant of the Central or Provincial Government ;

(vi) for the lodging and investment of the moneys of the panchayat and for the manner in which such moneys may be drawn upon ;

(vii) as to the transfer of allotments entered in the sanctioned budget of a panchayat from one head to another ;

(viii) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by panchayats ;

(ix) as to the preparation of plans and estimates for works and the power of panchayats and of servants of the Central or Provincial Government to accord professional or administrative sanction to estimates ;

(x) as to the accounts to be kept by panchayats, the audit and publication of such accounts and the conditions under which rate-payers may appear before auditors, inspect books and accounts, and take exception to items entered or omitted ;

(xi) as to the powers of auditors to disallow and surcharge items, appeals against orders of disallowance or surcharge, and the recovery of sums disallowed or surcharged ;

(xii) as to the powers of auditors, inspecting and superintending officers and officers authorized to hold inquiries, to summon and examine witnesses and to compel the production of documents and all other matters connected with audit, inspection and superintendence ;

(xiii) as to the conditions on which property may be acquired by a panchayat, or on which property vested in or belonging to a panchayat may be transferred by sale, mortgage, lease, exchange or otherwise ;

(xiv) as to the conditions on which and the mode in which contracts may be made by or on behalf of panchayats ;

(xv) as to the assessment of taxes under this Act and the revision of, and appeals against, assessments ;

(xvi) as to the acceptance in lieu of any tax due under this Act of any service by way of labour, cartage or otherwise ;

(xvii) as to the realization of any tax or other sum due to a panchayat under this Act or any other law or any rules or by-laws, whether by distraint and sale of movable property, by prosecution before a Magistrate, by a suit, or otherwise ;

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(xviii) as to the realization of fees due in respect of the use of cart-stands and the like, whether by the seizure and sale of the vehicle or animal concerned or any part of its burden, or otherwise ;

(xix) as to the form and contents of licences, permissions and notices granted or issued under this Act, the manner of their issue or the method of their service, and the modification, suspension or cancellation thereof ;

(xx) as to the powers of executive authorities to call for information on any matter, to summon and examine witnesses, and to compel the production of documents ;

(xxi) for the use of the facsimiles of the signatures of the executive authorities and officers of panchayats ;

(xxii) as to the grant to the public of copies of any proceeding or record of the panchayat, not relating to any matter classified as confidential by the Government or any authority empowered by them, and the fees to be levied for the grant of such copies ;

(xxiii) as to the opening, maintenance, management and supervision of elementary schools ;

(xxiv) prohibiting or regulating the use for any specified purposes, of any public spring, tank, well or water-course or of any private spring, tank, well or water-course, with the consent of its owner, or without such consent ;

(xxv) regulating contracts between the panchayat and the owners or occupiers of private premises for the removal therefrom of rubbish or filth, or any kind of rubbish or filth ;

(xxvi) as to the provision of burial and burning grounds ; the licensing of private burial and burning grounds ; the regulation of the use of all grounds so provided or licensed ; the closing of any such grounds ; and the prohibition of the disposal of corpses except in such grounds or other permitted places ;

(xxvii) as to the licensing of pigs and dogs and the destruction of unlicensed pigs and dogs ;

(xxviii) as to the regulation or restriction of building and the use of sites for building ;

(xxix) for the removal of encroachments of any description from public roads vesting in panchayats and the repair of any damage caused to such roads by the person causing the damage or at his expense ;

(xxx) for the determination of any claim to trees growing on public roads or other property vesting in or belonging to panchayats or on porambokes or, on lands, the use of which is regulated by them under section 60 or section 61 ; and for the presumptions to be drawn as regards the ownership of such trees ;

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(xxxii) as to the imposition and recovery of penalties for the unauthorized occupation of public roads or other land vesting in or belonging to panchayats and the assessment and recovery of compensation for any damage caused by such occupation ;

(xxxiii) as to the powers which may be exercised by the panchayat or the executive authority in respect of any public or private market or the user thereof, and the enforcement of any orders issued in pursuance of such powers ; and as to the prohibition of the sale or purchase of any commercial crop in any such market within any area notified in respect of such crop under the Madras Commercial Crops Markets Act, 1933 ;

(xxxiv) for compelling owners of cattle to stall them in cattle-sheds provided by the panchayat and the fees leviable in respect thereof ;

(xxxv) as to the disposal of household and farmyard waste in the village, the acquisition of land by the panchayat for laying out plots for digging pits in which such waste may be thrown, the assignment of any of those plots to persons in the village and the conditions subject to which such assignment may be made, including the rent to be charged ;

(xxxvi) as to the duties to be discharged by village officers in relation to panchayats and their executive authorities ;

(xxxvii) as to appeals against orders (including orders granting or refusing licences or permissions) passed under this Act, and the time within which appeals whether allowed by this Act or by rules or otherwise should be presented ;

(xxxviii) as to the classification of public roads, fairs and festivals, choultries, dispensaries and libraries, as appertaining to the district board or the panchayat ;

(xxxix) for regulating the sharing between local authorities in the Province of the proceeds of any tax or income levied or obtained under this or any other Act ;

(xl) for the decision of disputes between two or more local authorities of which one is a panchayat ;

(xli) as to the class of Magistrates by whom offences against this Act shall be tried ;

(xlii) as to the accounts to be kept by owners, occupiers and farmers of private markets and the audit and inspection of such accounts ;

(xliii) as to the manner of publication of any notifications or notices to the public under this Act.

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penalties for
each of
les.

113. (1) In making any rule under this Act, the Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred-rupees, or in case of a continuing breach, with fine not exceeding fifteen rupees for every day during which the breach continues after conviction for the first breach.

(2) The power to make rules under this Act shall, except on the first occasion of the exercise thereof, be subject to the condition of previous publication.

(3) All rules made under this Act shall be published in the *Fort St. George Gazette* and upon such publication, shall have effect as if enacted in this Act.

By-laws.

By-laws and
penalties for
their breach.

114. (1) Subject to the provisions of this Act and of any other law and to such rules as may be prescribed, a panchayat may, with the approval of the Inspector, make by-laws for carrying out any of the purposes for which it is constituted.

(2) In making a by-law, the panchayat may provide that any person who commits a breach thereof shall be liable to pay by way of penalty such sum as may be fixed by the panchayat not exceeding fifteen rupees or, in case of a continuing breach, not exceeding five rupees for every day during which the breach continues after a penalty has been levied for the first breach.

(3) The Government shall have power to make rules regarding the procedure for the making of by-laws, the publication thereof, and the date on which they shall come into effect.

Penalties.

General
provisions
regarding
penalties
specified
in the
Schedules.

115. (1) Whoever—

(a) contravenes any of the provisions of this Act specified in the first and second columns of Schedule I, or

(b) contravenes any rule or order made under any of the provisions so specified, or

(c) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him under or in pursuance of any of the said provisions, shall be punishable with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of—

(a) contravening any of the provisions of this Act specified in the first and second columns of Schedule II, or

(b) contravening any rule or order made under any of the provisions so specified, or

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(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said provisions,

continues to contravene the said provision or the said rule or order, or continues to fail to comply with the said direction or requisition, shall be punishable for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

Explanation.—The entries in the third column of Schedules I and II headed "Subject" are not intended as definitions of the offences described in the provisions specified in the first and second columns thereof, or even as abstracts of those provisions, but are inserted merely as references to the subject dealt with therein.

116. (1) Whoever acts as a member of a panchayat knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, shall be punishable with fine not exceeding two hundred rupees for every such offence.

(2) Whoever acts as the president, temporary president or vice-president of a panchayat, or exercises any of his functions including where he is also the executive authority, any of his functions as such knowing that, under this Act or the rules made thereunder, he is not entitled or has ceased to be entitled to hold office as such, or to exercise such functions, shall be punishable with fine not exceeding one thousand rupees for every such offence.

(3) Any person who having been the president, temporary president or vice-president of a panchayat fails to hand over any documents of, or any moneys or other properties vested in or belonging to, the panchayat, which are in or have come into his possession or control, to his successor in office or other prescribed authority—

(a) in every case as soon as his term of office as such president, temporary president or vice-president expires; and

(b) in the case of a person who was the vice-president, also on demand by the president shall be punishable with fine not exceeding one thousand rupees for every such offence.

117. If any officer or servant of a panchayat knowingly acquires, directly or indirectly, by himself or by a partner, employer or servant, any personal share or interest in any contract or employment with, by or on behalf of, the panchayat, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code :

Central Act
XLV of
1860.

Penalty for
acquisition
by an officer
or servant of
interest in
contract
work.

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Provided that no person shall, by reason of being a shareholder in, or member of, any company, be held to be interested in any contract entered into between such company and the panchayat unless he is a director of such company :

Provided further that nothing in this section shall apply to any person who, with the sanction of the Inspector, enters into a contract with the panchayat.

Wrongful restraint of executive authority or his delegate.

118. Any person who prevents the executive authority or any person to whom the executive authority has lawfully delegated his powers of entering on or into any place, building or land, from exercising his lawful power of entering thereon or thereinto shall be deemed to have committed an offence under section 341 of the Indian Penal Code.

Central Act
XLV of
1860.

Prohibition against obstruction of panchayats, etc.

119. Any person obstructing or molesting a panchayat, or the president, the executive authority or a member of the panchayat, or any person employed by it or any person with whom a contract has been entered into by or on behalf of the panchayat, in the discharge of their duty or of anything which they are empowered or required to do by virtue, or in consequence, of this Act or of any rule, by-law, regulation or order made thereunder, shall be punished with fine which may extend to fifty rupees.

Prohibition against removal or obliteration of notice.

120. Any person who, without authority, in that behalf, removes, destroys, defaces or otherwise obliterates any notice exhibited or any sign or mark erected by, or under the orders of, a panchayat or its executive authority, shall be punishable with fine which may extend to fifty rupees.

Penalty for not giving information or giving false information.

121. Any person required by this Act or by any notice or other proceedings issued thereunder to furnish any information, who omits to furnish such information, or knowingly furnishes false information, shall be punishable with fine not exceeding one hundred rupees.

CHAPTER VIII.—SUPPLEMENTAL PROVISIONS.

Special provisions in the case of new panchayats.

122. (1) The provisions of this section shall apply when a panchayat is constituted for the first time, notwithstanding anything contained in this Act.

(2) The election authority shall make arrangements for the election of the members and of the president of the panchayat, so that the newly elected members and the president may come into office on the date specified in the notification issued by the Inspector under section 3, sub-section (1), for the constitution of the panchayat :

Provided that the Inspector shall have power from time to time to postpone the date so specified if, for any reason, it is not found possible to complete the elections in time.

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(3) The term of office of the members and of the president elected under sub-section (2) or of the members elected in their places in casual vacancies shall expire in such year and on such date as the Inspector may fix. The year so fixed shall be either the year in which the next ordinary elections or the year in which the ordinary elections immediately succeeding such elections are to be held for any panchayat in the same district. The date so fixed shall not be later than the 31st day of December.

123. All roads, markets, wells, tanks, reservoirs and waterways vested in or maintained by a panchayat shall be open to the use and enjoyment of all persons, irrespective of their caste or creed. Public roads, markets, wells, tanks, etc., to be open to all.

124. A panchayat shall have power to farm out the collection of any fees due to it under this Act or any rule, by-law or regulation made thereunder for any period not exceeding three years at a time, on such conditions as it thinks fit. Power to farm out fees.

Madras Act
V of 1920.

125. (1) The Inspector may, whether at the request of the panchayat or otherwise, by notification, declare that any of the provisions of the Madras District Municipalities Act, 1920, or of any rules made thereunder, shall be extended to, and be in force in, the village or any specified area therein. Extension of provisions of Madras District Municipalities Act, 1920, or of rules thereunder.

(2) The provisions so notified shall be construed with such alterations not affecting the substance as may be necessary or proper for the purpose of adapting them to the village or specified area therein.

(3) Without prejudice to the generality of the foregoing provisions, all references to a municipal council or the chairman or the executive authority thereof shall be construed as references to the panchayat or the president or the executive authority thereof, all references to any officer or servant of a municipal council as references to the corresponding officer or servant of the panchayat, and all references to the municipal limits as references to the limits of the village or specified area therein, as the case may be.

Madras Act
XIV of 1920.

126. Notwithstanding anything contained in this Act, or in the Madras District Boards Act, 1920, the Government may, by notification and subject to such restrictions and conditions and to such control and revision as may be specified therein, direct that in the case of any panchayat or class of panchayats, any functions vested in such panchayats or class of panchayats by or under that Act shall be transferred to and performed by the district board. Transfer of functions of panchayats to district boards.

127. (1) The Government may, by notification, authorize any authority, officer or person to exercise in any local area, in regard to any panchayat or any class of panchayats or all Delegation of powers, etc.

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panchayats in that area, any of the powers vested in them by this Act except the power to make rules; and may in like manner withdraw such authority.

(2) The Inspector or the Collector may, by notification, authorize any officer or person to exercise in any local area in the Province or the revenue district, as the case may be, in regard to any panchayat, or any class of panchayats or all panchayats in that area, any of the powers vested by this Act in the Inspector or the Collector, as the case may be; and may in like manner withdraw such authority.

(3) The exercise of any power delegated under sub-section (1) or (2) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification, and also to control and revision by the delegating authority, or where such authority is the Government, by such persons as may be empowered by the Government in this behalf. The Government shall also have power to control and revise the acts or proceedings of any persons so empowered.

(4) The exercise of any power conferred on the Inspector or the Collector by any of the provisions of this Act, including sub-sections (2) and (3) of this section, shall, whether such power is exercised by the Inspector or the Collector himself or by any person to whom it has been delegated under sub-section (2), be subject to such restrictions and conditions as may be prescribed and also to control by the Government or by such person as may be empowered by them in this behalf. The Government shall also have power to control the acts or proceedings of any persons so empowered.

128. (1) The Government may, in their discretion, at any time, either *suo motu* or on application, call for and examine the record of any order passed or proceeding recorded under the provisions of this Act by—

(a) the Inspector or the Collector or any officer or person authorized by the Inspector or the Collector under sub-section (2) of section 127, or

(b) any authority, officer or person authorized by the Government under sub-section (1) of that section or any person empowered by them under sub-section (3) of that section, or

(c) any other authority, officer or person for the purpose of satisfying themselves as to the legality of propriety of such order, or as to the regularity of such proceeding and pass such order in reference thereto as they think fit.

(2) The powers of the nature referred to in sub-section (1) may also be exercised by such authority, officer or person as may be empowered in this behalf by the Government.

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129. Any reference to a panchayat contained in any law, rule, by-law, regulation, notification, scheme, form or order in force, in the Province at the commencement of this Act shall be deemed to be a reference to a panchayat as reconstituted or constituted under this Act. Construction of references to panchayat.

130. (1) When a dispute exists between a panchayat and one or more other local authorities in regard to any matter arising under the provisions of this or any other Act and the Government are of opinion that the panchayat and the other local authorities concerned are unable to settle it amicably among themselves, the Government may take cognizance of the dispute, and— Adjudication of disputes between local authorities.

(a) decide it themselves, or

(b) refer it for inquiry and report to an arbitrator or a board of arbitrators or to a joint committee constituted under section 39 for the purpose.

(2) The report referred to in clause (b) of sub-section (1) shall be submitted to the Government who shall decide the dispute in such manner as they deem fit.

(3) Any decision given under clause (a) of sub-section (1) or under sub-section (2) may be modified from time to time by the Government in such manner as they deem fit and any such decision with the modifications, if any, made therein under this sub-section may be cancelled at any time by the Government.

Any such decision or any modification therein or cancellation thereof shall be binding on the panchayat and each of the other local authorities concerned and shall not be liable to be questioned in any Court of law.

(4) Where one of the local authorities concerned is a cantonment authority or the port authority of a major port, the powers of the Government under this section shall be exercisable only with the concurrence of the Central Government.

131. (1) In regard to the first reconstitution in accordance with the provisions of this Act of panchayats in existence at the commencement thereof, and otherwise in first giving effect to the said provisions, they shall be read subject to the rules in Schedule III. Act to be read subject to Schedule III in regard to first reconstitution of panchayats, etc.

(2) The Government shall have power, by notification, to amend, add to or repeal the rules in the said Schedule.

132. Notwithstanding anything contained in the Madras Village Courts Act, 1888 (hereinafter in this section referred to as the said Act)— Modification of the Madras Village Courts Act, 1888.

(1) every panchayat constituted or deemed to be constituted under this Act for any area shall be deemed to be a panchayat court for that area under section 9 (1) of the said Act;

Madras Act
of 1889.

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and the members (including the president and vice-president) of such panchayat shall be deemed to be *ex-officio* members of such panchayat court, the president and vice-president aforesaid being also deemed *ex-officio* to be the president and vice-president respectively of the panchayat court;

(2) where a panchayat is dissolved or superseded under section 48 (1) of this Act, the panchayat court aforesaid shall, until the panchayat is reconstituted, consist of—

(a) the president of the panchayat or the person appointed under section 48 (5) of this Act, as the case may be, who shall be the president and a member of the panchayat court; and

(b) three other members appointed by the Inspector from among persons qualified to be elected as members of the panchayat;

(3) in any area within the jurisdiction of a panchayat constituted or deemed to be constituted under this Act, the jurisdiction of any village or panchayat court or courts, if any, established under the said Act before the commencement of this Act shall cease, and the panchayat shall be deemed to be a panchayat court established in lieu of such court or courts within the meaning and for the purposes of sections 9-A and 9-B of the said Act;

(4) in the area within the jurisdiction of any such panchayat—

(a) the provisions of sections 6 to 8, 9 (2), (3), (4), (5) (a) and (7) of the said Act shall not apply;

(b) the Inspector may remove from office the president, vice-president or member of any panchayat court, whether holding office under clause (1) or clause (2), for incapacity, neglect of duty, misconduct or other just and sufficient cause;

(c) the provisions of section 9 (5) (b), (c), (d) and (e) of the said Act shall not apply in the case referred to in clause (2); and in that case the president of the panchayat court shall preside over its sittings and if he is absent from any sitting, the members present shall elect from among themselves a president for the purposes of that sitting;

(d) the provisions of section 13 of the said Act shall be construed as if for the words "sum of rupees fifty," the words "sum of rupees one hundred" were substituted;

(5) the Government may, by notification, confer on panchayat court established under this section any civil or criminal jurisdiction not provided for in the said Act.

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Central
Act XVI of
1908.

133. Notwithstanding anything contained in the Indian Registration Act, 1908, the Inspector-General of Registration may, subject to the control of the Government, by order, authorize the executive authority of any panchayat within whose jurisdiction the office of a Sub-Registrar functioning under that Act is not situated, to exercise the powers and discharge the duties of the Sub-Registrar under that Act in respect of—

(a) all or any documents which are exempt from stamp duty and registration fees;

(b) all or any documents which are classified by rules made under this Act, as documents of an ephemeral nature.

Madras Act
XX of 1933.

134. In section 11 of the Madras Commercial Crops Markets Act, 1933, after sub-section (2), the following sub-section shall be added, namely:—

'(3) Out of the fees levied under sub-section (1) on the commercial crop or crops bought and sold in any part of the notified area which constitutes a village as defined in section 2 of the Madras Village Panchayats Act, 1950, such proportion as may be prescribed shall be paid by the market committee to the panchayat concerned.'

Madras Act
III of 1939.

135. In the Madras Public Health Act, 1939, the following consequential amendments shall be made, namely:—

(i) in clause (8) of section 3, after the word "President", the words "Executive Officer" shall be inserted, the word "or" occurring after the words and figures "District Municipalities Act, 1920" shall be omitted, and before the words "as the case may be" the words and figures "or the Madras Village Panchayats Act, 1950" shall be inserted;

(ii) in clause (9) of the same section, for the words and figures "or the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as the case may be," the words and figures "the Madras District Municipalities Act, 1920, the Madras District Boards Act, 1920 or the Madras Village Panchayats Act, 1950, as the case may be" shall be substituted;

(iii) in clause (20) of the same section, after the words "a panchayat" in sub-clause (c), the words and figures "constituted under the Madras Village Panchayats Act, 1950" shall be inserted; and for the words "a panchayat" in sub-clause (d), the words "such panchayat" shall be substituted;

(iv) in section 16, before the words and figures "the Madras Prevention of Adulteration Act, 1918" the words and figures "the Madras Village Panchayats Act, 1950" shall be inserted;

Application
of the
Indian
Registration
Act, 1908.

Amendment
of the
Madras
Commercial
Crops
Markets
Act, 1933.

Consequen-
tial amend-
ments of the
Madras
Public
Health
Act, 1939.

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(v) in section 133, of the word "and" occurring at the end of clause (b) shall be omitted; and after clause (c) the following clause shall be added, namely :—

"(d) in case the local authority is a panchayat constituted under the Madras Village Panchayats Act, 1950, section 114 of that Act.";

(vi) in clause (b) of sub-section (2) of section 140, after sub-clause (iii), the following sub-clause shall be inserted, namely :—

"(iii-a) sections 79, 81, 82, 84, 85, 87, 88, 90 to 92 and 123 of the Madras Village Panchayats Act, 1950, read with section 115 of that Act and Schedules I and II thereto.

Consequen- 136. The Madras Local Boards Act, 1920, shall be Madras Act
tial amend- amended in the manner set forth in Schedule IV. XIV of 1920.
ments of the
Madras
Local Boards
Act, 1920.

Construction 137. In the absence of an intention to the contrary appearing
of references in this Act or in the Madras District Boards Act, 1920, and Madras Act
to 'local board' and unless the Government otherwise direct, any reference to XIV of 1920.
'Madras Local Boards Act, 1920,' local boards in any law or rule in force in the Province at the commencement of this Act shall be deemed to be a reference to district boards and panchayats, and any reference to the Madras Local Boards Act, 1920, in any such law or rule shall be deemed to be a reference to the Madras District Boards Act, 1920, and the Madras Village Panchayats Act, 1950. Madras Act XIV of 1920.

Power to 138. If any difficulty arises in first giving effect to the
remove provisions of this Act or as to the first reconstitution or consti-
difficulties. tution of any panchayat after the commencement of this Act, the Government as occasion may require, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

SCHEDULE I.

Ordinary Penalties.

[See section 115 (1).]

Section.	Sub-sec- tion or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
79	(a)	Unlawful building of wall or erect- ing of fence, etc., in or over public road.	One hundred rupees.
79	(b)	Unlawful making of hole or depo- siting of matter in or over public road.	Fifty rupees.
79	(c)	Unlawful quarrying in any place near public road, etc.	Fifty rupees.
79	(d)	Unlawful construction of building over drain.	Two hundred rupees.

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Section.	Sub-sec- tion or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
79	(e)	Planting of trees without permis- sion on any public road or other property vested in a panchayat.	Two hundred rupees.
79	(f)	Felling, etc., without permission of trees growing on public road or other property vested in a panchayat, or on a poramboke or land, the use of which is regulated by it under section 60 or section 61.	Two hundred rupees.
81	(1)	Opening or keeping open a private market in contravention of section 81.	Five hundred rupees.
82	(3)	Levy of fees in private market without a certificate.	One hundred rupees.
84	..	Sale or exposure for sale in public or private market of any animal or article without per- mission.	Twenty rupees.
85	..	Sale, etc., of articles in public roads or places after prohibi- tion, or without licence or contrary to regulations.	Ten rupees.
87	(b)	Using any public place or road- side as a landing or halting place or as a cart-stand within prohibited distance.	Fifty rupees.
88	(1)	Opening a new private cart-stand or continuing to keep open a private cart-stand without licence or contrary to licence.	Two hundred rupees.
90	(a)	Slaughtering, cutting up or skin- ning, etc., of animals outside public slaughter-houses in contravention of rules.	Two hundred rupees.
90	(b)	Slaughtering animals for purposes of sale without licence or con- trary to licence.	Twenty rupees.
91	..	Using a place for any prescribed purpose without licence or con- trary to licence.	One hundred rupees.
92	..	Unlawful erection of factory, workshop, etc.	One thousand rupees.
95	(2)	Unlawful destruction, etc., of number of buildings.	Five rupees.
95	(3)	Failure to replace number when required to do so.	Twenty rupees.
123	..	Obstructing a person in the use or enjoyment of a public road, market, well, tank, etc.	One hundred rupees.

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SCHEDULE II.

Penalties for continuing breaches.

[See section 115 (2).]

Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
(1)	(2)	(3)	(4)
79	(a)	Unlawful building of wall or erecting of fence, etc., in or over public road.	Twenty rupees.
79	(b)	Unlawful making of hole or depositing of matter in or over public road.	Ten rupees.
79	(c)	Unlawful quarrying in any place near public road, etc.	Ten rupees.
79	(d)	Unlawful construction of building over drain.	Fifty rupees.
81	(1)	Opening or keeping open a private market in contravention of section 81.	One hundred rupees.
82	(3)	Levy of fees in private market without a certificate.	Fifty rupees.
84	..	Sale or exposure for sale in public or private market of animal or article without permission.	Ten rupees.
88	(1)	Keeping open a private cart-stand without licence or contrary to licence.	Twenty rupees.
91	..	Using a place for any prescribed purpose without a licence or contrary to licence.	Twenty rupees.
92	..	Unlawful erection of factory, workshop, etc.	One hundred rupees.

SCHEDULE III.

Transitional provisions.

(See section 131.)

1. In these rules, "the old Act" means the Madras Local Boards Act, 1920, and "panchayat" means a panchayat constituted under the old Act and in existence at the commencement of this Act.

2. Every local area which, at the commencement of this Act, is a village under the old Act shall be deemed to have been declared to be a village under this Act, and every panchayat shall be deemed to have been constituted under this Act:

Definitions of "old Act" and "panchayat."

Existing villages and panchayats to be deemed to be duly constituted.

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Provided that where a village under the old Act comprises any revenue village which has a population of five hundred or more and the population of the village after excluding such revenue village is not less than five hundred, the Inspector shall, as soon as may be after the commencement of this Act, exclude such revenue village from the village and declare it to be a village for the purposes of this Act, in accordance with the provisions of section 3 thereof unless he considers it inexpedient to do so on account of the contiguity of the revenue villages comprised in the village.

3. The total number of members of a panchayat fixed under the old Act and in force at the commencement of this Act shall be deemed to be the total number of its elected members under this Act:

Total number of members of panchayats

Provided that where the total number of members of a panchayat fixed under the old Act is more than fifteen, the total number of its elected members under this Act shall be deemed to be fifteen.

4. (1) The members of a panchayat holding office at the commencement of this Act (other than its president and any village headman) shall be deemed to be the elected members of the panchayat under this Act and such members shall continue to hold office up to such date as the Government may, by notification, fix in this behalf, or in case no such date is fixed, up to the date on which their term of office would have expired if this Act had not come into force.

Members elected under the old Act to be deemed to be elected or ex-officio members under the Act.

(2) A member of a panchayat who is its president at the commencement of this Act shall be deemed to be an ex-officio member of the panchayat under this Act.

(3) A village headman who is a member of the panchayat at the commencement of this Act shall cease to hold office as such member.

5. (1) The reservation of seats for the members of the Scheduled Castes made under the old Act and in force at the commencement of this Act shall be deemed to have been made under this Act.

Reservation of seats to continue only in the case of Scheduled Castes.

(2) The reservation of seats for the members of any other community made under the old Act shall cease to be in force with effect from the commencement of this Act, but nothing herein shall affect the tenure of office of a member elected to a seat so reserved and holding office at the commencement of this Act.

6. (1) Any division of a village into wards made under the old Act and in force at the commencement of this Act shall be deemed to have been made under this Act:

Existing wards to continue except in certain cases.

Provided that where such division is not in accordance with the provisions of section 9 of this Act, the Inspector shall, as soon as may be after the commencement of this Act, re-divide the village in accordance with those provisions.

(2) Where a village has to be divided into wards under the provisions of section 9 of this Act but has not been so divided before

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2. In section 3—

(i) for clause (7-C), the following clause shall be substituted, namely :—

“(7-C) ‘executive authority’ means the president ;”

(ii) clauses (7-D) and (8) shall be omitted and for clauses (11) and (12), the following clause shall be substituted, namely :—

“(11) ‘non-panchayat area’ means any area which is not comprised within the jurisdiction of a panchayat constituted under the Madras Village Panchayats Act, 1950 ;”

(iii) for clauses (15-A) and (15-B), the following clauses shall be substituted, namely :—

“(15-A) ‘panchayat’ means a panchayat constituted under the Madras Village Panchayats Act, 1950 ;

(15-B) ‘panchayat area’ means the area comprised within the jurisdiction of a panchayat constituted under the Madras Village Panchayats Act, 1950 ;”

(iv) clauses (19-B), (19-C) and (23) shall be omitted.

3. For the heading of Chapter II the heading “Districts” shall be substituted.

4. Section 5 shall be omitted.

5. In section 6—

(i) in sub-section (1), the words “and for each village, a panchayat” shall be omitted ;

(ii) for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) Subject to the provisions of this Act, the local administration of a district shall vest in the district board constituted therefor, but the board shall not be entitled to exercise functions expressly assigned by or under this Act or any other law to its president or to other authorities.” ;

(iii) in sub-section (3), the words “or village” and the words and figure “or 5, as the case may be,” shall be omitted.

6. For section 7, the following section shall be substituted, namely :—

“7. Subject to the provisions of sub-section (3-A) of section 9, the total number of members of a district board shall not exceed 52 or be less than 24.”

7. In section 9—

(i) sub-section (2) shall be omitted ;

(ii) in sub-section (3), the word, brackets and figure “or (2)” shall be omitted.

8. In clause (b) of sub-sections (1) and (2) of section 15, for the words “any other local board,” the words “any panchayat” shall be substituted.

9. In section 19, the words “or appointment” and “temporary president” shall be omitted.

10. (1) Sections 21 and 21-C shall be omitted.

(2) In section 21-D, the brackets and figure “(1)” and clauses (2) and (3) shall be omitted.

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11. In section 22-A—

(i) clause (b) of sub-section (2) shall be omitted and clause (a) thereof shall be renumbered as sub-section (2) ;

(ii) in sub-section (3), the words “in the case of district boards and of not less than five clear days in the case of panchayats” shall be omitted ;

(iii) sub-section (4) shall be omitted and the Explanation shall be retained unaltered.

12. In section 23—

(i) in sub-sections (1) and (3), the words “where he is also the executive authority” shall be omitted ;

(ii) in sub-section (2), for the words “including where he is also the executive authority his functions as such”, the words “including his functions as executive authority” shall be substituted ;

(iii) in the proviso to the same sub-section, after the words “president’s functions”, the words “including his functions as executive authority” shall be inserted ;

(iv) for clause (iii) of the proviso to sub-section (3), the following clause shall be substituted, namely :—

“(iii) every order made under this sub-section shall be communicated to the board at its next meeting” ;

(v) for sub-section (4), the following sub-section shall be substituted, namely :—

“(4) Subject to any restrictions that the district board may impose, the president may by an order in writing delegate any of his executive functions to any member, officer or servant of the board or to any servant of the Provincial Government.”

13. Section 24 shall be omitted.

14. In sub-section (1) of section 26, for the words “within the local board area”, the words “within the district” shall be substituted.

15. In sub-section (2) of section 27, for the portion beginning with the words “refer the question” and ending with the words “be final”, the following words shall be substituted, namely :—

“refer the question to the Provincial Government whose decision shall be final.”

16. In section 27-A—

(i) in sub-section (1), clause (ii) shall be omitted and clauses (iii) and (iv) shall be renumbered as clauses (ii) and (iii) respectively ;

(ii) in sub-section (2), for the words “four standing committees referred to”, the words “three standing committees referred to” shall be substituted ;

(iii) in sub-section (3)—

(a) the second proviso to clause (a) shall be omitted ;

(b) the words “except in the case of the standing committee for rural development” in clause (b) shall be omitted.

17. Section 33 shall be omitted.

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18. For section 36, the following section shall be substituted, namely :—

Submission
of annual
reports.

"36. (1) As soon as may be after the first day of April every year and not later than such date as may be fixed by the Provincial Government, every district board shall submit to the Provincial Government, a report on its administration during the preceding year in such form and with such details as the Provincial Government may direct.

(2) The executive authority shall prepare the report; the district board shall consider the report and submit it to the Provincial Government with its resolutions thereon, if any.

(3) The report and the resolutions thereon, if any, shall be published in such manner as the Provincial Government may direct."

19. In section 37, the figure and brackets "(1)" at the commencement shall be omitted.

20. In section 37-B, the words "executive authorities" shall be omitted.

21. Sections 37-D and 42 shall be omitted.

22. In sub-section (1) of section 41, the words "or executive authority" shall be omitted and after the words "any other Act", the words "including in the case of its president any of his duties as executive authority" shall be inserted.

23. In sub-section (1) of section 43, the words "where he is also the executive authority" shall be omitted.

24. In section 45—

(i) in sub-section (1-A), the words "and to the district board in the case of a panchayat" and the words "or boards" in both the places where they occur shall be omitted;

(ii) in sub-section (3), for the words "including where the president is also the executive authority his powers and duties as such", the words "including his powers and duties as executive authority" shall be substituted.

25. Section 45-A shall be omitted.

26. In section 45-B, the words, figures and letter "or a panchayat is superseded under section 45-A", the words "or panchayat" in the two places where they occur, and the words "or supersession" shall be omitted.

27. Sub-section (2) of section 46 shall be omitted and sub-section (1) thereof renumbered as section 46.

28. Section 49 shall be omitted.

29. In section 51—

(i) in sub-section (1), for the words and brackets "the area of the local board (hereinafter in this section referred to as 'local area')", the words "a district" shall be substituted;

(ii) in Explanation (1) to the same sub-section, for the words "local area" wherever they occur, the word "district" shall be substituted;

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(iii) in sub-section (2) the words "The District Panchayat Officer or." shall be omitted;

(iv) in sub-section (3), the words "and when a village has been divided into wards the electoral roll for the panchayat shall be divided into separate parts for each ward" shall be omitted;

(v) clause (b) of sub-section (4) shall be omitted and clause (a) thereof shall be renumbered as sub-section (4).

30. In sub-section (1) of section 56, for clause (g), the following clause shall be substituted, namely :—

"(g) ceases to reside in the district or in a municipality (including the City of Madras) or a cantonment, situated within three miles of the district;"

31. In section 60—

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) All public roads in any district which are classed as district roads and all public roads in non-panchayat areas in the district shall vest in the district board";

(ii) in sub-section (2) after the words "a public road", the words, figure and brackets "which vests in a district board under sub-section (1)" shall be inserted; for the words "any public road", the words "any such road" shall be substituted; and the words "in which the public road vests" shall be omitted.

32. In section 62, for the words "vested in a local board", the words "vested in itself" and for the words "other local board", the word "panchayat" shall be substituted.

33. In section 65, the words "or a collector or any private person or body of persons" shall be omitted, and the word "panchayat" wherever it occurs shall be retained unaltered.

34. Sections 65-A and 65-B shall be omitted.

35. In section 68—

(i) in sub-section (1), for the words "a post of district health officer and one or more posts of district panchayat officer", the words "and one or more posts of district health officer" shall be substituted;

(ii) in the proviso to sub-section (3), for the words "district health officer or district panchayat officer", the words "or district health officer" shall be substituted.

36. In sub-section (1) of section 69, for the words "district health officer or district panchayat officer", the words "or district health officer" shall be substituted.

37. Section 69-B shall be omitted.

38. In sub-section (1) of section 69-C, the words "or panchayat" shall be omitted.

39. In section 70, for the words "the district health officer and the district panchayat officer", the words "and the district health officer" shall be substituted.

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40. In sub-section (1) of section 70-A—

(i) for the words and figures “or in the Madras District Municipalities Act, 1920”, the words and figures “the Madras District Municipalities Act, 1920, or the Madras Village Panchayats Act, 1950,” shall be substituted;

(ii) after the words and figures “under the Madras District Municipalities Act, 1920”, the words and figures “or of any panchayat constituted under the Madras Village Panchayats Act, 1950” shall be inserted;

(iii) for the proviso, the following proviso shall be substituted, namely :—

“Provided that no such transfer shall be made except after consulting the district board, and the other district board, the municipal council or the executive authority of the panchayat, as the case may be.”

41. Sub-section (2) of section 71 shall be omitted and sub-section (1) thereof shall be renumbered as section 71; and in the opening paragraph of the section as so renumbered, the words “and on the staff of all panchayats in the district” shall be omitted.

42. In section 72, for the words “the district health officer or the district panchayat officer”, the words “or the district health officer” shall be substituted.

43. Sub-section (2) of section 73 shall be omitted and sub-section (1) thereof shall be renumbered as section 73, and in the section as so renumbered, for the words “the district health officer and the district panchayat officer”, the words “and the district health officer” shall be substituted.

44. In section 73-B, the words, figures and letter “and of any person appointed under section 69-B” shall be omitted.

45. In section 74-A—

(i) in sub-section (1), for the words “local fund service”, the words “separate service” shall be substituted.

(ii) in sub-section (2), the words “local fund” shall be omitted.

46. In section 74-C, after the words “a duty shall be levied,” the words “in all non-panchayat areas” shall be inserted.

47. In section 75—

(i) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) A district board may by a resolution determine that a profession tax shall be levied in all non-panchayat areas in the district or in any non-panchayat area specified in the resolution.”;

(ii) sub-section (2) shall be omitted;

(iii) in sub-section (3), for the word “taxes” in clause (a), the words “the profession tax” shall be substituted;

(iv) in the same sub-section, in clause (b), for the words “existing tax” and “a tax,” the words “existing profession tax” and “a profession tax” shall respectively be substituted, and for

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the words “in the case of local boards which have an outstanding loan,” the words “if the district board has an outstanding loan” shall be substituted;

(v) in sub-section (4), the words, figure and brackets “or a notification under sub-section (2)” and the words “or notification” and “or panchayat, as the case may be” shall be omitted.

48. In section 77, sub-section (2) shall be omitted; clauses (a) and (b) of sub-section (1) shall be renumbered as sub-sections (1) and (2), respectively; and in sub-section (2) as so renumbered, for the expression “clause (a)”, the expression “sub-section (1)” shall be substituted.

49. After section 91, the following section shall be inserted, namely :—

“92. The proceeds of the land-cess shall be credited to the district fund : Apportionment of land cess.

Provided that the cess collected in any panchayat area shall be distributed as follows :—

(a) three-fourths of the cess shall be credited to the district fund, and

(b) one-fourth of the cess shall be credited to the panchayat fund.”

50. In sub-section (1) of section 93, for the words “local area”, wherever they occur, the words “non-panchayat area” shall be substituted and for the words, brackets, letter and figures “clause (b) of sub-section (1) of section 77”, the words, brackets and figures “sub-section (2) of section 77” shall be substituted.”

51. In sub-section (1) of section 94-A, for the words “local area,” wherever they occur, the words “non-panchayat area” shall be substituted.

52. Section 95 shall be omitted.

53. Sections 98 to 103 and the heading thereto shall be omitted.

54. In section 110—

(i) in sub-section (3), for the expression “clause (b) of sub-section (1) of section 77”, the expression “sub-section (2) of section 77” shall be substituted;

(ii) after sub-section (4), the following sub-section shall be inserted, namely :—

“(4-A) The proceeds of the pilgrim tax shall be credited to the district fund :

Provided that where the tax is levied in respect of a panchayat area and the occasion for pilgrimage is not a festival classified as a district festival, the proceeds shall be credited to the panchayat fund.”;

(iii) in sub-section (5), for the words “local board” in clause (ii), the words “district board or panchayat” shall be substituted;

(iv) in the same sub-section, in clause (iv), for the words “local boards”, wherever they occur, the words “district boards or panchayats” shall be substituted.

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55. In sections 110-A and 110-B, for the words "in the area" the words "in any non-panchayat area" shall be substituted.

56. In section 111, for the words and figures "Subject to the provisions of section 103, the district board", the words "The district board" shall be substituted.

57. In section 112—

(i) to sub-section (1), the following proviso shall be added, namely :—

"Provided that nothing contained in this sub-section shall be deemed to enable a district board to expend its moneys within any panchayat area for any purpose exclusively within the jurisdiction of the panchayat, except with the general or special sanction of the Provincial Government.";

(ii) in sub-section (2), for the words "area of the local board" and "local board area," the word "district" shall be substituted.

58. In section 114, the words "and for each village a village fund" shall be omitted.

59. In section 115, for the words "village and district funds, respectively," the words "district funds" shall be substituted.

60. In section 116—

(i) in sub-section (2), for the words "Every local board," the words "The district board" shall be substituted;

(ii) sub-section (3) shall be omitted.

61. In section 117—

(i) in sub-section (1), for the words "a consolidated budget," the words "its budget" shall be substituted and the words "of itself and of all panchayats in the district" shall be omitted;

(ii) in sub-section (2), the word "consolidated" shall be omitted, and for the words "any local board," the words "the district board" shall be substituted.

62. Section 118 shall be omitted.

63. In sub-section (1) of section 121, for the words "of a local board area," the words "of the district or any part thereof" shall be substituted.

64. Before section 122 and the heading thereto, the following heading and section shall be inserted, namely—

"Application of chapter to panchayat areas."

Provisions of chapter except sections 137, 138 and 139 not to apply to panchayat areas.

121-B. The provisions of this chapter, except sections 137, 138 and 139, shall not apply to any panchayat area unless the Provincial Government by general or special order, otherwise direct."

65. In sub-section (2) of section 124, the words "in the village" shall be omitted.

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66. In section 126—

(i) in clause (i), the words "in the village" shall be omitted;

(ii) in clause (ii), the words "in the village" and "or of the district board" shall be omitted, and for the words "for the maintenance, repair and improvement thereof," the words "for their maintenance, repair and improvement with a view to their use by the public but shall not be entitled to levy any fees in respect thereof" shall be substituted.

67. In section 128, the words "or village," "or the panchayat as the case may be" and "or panchayat" shall be omitted.

68. In section 129, after the words "a public road" where they occur for the first time, the words "vested in a district board" shall be inserted, and for those words where they occur for the second time, the words "such public road" shall be substituted.

69. In section 135, for the word "village," the word "district" shall be substituted.

70. In sub-section (2) of section 140, the words "with the sanction of the district board" shall be omitted.

71. In section 146—

(i) in sub-section (1), the words "with the previous sanction of the district board" shall be omitted;

(ii) in sub-section (2), for the word "village," the words "local area" shall be substituted.

72. In sub-section (1) of sections 147 and 148, for the words "public road appears to the executive authority of the local board in which such road is vested," the words "public road vested in a district board appears to the executive authority thereof" shall be substituted.

73. In sub-section (1) of section 150, after the words "other place," the words "in a non-panchayat area" shall be inserted.

74. In clause (a) of sub-section (1) of section 151, after the words "public road," the words "vested in" shall be inserted.

75. In sub-sections (1) and (2) of section 153, after the words "any building or land," the words "in a non-panchayat area" shall be inserted.

76. To sub-section (1) of section 154, the following paragraph shall be added at the end, namely :—

"Where such notice is given, no person shall keep any pig or dog, as the case may be, within such limits without obtaining a licence from the executive authority of the district board or otherwise than in accordance with the conditions specified in such licence."

77. In section 157, after the words "public road," the words "vested in a district board" shall be inserted.

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78. For sub-section (1) of section 158, the following sub-section shall be substituted, namely :—

“(1) No door, gate, bar or ground-floor window shall be hung or placed so as to open outwards upon any public road vested in a district board, without a licence from the executive authority of such board.”

79. In sub-section (5) of section 160, the words “or any class of local boards” shall be omitted.

80. In sub-section (1) of section 161, after the word “erected,” the words “in a non-panchayat area” shall be inserted.

81. In sub-section (1) of section 163, after the words “public road,” the words “vested in a district board” shall be inserted, and for the words “executive authority of the local board in which such road is vested,” the words “executive authority of the district board” shall be substituted.

82. In Chapter XI, after the heading “Markets, slaughter-houses, etc,” and the sub-heading “Public markets,” the following section shall be inserted, namely :—

Classification of markets as district and panchayat markets.
 “166-A. The Provincial Government shall have power to classify public and private markets situated in a panchayat area as district markets and panchayat markets respectively and provide for the control of any such market and for the apportionment of the income derived therefrom between the district board and the panchayat or the payment of a contribution in respect thereof to the panchayat or the district board, as the case may be.”

83. In section 168—

(i) to sub-section (1), the words “in any non-panchayat area and if specially authorized by the Provincial Government in that behalf, in any panchayat area” shall be added at the end ;

(ii) in sub-section (2), for the words “any public market,” the words “any of its public markets” shall be substituted ;

(iii) in sub-section (3), the words “with the sanction of the district board” shall be omitted and for the words “any public market” the words “any of its public markets” shall be substituted.

84. In sub-sections (1) and (2) of section 169, for the words “any public market,” the words “any district board public market” shall be substituted.

85. In section 171, in sub-section (1), after the words “no person shall,” the words “in any non-panchayat area” shall be inserted.

86. In section 172—

(i) in sub-section (1), the reference to the Madras Local Boards Act, 1884, shall be retained unaltered ;

(ii) for sub-sections (2) and (3), the following sub-section shall be substituted, namely :—

“(2) The district board shall, after making or causing to be made such inquiries, if any, as it thinks fit, grant or refuse the certificate.”

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(ii) in sub-section (3), the words “temporary president” wherever they occur shall be omitted.

111. In section 218, for the words “in the area of the local board concerned,” the words “in the district” shall be substituted.

112. In section 233, the words “in regard to any local board or any class of local boards or all local boards in that area” shall be omitted.

113. In sections 235 (1) and 236, the reference to the Madras Local Boards Act, 1884, shall be retained unaltered.

114. In sub-section (2) of section 237, the words “for different classes of local boards” shall be omitted.

115. In section 240—

(i) in sub-section (1), for the words “and its executive authority,” the words “including his powers, duties and functions as executive authority” shall be substituted ;

(ii) in sub-section (2), the words and figure “or 5 as the case may be” shall be omitted ;

(iii) for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) The Special Officer shall exercise the powers, discharge the duties and perform the functions—

(a) of the district board until a board has been constituted ; and

(b) of the president of the board including his powers, duties and functions as executive authority until a president has been elected by the board.” ;

(iv) in sub-section (5), for the words “in the same district,” the words and figures “in that one of the three groups of districts as divided by the Madras Local Boards (Amendment) Act, 1935, to which the district belongs” shall be substituted ;

(v) in sub-section (8), after the words “exercise jurisdiction” the following words shall be inserted, namely :—

“or for which a panchayat has been newly constituted.”

116. After section 240, the following section shall be inserted, namely :—

“240-A. Notwithstanding anything contained in this Act, or in the Madras Village Panchayats Act, 1959, the Provincial Government may, by notification and subject to such restrictions and conditions and to such control and revision as may be specified therein, direct that any function vested in a district board by or under the Madras District Boards Act, 1920, shall be transferred to and performed by any panchayat or class or panchayats.”

117. In sub-section (1) of section 241, the words “district board or panchayat” in the two places where they occur and the words “as the case may be” at the end shall be omitted.

118. In Schedule II—

(i) in rule 2, the words “and every panchayat at least once in every month” shall be omitted ;

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(ii) in sub-rule (1) of rule 3, after the words "No meeting," the words "of the district board" shall be inserted, and the words "at least three clear days before the day of the meeting in the case of panchayats and" and "in the case of district boards" shall be omitted;

(iii) in sub-rule (1) of rule 4, the words "executive officer," the words "at least ten clear days before the day of the meeting in the case of panchayats and" and the words "in the case of district boards" shall be omitted;

(iv) sub-rules (2), (3) and (4) of rule 11 shall be omitted, and sub-rule (1) of that rule shall be renumbered as rule 11; and

(v) in rule 11 as renumbered, for the words, brackets and figures "sub-section (1) of section 37," the word and figures "section 37" shall be substituted.

119. In Schedule IV—

(i) in the heading, for the words, figures and brackets "(see sections 92, 93, 95, 98 and 104)," the words, figures and brackets "(see sections 92 and 93)" shall be substituted;

(ii) for rule 3, the following rule shall be substituted, namely:—

"3. The District Collector shall cause the net proceeds of the land-cess collected under the authority conferred on him by this Act to be credited to the district fund and the panchayat fund in accordance with the provisions of section 92."

(iii) in rule 4, for the words "local board concerned," the words "district board or panchayat concerned" shall be substituted;

(iv) for the heading before rule 5 "Part II—Other Taxes—Provisions common to other taxes in general," the heading "Part II—Profession Tax—General" shall be substituted;

(v) in sub-rule (1) of rule 5, the words "separate" and "and the house tax" shall be omitted;

(vi) in sub-rules (2) and (3) of the same rule, for the words "any tax," the words "the tax" shall be substituted;

(vii) in sub-rule (4) (a) of the same rule, the words "or any property" and the words "relating to any tax" shall be omitted;

(viii) in rule 6, for the words "person or property," the words "or person" shall be substituted;

(ix) in rule 10, for the words "local area" in the two places where they occur, the words "non-panchayat area" shall be substituted;

(x) in sub-rule (1) of rule 11, for the words "the area of a single local board" in the opening paragraph, the words "the non-panchayat area of a single district board" and for the words "the area of the local board" in clause (b), the words "the non-panchayat area of the district board" shall be substituted;

(xi) in sub-rule (2) of the same rule, for the words "partly in the area of a local board," the words "partly in the non-panchayat area of a district board" and for the words "in the area of the local board" occurring later, the words "in the non-panchayat area of the district board" shall be substituted;

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(xii) in sub-rule (3) of the same rule, for the words "local area" in the two places where they occur, the words "non-panchayat area" shall be substituted;

(xiii) rules 12 to 25 and the heading thereto shall be omitted;

(xiv) for rule 27, the following rule shall be substituted, namely:—

"27. An appeal shall lie to the district board in respect of the proceedings of the executive authority under rule 11-A."

(xv) in rules 30 and 31, for the words "any tax," the words "the tax" shall be substituted;

(xvi) in rule 32—

(a) sub-rule (1) shall be omitted and sub-rules (2) to (4) renumbered as sub-rules (1) to (3) respectively;

(b) in sub-rule (1) as so renumbered, the words, figures and brackets "and a bill under sub-rule (1) of rule 32" shall be omitted;

(c) in clause (a) of the same sub-rule, the words "property or thing" shall be omitted;

(d) in sub-rule (2) as so renumbered, the words "or bill" and "or bill as the case may be" shall be omitted;

(xvii) in sub-rule (1) of rule 33, for the words "any tax" the words "the tax" shall be substituted, and the words, letter, figures and brackets "or bill or the giving of the direction referred to in rule 24-A (2)" shall be omitted;

(xviii) rule 38 shall be omitted;

(xix) in Appendix A, the words "and premises, if any, in respect of which the tax or taxes are due" and the words and brackets "(or as the case may be any goods and chattels found on the premises referred to)" shall be omitted.

120. In Schedule V—

(i) sub-rule (aa) of rule 1 shall be omitted;

(ii) rule 1-A shall be omitted;

(iii) in rule 1-B—

(I) in sub-rule (2)—

(1) for clause (c), the following clause shall be substituted, namely:—

"(c) the establishment and maintenance of choultries in non-panchayat areas and of choultries classified as district choultries in panchayat areas";

(2) in clause (cc), for the portion beginning with the word "except" and ending with the words "district board," the following shall be substituted, namely:—

"except in any panchayat area where a contribution is paid by the district board to the panchayat on the scale fixed by the Provincial Government for the opening and maintenance of elementary schools";

(3) for clause (dd), the following clause shall be substituted, namely:—

"(dd) the opening and maintenance of libraries and reading rooms in non-panchayat areas and of libraries and reading rooms classified as district libraries and district reading rooms in panchayat areas";

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(4) for clause (h), the following clause shall be substituted, namely :—

“(h) the establishment and maintenance of hospitals; the establishment and maintenance of dispensaries in non-panchayat areas and of dispensaries other than those classified as panchayat dispensaries in panchayat areas; and every other kind of medical relief in non-panchayat areas, and every other kind of medical relief not given by the panchayat in panchayat areas”;

(5) in clause (i), for the portion beginning with the word “except” and ending with “rule I-A,” the following shall be substituted, namely :—

“except, in panchayat areas, such measures as may have been carried out by the panchayat under the Madras Village Panchayats Act, 1950”;

(6) to clause (l), the following words shall be added, namely :—

“in panchayat areas and of all public markets in non-panchayat areas”;

(7) to clause (m), the following words shall be added, namely :—

“in panchayat areas and of all fairs and festivals in non-panchayat areas”;

(8) for clause (n), the following clauses shall be substituted, namely :—

“(n) the construction of drains and disposal of drainage water and sullage in any non-panchayat area;

(o) in any non-panchayat area, the cleansing of streets, the removal of rubbish heaps, jungle growth and prickly-pear, the filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows; and other improvements of the sanitary condition;

(p) the provision of public latrines and arrangements to cleanse latrines, whether public or private, in any non-panchayat area;

(q) the opening and maintenance of burial and burning grounds in non-panchayat areas;

(r) in non-panchayat areas, the sinking and repairing of wells, the excavation, repair and maintenance of ponds or tanks for supply of water for drinking, washing and bathing purposes, and the construction of bathing ghats;

(s) the opening and maintenance of public slaughter-houses in non-panchayat areas;

(t) the establishment and maintenance in non-panchayat areas of wireless receiving sets, of playgrounds, or parks, of sports clubs and of centres of physical culture.”;

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87. In sections 176 and 178, after the words “any private market,” the words “in a non-panchayat area or of any private market in a panchayat area which is classified as a district market” shall be inserted.

88. For clauses (a) and (b) of section 179, the following clauses shall be substituted, namely :—

“(a) in respect of which no licence has been applied for, if the market is in a non-panchayat area or if being in a panchayat it is classified as a district market; or

(b) the licence for which has been refused, withheld or suspended by the district board; or.”

89. In sub-section (1) of section 180, after the words “to hold a private market in any place,” the words “in a non-panchayat area or to hold a private market classified as a district market in any place in a panchayat area” shall be inserted.

90. In section 181, for the words “appeal against such order to the district board,” the words “appeal against such order to the Provincial Government” and for the words “the executive authority of the district board may, if he thinks fit,” the words “the Provincial Government may, if they think fit” shall be substituted.

91. In section 182, after the word “market,” the words “in a non-panchayat area or of a market in a panchayat area which is classified as a district market” shall be inserted.

92. Section 183-A shall be omitted.

93. In section 183-B, the words “panchayat or” shall be omitted.

94 (1) In sub-section (1) of section 184, after the word “cart-stands,” the words “in non-panchayat areas” shall be inserted.

(2) In sub-section (1-B) of the same section, the reference to the Madras District Municipalities and Local Boards (Amendment) Act, 1941, shall be retained unaltered.

95. To section 185, the words “being a place or road vesting in the district board” shall be added.

96. In section 187, in sub-section (1), after the words “No person shall,” the words “in any non-panchayat area” shall be inserted.

97. In section 189, to sub-section (1), the words “in non-panchayat areas” shall be added.

98. In section 190—

(i) the words “with the sanction of the district board” shall be omitted;

(ii) in clause (a), for the words “in the village or in any specified area therein,” the words “in any specified non-panchayat area” shall be substituted;

(iii) in clause (b), after the words “slaughter or permit to be slaughtered,” the words “in any specified non-panchayat area” shall be inserted.

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(7) after item (18) under the same heading, the following item shall be inserted, namely :—

“(19) All sums other than those enumerated above which arise out of, or are received in aid of, or for expenditure on, any institutions or services maintained or financed from the district fund or managed by the district board.”

(vii) rule 6 shall be omitted ;

(viii) in rule 8—

(1) in sub-rule (1), the words “and all moneys received by a panchayat shall be lodged either in the nearest Government Treasury or in the nearest Post Office Savings Bank” shall be omitted ;

(2) clause (b) of sub-rule (2) shall be omitted and clause (a) thereof shall be renumbered as sub-rule (2), and in the sub-rule as so renumbered, the words “and a panchayat may with the sanction of the Inspector of Local Boards” shall be omitted ;

(ix) in sub-rule (1) of rule 9, sub-clause (ii) of clause (b) shall be omitted and sub-clause (i) thereof shall be relettered as clause (b), and in the clause as so relettered, the words “in the case of district boards ; or” shall be omitted.

121. In Schedule VIII—

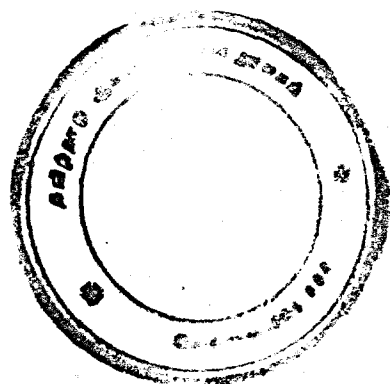
(i) the item relating to section 102 (1) shall be omitted ;

(ii) after the item relating to section 153, sub-section (2), the following item shall be inserted, namely :—

“154 (1) .. Keeping a dog or pig with- Ten rupees.”
out licence or contrary
to licence.

122. In Schedule IX, after the item relating to section 153, sub-section (2), the following item shall be inserted, namely :—

“154 (1) .. Keeping a dog or pig with- Two rupees.”
out licence or contrary to
licence.



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99. In section 191, for the words "within the village," the words "in non-panchayat areas" shall be substituted.

100. In section 193, in sub-section (1), for the words "within the limits of the village," the words "situated in any non-panchayat area or in such non-panchayat area as may be specified in the notification" shall be substituted.

101. In section 194—

(i) in clause (a) of sub-section (1), after the word "establish," the words "in any non-panchayat area" shall be inserted;

(ii) in clause (b) of the same sub-section, after the word "premises," the words "in a non-panchayat area" shall be inserted;

(iii) in clause (ii) of sub-section (2), the words "by the district board" shall be omitted;

(iv) in clause (a) of sub-section (4) for the words "in the village," the words "in the non-panchayat area" shall be substituted.

102. In sub-section (1) of section 195, after the word "work-place," the words "in a non-panchayat area" shall be inserted.

103. In sub-section (1) of section 197, after the word "work-place," the words "in a non-panchayat area" shall be added.

104. In section 198 of the said Act, for the words "local board area" in the opening paragraph, the words "non-panchayat area" shall be substituted.

105. To section 202, the following proviso shall be added, namely:—

"Provided that nothing contained in this section shall be deemed to authorize the district board, without the approval of the Provincial Government, to make by-laws for any panchayat area in respect of any matter for which the panchayat may make by-laws under the Madras Village Panchayats Act, 1950."

106. Section 203-A shall be omitted.

107. In sections 204 and 205, the words "or panchayat" shall be omitted.

108. In section 205-A—

(i) sub-section (2) shall be omitted and sub-section (3) renumbered as sub-section (2);

(ii) in sub-section (2) as so renumbered, the words "or panchayat" and the words, figure and brackets "or (2) as the case may be" shall be omitted.

109. In section 206, the words "of the panchayat and" shall be omitted, and for the words "to the village or to any specified area therein," the words "to any specified non-panchayat area in the district" shall be substituted.

110. In section 208—

(i) in sub-section (2), for the words "acts as the president, temporary president or vice-president of a local board or exercises any of his functions including where he is also the executive authority any of his functions as such," the words "acts as the president or vice-president of a district board or exercises any of his functions including his functions as executive authority" shall be substituted;

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(II) in sub-rule (3), for clause (d), the following clause shall be substituted, namely:—

"(d) all other measures of public utility calculated to promote the safety, health, comfort or convenience of the inhabitants of the district; and";

(iv) rules 2 and 3 shall be omitted;

(v) in rule 4, for the words "any other local board," the words "any panchayat" shall be substituted;

(vi) (1) in rule 5, the words "village and" and "respectively" in the opening paragraph and the heading "A—Village Funds" and all the items thereunder shall be omitted; and for the heading "B—District Funds," the heading "District Funds," shall be substituted; and for items (1) and (1-A) under that heading, the following items shall be substituted, namely:—

"(1) The land-tax levied in the district, subject to the provisions of section 92.

(2) The profession tax levied in non-panchayat areas in the district under section 93.

(2-A) The pilgrim tax levied (i) in respect of any panchayat area in the district where the occasion for pilgrimage is a festival classified as a district festival, and (ii) in respect of any non-panchayat area in the district."

(2) for item (3-A) under the same heading, the following items shall be substituted, namely:—

"(3-A) Fees levied (i) in public markets in panchayat areas which are classified as district markets, after deducting the contribution, if any, paid by the district board to the panchayat on the scale fixed by the Government, and (ii) in public markets in non-panchayat areas.

(3-B) The contribution paid to the district board by panchayats in respect of markets situated in panchayat areas which are not classified as district markets, on the scale fixed by the Government.

(3-C) Fees for the use of public landing places, halting places, cart-stands and slaughter-houses in non-panchayat areas; and fees for the temporary occupation of village-sites, roads, burial and burning grounds and other similar public places or parts thereof in non-panchayat areas."

(3) in item (5) under the same heading, for the words "in the district," the words "in panchayat areas" shall be substituted, and after the words "district choultries," the words "and or all choultries in non-panchayat areas" shall be added;

(4) in item (7) under the same heading, for the words "and dispensaries classified as district hospitals and dispensaries," the words "of dispensaries in non-panchayat areas and of dispensaries in panchayat areas classified as district dispensaries" shall be substituted;

(5) in item (12) under the same heading, after the words "all district roads," the words "and to all public roads in non-panchayat areas" shall be added;

(6) in item (13) under the same heading, after the word "ferries," the words "and fisheries" shall be inserted;

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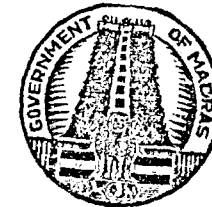
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MADRAS LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

SATURDAY, 21ST JANUARY 1950

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THE MADRAS LEGISLATIVE COUNCIL.

Saturday, the 21st January 1950.

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

The Hon. Sri G. V. Mavalankar, Speaker of the Indian Parliament visited the House. He was seated on the dais by the side of the Hon. the President.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Grants to aided colleges.

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

(a) what the conditions governing grants to aided colleges are;

(b) whether the Government insist on payment of certain scales of salaries and allowances and observance of certain conditions of employment as in the case of aided elementary and high schools;

(c) whether the Government are aware that in many of the colleges these scales and conditions are honoured more in the breach than in observance;

(d) whether the Association of University Teachers has held conferences and communicated its resolutions to the Government; and

(e) if the answer to (d) is in the affirmative, what action, if any, has been taken on those representations?

THE HON. SRI K. MADHAVA MENON :—“(a) The conditions governing grants to aided colleges are contained in Chapters I and II of the Grant-in-Aid Code and their main aspects are—

(1) every college on behalf of which aid is sought shall be under the management of one or more persons recognized by the Department;

(2) the college should be affiliated to the University;

(3) the college shall be open to members of all communities;

(4) the manager or teachers employed in such colleges should not take part in political agitation directed against the authority of Government; and

(5) the previous permission of the Director of Public Instruction should be obtained for opening the courses or the institution as the case may be.

“(b) Scales of pay and conditions of service of teachers in aided colleges are matters in which the University gives the necessary guidance to the institutions direct and the Government

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have had no occasion to interfere. The Government have passed orders insisting on the payment of dearness allowance at Government rates.

(c) Complaints have been received from individual teachers and teachers' associations to this effect. The University has also recorded in its report (1946-47) that the conditions of service in some of the private colleges are not calculated to promote either contentment or efficiency among the members of the staff.

(d) & (e) The Association of University Teachers raised this question and requested the Government to interfere in the matter. Copies of the resolutions passed at the Conference of the Association were also communicated to Government by the Secretary of the Association. The matters raised by the Association are mainly for the University to consider. The authorities of the University are taking the necessary action in the matter. The Government are also examining the question of the action to be taken."

DR. V. K. JOHN :—" May I know, Sir, if funds permitted, would the Government be willing to contribute more to private institutions for education which is the primary responsibility of the State? "

THE HON. SRI K. MADHAVA MENON :—" Even with all the limitations of funds we are contributing the maximum possible."

DR. V. K. JOHN :—" Are the Government aware that the lapses of the managements of private institutions, namely, non-payment or delayed payment of salaries of teachers, are due mainly to the poor contributions made by the Government to these institutions? "

THE HON. SRI K. MADHAVA MENON :—" I cannot subscribe to that as a general proposition, but there are cases where private managements are not able to meet all the demands that are made on them. There are certain fixed rules about grants which we are giving with as much liberality as possible."

SRI B. BHIMA RAO :—" Have the Government fixed any scales of salaries to be paid by these aided institutions to teachers? "

THE HON. SRI K. MADHAVA MENON :—" The question relates to colleges and the University has fixed scales of salaries for college teachers."

SRI B. BHIMA RAO :—" Have the Government made any enquiry as to whether the managements of these aided institutions are paying the salaries which the University has fixed? "

THE HON. SRI K. MADHAVA MENON :—" I would refer the hon. Member to the answer which I have already given to clauses (c), (d) and (e) of the question. We have received complaints and the University also has received complaints

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and they have enquired into the matter and directed the institutions concerned to comply with the requirements of the University."

SRI B. BHIMA RAO :—" May I know, what action the Government have taken in cases where they have found that the rules have been infringed by the managements? "

THE HON. SRI K. MADHAVA MENON :—" They have not infringed the rules framed by the Government and Government are absolutely out of court in regard to colleges which are only under the control of the University."

SRI P. R. K. SARMA :—" May I know, what the Government mean by political activities? "

THE HON. SRI K. MADHAVA MENON :—" My Friend may refer to a good dictionary."

DR. V. K. JOHN :—" Would the Government consider the question of revising the contributions made by the Government to these institutions and increase them? "

THE HON. SRI K. MADHAVA MENON :—" As I said, the contributions are regulated by certain rules in regard to aided institutions. In respect of most of the aided institutions we are contributing two-thirds of the net cost; even in the case of colleges in regard to building grants we are giving a much bigger grant. Certainly, funds permitting we shall consider the question of increase of expenditure in regard to particular colleges which require more."

Leases of vacant sites in Eluru town on the banks of the Krishna Canal.

* 117 Q.—SRI M. NARAYANA RAO: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any short or long term leases of the vacant sites situated on the south and northern banks of the Krishna Canal abutting the Grand Trunk Road passing through the heart of the Eluru town have been granted at nominal rates and if so, to whom and at what rentals and for what purposes;

(b) whether it is a fact that **pukka** buildings of a permanent nature have been constructed over all the said sites and rented out at exorbitantly high monthly rentals for commercial purposes;

(c) whether it is a fact that by free and indiscriminate grants on short or long term leases for the said commercial purposes the Grand Trunk road is narrowed down causing a lot of inconvenience, annoyance and trouble to pedestrians, and vehicular traffic, such as lorries, buses, cars, jutkas and rickshaws, etc., plying for hire on the Grand Trunk road in Eluru town; and

(d) whether the Government have considered the desirability of auctioning all such public sites for rent?

THE HON. SRI M. BHAKTAVATSALAM :—" (a) Yes. Twelve plots and eleven box stalls are leased out on the left

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bank of the Krishna Canal abutting the Grand Trunk Road on a year to year basis. Four plots are leased to the Eluru Municipality and one to the Electricity Department for use as park and jukka stand and for departmental use respectively. Out of the seven plots leased to private persons, two are given at concessional rates of rent and the rest at standard rates. The names of the lessees, the rent paid by them and the purposes for which the plots are leased are given below :—

- (1) Sri S. Godavaramma, Re. 1 per annum for Anjanaya Idol platform.
- (2) Sri C. Seetharamaiah, Political sufferer, Rs. 4 per annum for Saraswathi Higher Elementary School.
- (3) Sri B. Appa Rao, Rs. 5 per mensem for Anjaneya Idol.
- (4) Sri C. Rama Mohana Rao, Ex-Military, Rs. 5 per mechanical and carpenter shop.
- (5) Sri T. Janardhana Rao, Rs. 5 per mensem for a mechanical and carpenter shop.
- (6) Sri V. L. Narayana Rao, Rs. 5 per mensem for opening a cycle repair and painting shop.
- (7) Mr. K. J. Albert, Rs. 5 per mensem for tailoring and ready made shop.

“(b) No. Four out of the seven lessees have constructed buildings of semi-permanent nature and two of them have sub-let their buildings on high monthly rentals for purposes other than that for which the lease was given.

“(c) No.

11-45 a.m. “(d) The matter is under the consideration of the Government.”

SRI M. NARAYANA RAO :—“ May I know what the rate of rent is, Sir? ”

MR. PRESIDENT :—“ The rate is given.”

THE HON. SRI M. BHAKTAVATSALAM :—“ Except for two cases, the rent is at standard rates for the others.”

SRI B. BHIMA RAO :—“ Is it not objectionable to lease sites such as these in the manner stated as it would cause inconvenience to traffic and walkers? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ The Government are satisfied that no inconvenience is caused either to passers by or to traffic and the Government have agreed to this concessional rates only in two cases where they considered that they deserve the concessions.”

SRI M. NARAYANA RAO :—“ May I ask, Sir, if the rent is uniform irrespective of the importance of the locality? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ No, Sir.”

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SRI B. BHIMA RAO :—“ May I ask, Sir, if the Government have considered the desirability of auctioning the sites instead of renting them out at various rates? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I have already said, Sir, that the question of auctioning the sites is under the consideration of the Government.”

Alleged increase of immoral traffic in the Madras City.

* 118 Q.—MRS. M. N. CLUBWALA : Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that immoral traffic in Madras is very high;

(b) whether the Government intend taking steps to check this evil which is ruining the health and morality of the people of the Province; and

(c) whether it is a fact that the incidence of venereal diseases in Madras is high?

THE HON. SRI K. MADHAVA MENON :—“ (a) The answer is in the negative.

“(b) The Government are already enforcing the relevant provisions of the Madras Suppression of Immoral Traffic Act, 1930 wherever necessary;

“(c) The Government have no definite information, as many venereal patients apparently go to private doctors. All that can be said is that facilities are being gradually extended for treatment of venereal diseases in Government medical institutions, and some patients get themselves treated in those institutions.”

MRS. M. N. CLUBWALA :—“ Are the Government aware, Sir, that it is on the increase in the City seeing that figures have been quoted publicly by venereal diseases experts in the City that the incidence of the diseases is higher? ”

THE HON. SRI K. MADHAVA MENON :—“ The information with the Government is otherwise; if the hon. Member gives me better information, I am prepared to take it. The increase in the incidence of venereal diseases necessarily does not mean that there is more immoral traffic.”

MRS. M. N. CLUBWALA :—“ Is the Hon. Minister aware, Sir, that solicitation goes on in the main streets of the City and reports have been brought to us to that effect? ”

THE HON. SRI K. MADHAVA MENON :—“ I am sorry I am not aware of the solicitation that is going on in the City (laughter) but as effective measures as are possible to prevent an offence like this, are being taken.”

DR. V. K. JOHN :—“ Is it in order for an Hon. Minister to say that he is not aware of what is happening in the Province? ” (Laughter.)

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MR. PRESIDENT :—“ It is quite in order for a Minister to say that he was not the object of such solicitation.” (Laughter.)

DR. V. K. JOHN :—“ Will the Hon. Minister consider the question of providing poor women with work so that there will be less of immoral traffic? ”

THE HON. SRI K. MADHAVA MENON :—“ I do not know if it will solve the question; the point is the question of work for them and for what particular purpose they could be employed.” (Laughter.)

DR. SYED TAJUDDIN :—“ May I know, Sir, if all the Government hospitals at least have been provided with expert doctors to deal with venereal diseases? ”

THE HON. SRI K. MADHAVA MENON :—“ I think there is a venereal section in all headquarters hospitals in the districts but I am unable to give information with reference to the taluk hospitals.”

DR. SYED TAJUDDIN :—“ Will the Government consider the feasibility of having experts in the taluk headquarters hospitals also? ”

THE HON. SRI K. MADHAVA MENON :—“ That is a question, Sir, which has to be put to my Hon. Colleague the Public Health Minister.”

MRS. M. HENSMAN :—“ Are the Government aware that one welfare worker cannot cover the whole of the City of Madras? ”

THE HON. SRI K. MADHAVA MENON :—“ Certainly, I agree, Sir, that the number of welfare workers is not sufficient and it is difficult for one welfare worker in the city to look to the whole city.”

DR. SYED TAJUDDIN :—“ Since the responsibility of the Government is of a collective nature will the Hon. Minister see his way to influence the Hon. Minister in charge of Public Health so as to provide a venereal section in the taluk hospitals also? ”

THE HON. SRI K. MADHAVA MENON :—“ Luckily the Hon. Minister in charge of Public Health knows the question very well and he does not need any further influence.”

SRI B. BHIMA RAO :—“ May I know, Sir, what steps have been taken by the Government to find out the incidence of immoral traffic and whether there is any increase in it? ”

THE HON. SRI K. MADHAVA MENON :—“ I do not think we have taken any census or undertaken a research regarding the incidence of immoral traffic. I speak subject to correction.”

DR. V. K. JOHN :—“ Have the Government considered the question of requesting the lady Member, Mrs. Clubwala, to take over the whole Department and giving her sufficient financial assistance to see that there is no immoral traffic? ”

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THE HON. SRI K. MADHAVA MENON :—“ There is no necessity to request the hon. Member because she has been a pioneer in this work against immoral traffic and to redeem people from that and she has been doing that work and helping us to the maximum extent.”

MRS. M. N. CLUBWALA :—“ Are the Government aware, Sir, that we have no funds though we have enough workers? ”

THE HON. SRI K. MADHAVA MENON :—“ Yes, Sir, the hon. Member, Mrs. Clubwala, has brought the paucity of funds to the notice of Government and we are trying to do our best to help her in the matter.”

MRS. M. N. CLUBWALA :—“ Is the Hon. Minister aware, Sir, that I have asked this question at least thrice and I get the same answer? ”

SRI N. VENKATACHALAMAJI :—“ Is the Hon. Minister aware that dancing conduces to immoral traffic in the name of art? ”

THE HON. SRI K. MADHAVA MENON :—“ Sir, dancing on the other hand is a very good art which redeem people from immoral traffic.”

Formation of the Andhra Province.

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

(a) whether the All-India Congress Committee desired to know the views of the Government of Madras on the question of the formation of the Andhra Province in accordance with the report of the Linguistic Provinces Committee;

(b) if the answer to (a) is in the affirmative, whether the Government expressed their views and if so, what they are;

(c) whether the views of the Government of Madras were communicated to the Government of India also;

(d) whether the Government of Madras are in receipt of any communication on the subject from the Government of India;

(e) if the answer to (d) is in the affirmative, what the nature and contents of the communication are;

(f) whether the Government of Madras have submitted their views to the Government of India; and

(g) whether it is proposed to consult the Legislature before the Government finalize their views as promised in the Legislative Council?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. Premier) :—“ (a) The Working Committee of the A.I.C.C. desired to know the views of this Government in the matter.

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"(b) The Government accepted the J.V.P. Report and agreed to the formation of the Andhra Province in terms of that report.

"(c) Yes.

"(d) & (f) There has been some interim correspondence between the Government of India and the Government of Madras.

"(e) The Government must decline, in the public interest, to disclose the contents of the communications.

"(g) On a reconsideration of the whole matter, the Government are now of the opinion that a discussion of the question in the Legislature is unnecessary, in view of the subsequent developments."

SRI B. BHIMA RAO :—" Since the Government have stated that they have accepted the J.V.P. Report and since the district of Bellary is a disputed area according to the Kelkar Award, who is it that inspired the Government to include the three taluks in the Andhra area in their report to the Government of India? "

THE HON. DR. T. S. S. RAJAN :—" I have more than once said on the floor of the House that the matter mentioned in the report is confidential and questions aimed at elucidation of such facts cannot, therefore, be accepted by the Government."

SRI K. MANATHUNAINATHA DESIGAR :—" May I know, Sir, whether the Government will frame their Budget for 1950-51 for the Andhra Province and the residuary Province of Madras separately based on the principles and figures unanimously arrived at at the Partition Committee as the starting point crediting each with the income earned from each province and debiting expenditure incurred in each both as regards the revenue and capital budgets . . . ? "

MR. PRESIDENT :—" It is a regular resolution and not a question."

SRI K. MANATHUNAINATHA DESIGAR :—" Anyhow the question is there, Sir."

DR. V. K. JOHN :—" Will the Government reconsider the whole matter now and report to the Government of India that it is not necessary to form the Andhra Province? "

THE HON. DR. T. S. S. RAJAN :—" The matter has been under consideration, Sir, and we have not yet arrived at any conclusion which could possibly be announced in the House."

SRI B. BHIMA RAO :—" May I know, Sir, if the Government have received any final reply even by this day, since the D-day, namely, the 26th, is only five days ahead."

THE HON. DR. T. S. S. RAJAN :—" Even to this day, Sir, they have not received it."

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SRI S. B. ADITYAN :—" To put the question asked by my hon. Friend, Mr. Desigar, in another form, might I ask if the Government have considered the desirability of framing separate budgets for the Andhra districts and the rest of the Madras Presidency? "

THE HON. DR. T. S. S. RAJAN :—" I would ask the hon. Member to wait for the partition."

JAMAB ABDUL LATIF FAROOKHI :—" Has the Report of the Government been sent to the Working Committee of the All-India Congress? "

THE HON. DR. T. S. S. RAJAN :—" No, Sir; the report has been sent to the Government of India."

SRI B. BHIMA RAO :—" Since no definite reply has been given to the question put by my friend, Mr. Desigar, may I ask, Sir, if they have considered the desirability of having separate budgets . . . ? "

MR. PRESIDENT :—" I am of the opinion that the question is out of order. There can be no question of separate budgets so long as there is a single province."

Madras Children's Aid Society.

* 120 Q.—Mrs. M. N. CLUBWALA : Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the conditions of life in the Madras Children's Aid Society, where about 150 boys and 200 girls are in detention are unsatisfactory due to insufficient accommodation;

(b) whether it is a fact that a large number of children escape from the Society due to inadequate staff and accommodation; and

(c) whether it is a fact that about 150 to 200 boys are huddled together in three rooms supposed to be dormitories and that the sanitary arrangements of these dormitories are unsatisfactory?

THE HON. SRI K. MADHAVA MENON :—" (a) & (c) It is presumed that the reference is to the Madras Children's Aid Society's institutions located at Madras. The accommodation and lock-up of the institutions located in the Madras Children's Aid Society's premises in the Pantheon Gardens, Egmore, which is a rented building, are as follows :—

	Accommodation.	Lock-up.
Boys' Reception Home	180	170
Girls' Reception Home	30	46
Infants' Reception Home	20	14
Boys' Hostel	No special accommodation. The boys have been allowed to stay in the meeting hall and the verandah	
		13
Girls' Hostel	No separate enclosure. Girls have been allowed to stay in the Girls' reception home	
		6

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Some of the above institutions were previously located along with the girls' certified schools in the 'Retreat', Purasawalkam, which is jointly owned by the Madras Children's Aid Society and Government. The Civil Supplies Department occupied the premises at the time when the schools were evacuated to Tanjore and they have built a godown right in the centre of the compound of the premises. It will not be possible for the Civil Supplies Department to release the rice godown until rationing is lifted.

"The question of relieving overcrowding in the institutions by putting up temporary additional accommodation was considered and had to be dropped as the landlord made certain stipulations for putting up the additional structure which were not acceptable to Government. It was also considered that an expenditure of about Rs. 44,000 on temporary structures on a private man's land was a waste. There is a proposal to construct an enlarged Remand Home in the City to accommodate 100 more pupils. But the proposal has been deferred pending availability of a suitable site for constructing the building. As a temporary measure, the Society has proposed to put up some temporary additional accommodation by providing expanded metal to the verandah of the buildings in the premises. The Society's proposals in the matter are awaited.

"(b) There have been some escapes from the institutions located in the Pantheon Gardens, and the escapes have generally occurred under the following circumstances:—

- (1) While in the bath room;
- (2) by jumping over the compound wall;
- (3) while remaining in the hospital as in-patients;
- (4) on the way to and from hospital; and
- (5) while being taken to several wards in the hospital for treatment as out-patients.

"The question of appointing adequate staff to prevent such escapes is under consideration."

12 noon. MRS. M. N. CLUBWALA :—"Is the Hon. Minister aware that these escapes have been going on for a long time and so it is very urgent that at least some steps are taken to prevent it?"

THE HON. SRI K. MADHAVA MENON :—"Escapes happen from other places also, wherever people are confined, and so this is not a particular case. Further, I do not consider we should lock up children like that; we should as far as possible avoid it."

MRS. M. N. CLUBWALA :—"May I ask Government, then, what is the use of Remand House?"

THE HON. SRI K. MADHAVA MENON :—"It does not necessarily mean that we should lock up children. Such escapes of children are unavoidable."

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DR. SYED TAJUDDIN :—"Sir, in order to relieve congestion, will Government consider the feasibility of putting up prefabricated buildings?"

THE HON. SRI K. MADHAVA MENON :—"It is not a question of feasibility; it is a question of finance, which Government can ill-afford now."

MR. PRESIDENT :—"The rest of the questions will be printed in the proceedings. We shall now proceed to the next item."

Cigars and cigarettes imported into and manufactured in this Province.

* 121 Q.—SRI M. NARAYANA RAO : Will the Hon. the Minister for Industries be pleased to state—

(a) the quantity and the value of cigars and cigarettes imported from foreign countries and from other Provinces in India respectively into this Province; and

(b) the quantity and value of cigarettes manufactured in this Province?

THE HON. SRI C. PERUMALSWAMI REDDIAR :—" (a) A statement^a containing figures for the last three years is placed on the table of the House.

" (b) Nil."

Scales of salaries of secondary grade teachers.

* 122 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Education be pleased to lay on the table of the House—

(a) the scales of salaries of secondary grade school teachers prescribed by the Government from 1st April 1937 to 31st March 1949, showing variations effected from time to time; and

(b) the scales of salaries for Lecturers, Assistant Professors and Pandits in Government Colleges who are not in the Madras Educational Service from 1st April 1937 to 31st March 1949, showing the variations effected from time to time?

THE HON. SRI K. MADHAVA MENON :—" (a) & (b) A statement^b is laid on the table of the House."

Municipalities where the Building Rules are in force.

* 123 Q.—SRI P. S. SRINIVASAN : Will the Hon. the Minister for Public Health be pleased to state—

(a) the number of municipalities in the Province where the Building Rules are in force;

(b) whether the Government have received any complaints to the effect that the section relating to the leaving of 4 feet space from the street line works the greatest hardship in the repairing of old houses in some municipalities; and

^a Printed as Appendix I on page 1295 infra.

^b Printed as Appendix II on page 1296 infra.

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(c) whether the Government have proposed to amend the rules in the near future?

THE HON. DR. T. S. S. RAJAN :—“(a) In all the 94 municipalities.

“(b) Yes.

“(c) The question is under consideration.”

The film picture “Apna Desh”.

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

(a) whether he has witnessed the film picture entitled ‘Apna Desh’ or its adaptation in Tamil;

(b) whether the facts relating to its theme as represented in the review in ‘Filmindia’ of September 1949 at page 43 are correct; and

(c) if so, whether the Government have taken any action to prohibit the exhibition of such films in the Province?

THE HON. SRI K. MADHAVA MENON :—“(a) Yes. Its adaptation in Tamil.

“(b) The facts are reported to be not in accordance with the review in Filmindia.

“(c) Does not arise.”

Vacant sites in the limits of the Eluru Municipality.

* 125 Q.—SRI M. NARAYANA RAO: Will the Hon. the Minister for Local Administration be pleased to state whether it is a fact that every available vacant site in the limits of the Eluru Municipality has of late been permitted to be converted into public lorry, bus, car, jutka and rickshaw stand, and if so, whether the Government propose to depute a special officer to survey the situation in Eluru town and report on the matter?

THE HON. SRI K. CHANDRAMOULI :—“The Commissioner, Eluru Municipality, has reported that no vacant site has been converted by the Eluru Municipal Council into public lorry, bus, car, jutka or rickshaw stand either in 1948 or 1949.

“The question of deputing a special officer to survey the situation does not, therefore, arise.”

UNSTARRED QUESTION.

Complaint against the Tahsildar of Kovur.

8 Q.—SRI L. SUBBARAMA REDDI: Will the Hon. the Minister for Land Revenue be pleased to state whether there has been a complaint recently by the political sufferers against the Tahsildar of Kovur, Nellore district, and if so, what the nature of the complaint made in the petition is and what action has been taken upon it?

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A.—Yes. The complaint against the Tahsildar was that he was hostile to the political sufferers in the matter of assignment of lands to them. It was not considered necessary to enquire into the allegation as the Tahsildar was transferred by the Collector of Nellore on other grounds.

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

II.—ADJOURNMENT MOTION *RE* CUT IN AND MANNER OF REGULATING SUPPLY OF ELECTRICITY FOR AGRICULTURAL PURPOSES.

MR. PRESIDENT :—“May I know from Mr. B. Narayanaswami Nayudu whether he is pressing his motion for adjournment?”

SRI B. NARAYANASWAMI NAYUDU :—“I press my motion Sir.”

MR. PRESIDENT :—“May I know how the matter is urgent?”

SRI B. NARAYANASWAMI NAYUDU :—“It is urgent because it refers to food production.”

MR. PRESIDENT :—“I would like the hon. Member to explain to me in a short statement how the matter is urgent.”

SRI B. NARAYANASWAMI NAYUDU :—“Sir, water is in the well; the electric pump is standing beside it; and the crop is standing on the field; but water is not coming to the field; and the standing crops will wither away if there is no water for it. There is also another aspect of it. This is the proper season for transplantation of the ragi crop. Water is there in the well; the seedlings are ready for transplantation; in fact everything is ready for transplantation, but water will not come. Therefore the supply of electric supply for pumping water from the well is an essential matter. Unless it is supplied now immediately both the standing crops and the seedlings will wither. So the motion is urgent and important.”

THE HON. SRI M. BHAKTAVATSALAM :—“If you will allow me, Sir, to make a few brief remarks, I will do so, and then, the hon. Member may press his motion or withdraw it.”

SRI B. NARAYANASWAMI NAYUDU :—“The pumping sets for which licences have been secured are already installed, and nothing more is wanted except supply of current.”

MR. PRESIDENT :—“So it is only merely a question of distribution of current. In that case I give my consent to the motion and I ask the House whether it is in favour of the motion. The motion is—

‘that the business of the Council be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the cut in and manner of regulating the supply of electricity for

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agricultural purposes from Mettur and Pykara schemes, which is greatly disastrous to the food situation in the districts served by them."

JANAB K. UPPI:—"Mr. President, Sir, the House would like to know the whole matter on the subject before they are asked to express their view on the matter. So we would like to hear the Hon. Minister on the subject."

MR. PRESIDENT:—"That is why I asked the hon. Member whether he is pressing it as an adjournment motion or if it be enough the matter is informally discussed. I leave it to the Hon. Member to decide it. So far as I can see, it is an urgent matter and an important matter. I now ask hon. Members who are in favour of the motion to rise up in their seat."

[Nine members stood up in their seat.]

MR. PRESIDENT:—"The hon. Member, Mr. B. Narayanaswami Nayudu has the leave of the House to move his adjournment motion. The motion will be taken up as soon as other work is finished. It is likely the work of the House will be finished early to-day. So, as soon as the other work of the House is over, the adjournment motion will be taken up, and I allot one hour for the discussion of it."

SRI B. NARAYANASWAMI NAYUDU:—"Sir, I do not wish to take up the time of the House by dealing with the Bill clause by clause."

MR. PRESIDENT:—"I am not talking of the Panchayat Bill. I said I would allow one hour for the adjournment motion. It will be taken up immediately after the other work of the House to-day is over. There are a number of functions this evening, and I do not think it is the intention of the House to sit till evening to-day."

SRI B. NARAYANASWAMI NAYUDU:—"Sir, I certainly will not be a party to sitting late to-day. As it is, it is likely we may finish the work before four o'clock to-day."

DR. V. K. JOHN:—"I suggest the adjournment motion may be taken up at three o'clock, so that we may disperse in time for the evening function."

MR. PRESIDENT:—"But if the Panchayat Bill cannot be passed to-day, may I know what the Hon. Minister for Local Administration has to say on that?"

THE HON. SRI K. CHANDRAMOULI:—"There is no objection if the Bill is not gone through to-day. I think it is not advisable for us to finish the whole Bill to-day; because if it is passed to-day we have to get the assent of His Excellency the Governor-General before the 26th instant, and there is hardly sufficient time for that. So it would be better if we keep the Bill

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pending, and we can take it up on some other day. I think we may keep the Bill at the second reading stage or the third reading stage."

MR. PRESIDENT:—"In that case we may take up the adjournment motion at 2-30 p.m. and finish it by four o'clock."

III.—THE MADRAS VILLAGE PANCHAYATS BILL, 1949—*cont.*

Mrs. M. HENSMAN:—"Mr. President, Sir, I have not got great many points to touch upon. I think we ought to look to clause 28 first. It is a clause which deals with the general principle of appointment of executive officers, which seems to be the crux of the matter. For, there are various questions which arise in one's mind over this clause. First of all, let us see what specific work will the executive officers have to do. These are laid down in detail in the Bill, and so I need not narrate them here. But it seems to me that it would be far more desirable for the executive officer to take upon himself the task of collecting taxes. For, as he has got the right to the money of the panchayats, it would be better if he takes upon himself the task of collection of taxes. That would save a lot of time and labour otherwise spent by various people now in that connexion. I do not understand why Government should not pay the salary of the panchayat officer themselves? When he is to be appointed by the Government and when he is to be transferred by Government alone, why not he be paid by Government? Why should he be paid by the panchayat?"

MR. PRESIDENT:—"There is too much noise in the House. Surely the hon. Member now speaking is entitled to the attention of the House."

Mrs. M. HENSMAN:—"Sir, the executive officer has a dual authority to serve. He is appointed by the Government, whatever party is in power. His is more or less a nominated post, so to say. He may be transferred at the will of the Government. But all the same, he is to be paid by the panchayat board; not at the rate fixed by the panchayat but at a rate fixed by Government to cover salary and allowances and so on. Now, Sir, this seems to be not a proper way of dealing with the question. People who pay his salary should have control over him, and he in his turn should be responsible to them. Although the executive officer may be an officer of Government, people who pay him should have control over him. Further, his position is such, he should be a co-ordinating officer between the Government and the people. I know the Hon. Minister will say that Government would appoint only such people as officers. But, Sir, human nature is such, unprecedented crises develop, and it may be, at some future date, an officer appointed by Government may not be in full sympathy with the panchayat board, in which case, to which authority does he owe allegiance? No doubt, the Inspector is there as a supervising authority; but all the same, one has to consider the sort of executive officer, the panchayat has."

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" Sir, one last question about the executive officer, before I let him go. This officer looks to Government for appointment, and the Treasury Bench would dismiss him, if he does not carry out their behest. If I may be allowed to make an insinuation, the executive officer might control elections. To-day, as the Hon'ble Shri Mavlanekar, Speaker of the Indian Parliament, told us, we are going to have adult suffrage soon, and our people would be asked to go to the polls. Sir, in 1931, in another country, I have watched how adult suffrage worked. There were a great many coolies in an estate. I watched how certain people bought their votes one day, and some others rebought them the succeeding day, so much so, nobody was sure of the votes until the actual polling day. I am sure such a thing would not happen in our country. But when our people go to the polls, the executive officer, in his administrative capacity, might influence voting in one way or the other. Very often our illiterate people ask to whom they should vote. Naturally, the executive officer might influence those around him to vote for a certain person, who may be his friend. The executive officer may have guidance coming from above as to what group he should attach importance to. With due respect to him, I should say that he may have personal feelings and prejudices. I request the Hon. Minister concerned to put in some clause or by-law whereby the executive officer is prevented from openly or secretly influencing illiterate voters.

12-15
P.M.

" Then, I wish to say a few words about the reservation of seats for women. The relevant clause in the original Bill has been deleted by the Select Committee. Though there are several women-members belonging to the party in power in the other House, not one woman-member had been included in the Select Committee. I think this was a very grave omission. Men may be very good for making the first few clauses of the Bill. . . "

MR. PRESIDENT :—" Was it not a Joint Select Committee? "

MRS. M. HENSMAN :—" Yes, Sir, it was a Joint Select Committee of both Houses. I can understand the non-inclusion of women-members of this House because we do not belong to the Congress Party and may not see eye to eye with the Government. But when there are a number of women belonging to the Congress Party in the other House, it is a great fault and a great oversight not to have appointed even a single woman-member. I will explain the reason why I plead for the inclusion of women when the Bill is taken up clause by clause. If my memory serves me right, clauses 80 to 90 chiefly concern women."

DR. V. K. JOHN :—" Is it suggested that the Hon. Minister for Local Administration was not chivalrous? "

MRS. M. HENSMAN :—" I am making no insinuation; I am simply stating facts.

" Things like markets, drains, roads, ventilation, houses, etc., can be looked after and best managed by women. It is the women who are chiefly concerned with what is bought and sold, the price, cleanliness and everything else. I would only plead that the

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Government and the Party in power could have been more chivalrous and retained the clause relating to reservation of seats for women. Anyhow I request the Hon. Minister in charge of the Bill to give some sort of guidance that in every panchayat at least two or three women—not one miserable woman—may stand and get elected. There are very special reasons for reserving seats for Harijans and I do not press for that clause to be taken out. I only plead that women be allowed to come into the panchayats at least by election if not by reservation. I have been watching the results of the recent elections to the Dominion Parliament and I am surprised that not one woman has been selected from this Province. Madras is not wanting in Congress women who have sacrificed and suffered in the cause of the country and gone not only to the polls but also to jails. Therefore I am surprised. . . "

THE HON. SRI K. MADHAVA MENON :—" We have elected three women from Madras."

MRS. M. HENSMAN :—" The Hon. Minister is talking of the distant past. I am talking of the immediate past. I would like to draw the attention of the Hon. Minister to one small point. A penalty of fifteen rupees is provided for building some permanent structure over a drain whereas a penalty of two hundred rupees is provided for planting trees without permission on any public road. Sir, in the whole countryside we want to plant trees. We are appealing to agriculturists to celebrate every Independence Day by planting trees. When we are thus encouraging the planting of trees, the penalty of two hundred rupees for planting trees on a public road is too heavy. Are the Government trying to make penalties a source of revenue?

" The whole Bill seems to be wanting in commonsense from the woman's point of view. It is the women that make men happy in the villages. Without the advice of women in the panchayats, I think certain clauses of the Bill cannot be successfully implemented. These are the two constructive suggestions that I have to make at the moment and I would plead with the Minister concerned to adopt them."

* THE HON. SRI K. MADHAVA MENON :—" Mr. President, Sir, I would not have interceded in this debate but for certain remarks made by the Leader of the Opposition though they were not quite relevant to the Bill under discussion. There is a saying that when mud is slung, something sticks and cannot be removed unless thoroughly washed. I want to wash out certain things that have been slung at us. (Interruption by Sri B. Narayanaswami Nayudu.) If the speech had been confined to the Village Panchayats Bill, the Hon. Minister for Local Administration will answer. But since certain remarks not strictly pertinent to the Bill were made, I am replying to them. I am only supplementing the Hon. Minister concerned.

" The Leader of the Opposition said that this Council was a post-office. I do not know what its implications are. If it means that post-office is a useless institution, I certainly beg to differ.

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Post-offices are very very necessary institutions and without them we cannot get on in this country now-a-days. If my Friend's attempt is to say that post-offices are useless, it is a slander on them. I cannot imagine an office of greater use than the post-office. It makes for easy communication with each other. If such a useful institution as the post-office is called useless, all I can say is: God help us!"

MR. PRESIDENT :—" I do not want any aspersion cast on the capacity or nature of the House. I may tell the Leader of the Opposition that I do not like his reference to this House as a post-office, irrespective of whether post-offices are useful or useless. I think we ought to maintain the dignity of the House. If the Opposition is not able to make headway, I do not think even the Opposition is responsible for it. We work under a set of circumstances in which it has not been possible for the Opposition to form an effective Opposition. The real political party in the country is only one and that is running the Government. There is no other party which could under ordinary circumstances be called upon to take up the responsibility of Government or function as an effective Opposition. So I do not find fault even with the Opposition for not being able to make effective headway in this House. But I do not certainly like that anybody, whether in the Opposition or Ministerial side, should make any remarks which will be detrimental to the usefulness of the House. Every Member of the House is entitled to think that he is as useful as he can make himself to be. If the hon. Leader of the Opposition is not able to make headway, I am sure the hon. Members on the ministerial side will think that they are making headway and pushing through very important measures. It is open to them to say that all their measures are for the good of the country as much as it is open to the Opposition to say that they are not for the good of the country. I very much request the Opposition not to cast any such aspersion upon the capacity, nature and usefulness of the House. I do not think the usefulness of the House depends upon ourselves and not so much upon anything that is said or done here. With the advent of really democratic political parties in this country which, I am sure, will be very soon, the whole set-up will change and the Members of the Opposition will then have an opportunity to make themselves felt."

DR. V. K. JOHN :—" Sir, may I offer a personal explanation? When I said 'post-office', it was not with the intention of casting aspersion on the usefulness of the House of which I am myself a Member. What I said was this. Even when the Government felt that an amendment ought to be allowed, they would not allow it but would take the tortuous procedure of bringing in an amending legislation. We have had examples of that."

MR. PRESIDENT :—" I have no objection to that kind of remark."

DR. V. K. JOHN :—" In the Zamindari Abolition Bill, an amendment was moved to the effect that the Council also must be consulted in regard to the rules framed under the Bill. The Government spokesman said that it was a proper thing, but added

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that the Bill be passed as it was and that he would bring in an amending Bill incorporating the amendment later on. I never said that post-office was useless. I said that we were simply stamping what the Assembly passed."

MR. PRESIDENT :—" We understand what the hon. Member says. But with reference to the particular incident referred to by the hon. Member, I will make the position clear. The Minister concerned was very anxious to send the Bill to the Governor-General for his approval by a particular date and he wanted the House to co-operate with him. As a matter of fact, I think we all, though not in so many words, consented to the matter being brought before the House in the form of an amending legislation. So I do not think Dr. John need labour that point. I am sure the Government are anxious to take the Opposition with them. If opportunities occur, I am sure the observation of the Opposition will receive due weight at the hands of the Government. I think we may allow the matter to rest there."

* THE HON. SRI K. MADHAVA MENON :—" The other point referred to by my hon. Friend was about the sense of frustration. You, Mr. President, have answered that point. His third point was that the Government had a brute majority, a steam-roller majority. These are his usual invectives. Why are the Opposition in a minority? When we or anybody else has got a majority, why should it be called 'brute'? As I said in the case of the post office, steam-roller also serves a very useful purpose."

DR. V. K. JOHN :—" I have not called anybody 'brute'."

* THE HON. SRI K. MADHAVA MENON :—" I would prefer my Friend calling somebody brute instead of saying that the whole majority is brute. The minority wants to be brutish by always saying that the majority does not care for it. That is not our object. I am afraid such expressions have lost novelty and become stale."

"Regarding the sense of frustration of the Opposition, my Friend is not correct, as you, Mr. President, were pleased to point out. My Friend was not a Member of this House on a former occasion when there was very little time for passing the Madras Tenants and Ryots Protection Bill when it was piloted by Mr. Karanth."

MR. PRESIDENT :—" He was here. In fact, I wanted to remind him about that. But that was only a solitary instance."

* THE HON. SRI K. MADHAVA MENON :—" An amendment to that Bill was accepted in this House. Though the Bill was passed in the other House, the Bill was sent back to that House. About the amendment to the Zamindari Abolition Bill, you have given the answer."

"Supposing an amendment is necessary. Even if it comes 12-30 from the great Leader of the Opposition, we cannot simply accept p.m. it, but we will have to consider it and convince ourselves of its necessity before we can accept the same."

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DR. V. K. JOHN :—"The adjective 'great' used by the Hon. Minister does not fit in with my position, Sir."

* THE HON. SRI K. MADHAVA MENON :—"Then I shall withdraw it, Sir. In the case of the Zamindari Abolition Bill, which he had mentioned, in fact, certain amendments were found to be necessary, but because there was some urgency in passing that legislation, my hon. Friend Mr. Kala Venkata Rao promised to bring in an amending Bill embodying the amendments, and it was only with the consent of the House that that Bill was got through. Not only that, Sir, but, when certain members pointed out that the rules framed under that Act should be brought before this House for its approval, the Hon. Mr. Kala Venkata Rao did, in fact, promise that whatever rules were framed under that Act, would be brought before this House, although it was not usually done, and my Hon. Colleague Mr. Sitarama Reddi did, in fact, bring those rules before this House first, for its approval, and then only he took them to the other House. Therefore it is not fair, Sir, that we have paid no heed to the wishes of the Members of this House, or that we have any intention to cause a sense of frustration in the minds of the opposition. There is absolutely no inferiority complex in this matter, so far as the opposition is concerned, and if they think that they suffer from any inferiority complex or from any sense of frustration, we are not responsible for it, Sir."

DR. V. K. JOHN :—"I accept the explanation, Sir."

* THE HON. SRI K. MADHAVA MENON :—"The next thing that the Hon. Leader of the Opposition referred to was about the absence of Ministers during debates. Sir, with your permission I shall read the exact words he used in accusing the Ministers, and which I have noted down here. Sir, I felt so much about what he said, that I was about to leave the House, but you advised me to sit. He said, 'This is a very important measure vitally concerned with the lives of the inhabitants of 56,000 villages and when this is being discussed in this House, I am surprised that the other Ministers are absent.' Sir, there may be many things about which my hon. Friend may be surprised, but I am never surprised with whatever the Hon. Leader of the Opposition says, because it has become a common habit with him to accuse the members of the Treasury Benches for anything and every thing whenever he begins to speak on the floor of the House. Then he went on to say, 'The Ministers do not care what discussions are taking place in this House or what suggestions are offered by Members, on a measure that touches the life of every individual in this Province. Every Minister who is responsible to the public should be present. If the usefulness, dignity and prestige of this Council is to be maintained, the Ministers should not treat this House with scant courtesy'. Certainly I must protest against these remarks, Sir. It is very wrong to say that we are treating this House with scant courtesy. There are members of this House who are also Ministers and to say that we are

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treating this House with scant courtesy, would amount to saying that we are treating ourselves with scant courtesy. Sir, it is wrong, it is improper and it is really unfair on the part of the Hon. Leader of the Opposition to make such a remark, because it would be suicidal if we go on saying that we are treating this House with scant courtesy.

"Sir, if the Hon. Leader of the Opposition offers any legal opinion on any point of law, then I can accept his opinion, because I know his legal acumen. But in matters of parliamentary procedure, he cannot claim himself to be an authority and to ask us to be present whenever he stands up and makes a speech in this House on that subject or about any particular association in any part of the world which he thinks does such and such a thing we certainly cannot take that as a dictum which we should obey. You, Sir, have got a right to ask us to be present here, and we are bound to obey your rulings. But for every legislation that comes before this House, if somebody else thinks that it is important and that all Ministers should be present in the House, then it is certainly going beyond his province. Perhaps during the general discussion of the budget, Sir, I can understand the necessity for all Hon. Ministers being present here, because discussions might centre round all the subjects in which all Ministers are concerned, but when a particular measure relating to a particular Minister is discussed, I think it is obviously the Hon. Minister in charge of that Bill alone should be present and I do not think there is any necessity for other Ministers also to be present. If it is the idea of the Hon. Leader of the Opposition that every Minister should be here when he makes his speech, then he should make his speech sufficiently attractive for all of us to be here. That is all I can say in reply to his accusation and we cannot be giving audiences to all speeches of the opposition members in this House, even if they come from the Leader of the Opposition. That is not fair, and I cannot accept the dictum of the Hon. Leader of the Opposition that every Member of the Treasury Bench should watch the entire proceedings of the House. Nobody has a right to make a demand like that, except, you Mr. President. We must be left to ourselves to a little bit of our own responsibility in this matter. But it must be understood that it is not at all with the idea of showing any disrespect to the House that some of us happen to be absent, when any discussion goes on in this House, but because there is really no necessity for our being present here, and it will only be redundant when there is already the Hon. Minister in charge of the subject in the House, to make his reply to the various points raised in the course of the debate. Sir, there was an occasion when my Hon. Colleague, Mr. Sitarama Reddi, was not in the House at the time of voting, because he is not a member of this House and cannot take part in voting. Apart from that, Sir, on any specific legislation, for instance, on the Land Acquisition Amendment Bill, I cannot understand why all the twelve Ministers should be here, even though the Hon. Leader of the Opposition might have some very good advice to give about the law and procedure relating to land

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acquisition. He can at best ask the Hon. Minister for Revenue and perhaps the Hon. Law Minister to be present. Why should he want all the Ministers to be present? Is it his idea that every Minister who does not present himself in the House, when he speaks, does not have the welfare of the people at heart? I do not think, Sir, that it is proper on the part of the Hon. Leader of the Opposition to arrogate to himself that he alone has got the welfare of the people of the country at his heart. He was telling us yesterday that these things would appear in the papers, and that the public would read these things. That is what we also want. We seek publicity for our action. We are not fighting shy of publicity."

DR. V. K. JOHN :—" I submit, Sir, that every member of the House has a right to comment upon the absence of the Ministers."

* THE HON. SRI K. MADHAVA MENON :—" I do not deny him that right, Sir. I do not at all say that he should not make any comment upon our absence. But, except you, Sir, nobody else can compel us to be present here. But comments and remarks like those which the Hon. Leader of the Opposition has made just now cannot but really undermine the dignity, the prestige and the usefulness of every member of the House, and I can only characterize his comments as simply puerile, and not comments based on reason. My hon. Friend, Dr. John, may have the flattering unction on his soul that he alone has got concern about the usefulness, the dignity and the prestige of this House, but I feel, Sir, that such remarks as these, coming from the Hon. Leader of the Opposition really spoil the prestige, spoil the usefulness and spoil the dignity of this House, the very things which he wants to safeguard. This sort of school-master's behaviour with all his pedagogic pedantry saying, 'I am the Leader of the Opposition and everything I say must be accepted and every Minister must be present when I speak' has not been accepted before and much less will it be accepted now. If the Leader of the Opposition wants to play the role of a school-master, this is not the place for him to do so, nor are we going to be his students in parliamentary procedure."

DR. V. K. JOHN :—" A school-master does a really useful function, Sir."

* THE HON. SRI K. MADHAVA MENON :—" I realize, Sir, the usefulness of a school-master, but his function is not here in this legislature, and it is too late in the day for us to be treated in this sort of pedagogic and patronising way in which the Hon. Leader of the Opposition wants to treat the Ministry. We have our own sense of responsibility and we are equally concerned with the welfare of the public and we are equally anxious to serve their interests and it does not lie in the mouth of the Hon. Leader of the Opposition to preach us a homily on these matters, nor is he entitled to compel our presence in the House whenever he rises to speak."

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DR. V. K. JOHN :—" I accept the explanation of the Hon. Minister, Sir."

THE HON. SRI P. S. KUMARASWAMI RAJA :—" It is not for the acceptance of the Hon. Leader of the Opposition." (Interruption.)

* THE HON. SRI K. MADHAVA MENON :—" Whether the Hon. Leader of the Opposition accepts my explanation or not, I cannot accept his dictation as when we should be present and the question of deciding the importance or otherwise of the proceedings of the House for us to be present, should be left to us and if we are absent, he may perhaps comment, but he cannot order us to be present."

DR. V. K. JOHN :—" On a point of personal explanation, Mr. President, I simply made a comment and I have every right to use the language I did, Sir."

MR. PRESIDENT :—" So far as this House is concerned, it would be an ideal state of things, if every hon. Member is present to watch the proceedings of the House. That would have been really an ideal thing, but it is not possible for some Hon. Members either on this side of the House or on the other to be always present when any discussion is going on in this House."

* THE HON. SRI K. MADHAVA MENON :—" Sir, my hon. Friend the Leader of the Opposition also commented upon the fact that many members on this side were also absent on various occasions. I think, Sir, it is wrong to fetter the discretion of hon. Members to be present in the House or not and to take part in the proceedings but if my hon. Friend wants them to hear his speech, he must, as I have already said, make his speech sufficiently attractive for them to remain in the House."

DR. V. K. JOHN :—" Sir, I take serious objection to these remarks, because I never said that members on the other side should be present to hear me."

* THE HON. SRI K. MADHAVA MENON :—" I am not yielding, Sir. My hon. Friend said that the members of the Congress Party were also absent on many occasions. That is why, Sir, I had to make this remark. If they were absent, the reason must be obvious. I have nothing more to say about it, Sir."

MR. PRESIDENT :—" That is a matter which must be left to the responsibility of individual members. I am here to see that the Government is properly represented. The House can look to me for that."

* THE HON. SRI K. MADHAVA MENON :—" Sir, you have had occasions to remark about it also, and you have a right to insist on our presence. But I feel, Sir, that there should be a limit to the remarks of the Hon. Leader of the Opposition in this regard. This is not the first time he has been doing so. I cannot understand why he has been resorting to this sort of

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brandishing every time he begins to make his speech in this House, when we are getting on quite smoothly and well. Sir, even this morning he made rather a jocular remark that he had noted with admiration how the Speaker of the Central Legislature had been allowing opportunities to members of that House for full, free and frank criticism of the actions of the Central Government, as if you are not allowing it here. We know it, as a matter of fact, Sir, that nowhere is greater and freer criticism allowed to members than in this House. Because these remarks had been made by the Hon. Leader of the Opposition against the Ministers, I had to rise and offer my explanation, Sir, and I shall leave it to the House to decide how far he is justified in having made those remarks."

SRI B. BHIMA RAO :—" Mr. President, Sir, since the constitutional position of this House is being discussed, may I request you to give me a few minutes so as to enable me to explain the position, with regard to the remarks made by my hon. Friend, Dr. V. K. John, that this House is like a mere post office? "

MR. PRESIDENT :—" I do not think that we need discuss that matter now."

SRI B. BHIMA RAO :—" Sir, I only invite your attention to some of the books on the present Indian Constitution in which the functions and powers of the Second Chamber has been clearly defined and which probably my hon. Friend the Leader of the Opposition has been referring to. (Interruption.) In spite of these things, our own feeling is that we are not given the liberty to vote as we like on certain occasions of great importance. Sir, I have always been with the Government on almost all occasions, except perhaps a few . . ." (Interruption.)

* THE HON. SRI K. MADHAVA MENON :—" On a point of order, Mr. President. You as President of this House have always stood for the liberty of members to vote as they please, and you have never questioned the right of my hon. Friend, Mr. Bhima Rao, to vote according to his desire on any occasion, and therefore, is he in order in making a remark like this, Sir? "

MR. PRESIDENT :—" We have not heard him completely."

SRI B. BHIMA RAO :—" Because the constitution of this House has been referred to, during this discussion, I have ventured to offer a few remarks about what I have felt regarding the liberty of members to vote as they please. Sir, with regard to this Bill, I have already made my remarks. Now I want to say a few words on the rights of members in regard to voting on any particular issue."

MR. PRESIDENT :—" This is out of order here. The hon. Member is introducing another discussion altogether."

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SRI B. BHIMA RAO :—" I am only rising to make my observations with regard to the use of the word 'post office' with reference to this House, Sir, and I hope you will please permit me to do so."

MR. PRESIDENT :—" Let me know what is it the hon. Member wants to say." 12-45 p.m.

SRI B. BHIMA RAO :—" Sir, this House should be a House of revision and correction. According to the Joint Select Committee's report (paragraph 150), usually three months time was contemplated to be given to us to study Bills when they emerge from the lower House and then table amendments, if any. Each man is given the liberty of action. If the Bill is not brought before this House within the three months, the Joint Select Committee considered . . ."

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

SRI B. BHIMA RAO :—" My point is that in this House every hon. Member should be given the liberty of speech and the liberty to vote as he pleases, and his liberty should not be curbed."

MR. PRESIDENT :—" So far as I am concerned and this House is concerned, I am not conscious of putting any limitation upon any hon. Member's liberty to vote. If you feel you are not at liberty to vote as your conscience dictates, I am not responsible for it. Some force is there preventing you from acting as you want. I do not think any outside authority is there to prevent you. What is there to prevent you from walking to the other side and voting? I wanted to bring these points before this House, but I could not do it. Now we have come to a stage where even the Congress party is not bound by that cohesion which it had when it was trying to wrest power from the foreign power. Whatever the differences might be between the various members of the party then, yet the goal was to wrest power from the foreign power. That binding force is gone. You are here as an ordinary political party. You are at liberty to go away and join the other side if you do not like the ways of the Government. If you do not like the ways of your party, what power on earth is there to keep you in that party? "

DR. V. K. JOHN :—" Remaining there, he wants freedom of action."

MR. PRESIDENT :—" I do not certainly relish the way how Government party Members are functioning, and I am allowing it because, as the Hon. Speaker of the Indian Parliament, Shri Mavalankar put it, we are just in the formative stage. We have not yet developed all the principles of democratic parliamentary procedure. As I see it, the Congress party is practically functioning as the Opposition. I do not think it will be allowed in any well established democratic institution. Either you are here to support the Government, or if you want to go against them, you may criticise them by bringing in amendments. You may vote for the amendment and you may get the support from this (opposition) side. It is your liberty to change sides and cross the floor of the House."

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So far as I am concerned, nothing is preventing you from doing so except your loyalty to your party. Be loyal to your party or change masters if you like. That is a matter which cannot be discussed in this House. It is a matter to be discussed in your party and decided. I do not think we need waste any more time in discussing this matter here. It is a matter for you and your party."

SRI B. BHIMA RAO :—" Sir, after all"

SRI S. B. ADITYAN :—" Is it in order to carry on this kind of discussion? "

MR. PRESIDENT :—" I have given my ruling in the matter. We should now go on with the business of the House."

SRI B. BHIMA RAO :—" I want only a few minutes, Sir."

MR. PRESIDENT :—" I am sorry I cannot allow."

THE HON. SRI K. MADHAVA MENON :—" He wants to run with the hare and hunt with the hound."

SRI B. BHIMA RAO :—" Sir, I am not a man to run with the hare and hunt with the hound. That is the expression that is used. I am a man of conscience. What I feel I say plainly and bluntly, and I act accordingly. I do not know of any instance in all my life of 65 years where I have acted against my conscience. It is only here, on some occasions when I feel the reasonableness of the propositions of Dr. John, I find that I am compelled to vote against my conscience. In 95 per cent of the cases I am one with the Government, and in a few cases I differ from Government. For instance, when the Resolution on the constitution of the Andhra High Court was moved in this House, I felt that there was something wrong in that resolution. I wanted to vote with my hon. Friend who moved the amendment, but I could not."

DR. V. K. JOHN :—" We are proud of him, Sir."

MR. PRESIDENT :—" May I know from the hon. Member himself if he feels right in carrying on the discussion on this in the midst of the discussion of this Bill. This is not a matter for this House. It is purely a domestic matter for you and your party."

SRI B. BHIMA RAO :—" I feel sorry, Sir, for the expression that is used."

MR. PRESIDENT :—" You take him to task in your party."

* DR. P. S. SRINIVASAN :—" Mr. President, Sir, I congratulate the Hon. Minister on his having had the rare fortune of being able to pilot this Bill for the better administration of villages in this Province. We know Acts can be passed, and provisions can be put into the Acts, but unless the personnel in charge of these administrations are honest and good, the provisions in this Bill cannot be usefully enforced. With regard to the appointment of executive officers, I request the Hon. Minister to start even from

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now the training of an army of young men in subjects like local administration, public health and sanitary engineering, and make them fit to take up positions when the opportunity comes. I hope the Government will very soon, or as soon as possible, bring this Act into force, and start the panchayats in all the villages.

" I have given notice of certain amendments to the Bill. From the discussion that has taken place now, and as the Hon. Minister wants to finish soon, and as the Opposition is not moving any amendments"

DR. V. K. JOHN :—" No."

* DR. P. S. SRINIVASAN :—" I do not want to move any amendments. I only wanted to point out"

MR. PRESIDENT :—" The stage for amendments is not yet come."

* DR. P. S. SRINIVASAN :—" Clauses 47 and 48 may be amended or corrected some time later. Clause 47 (5) is not quite clear. This clause deals with the powers of the Inspector to remove the president, vice-president or the members of the panchayat from the panchayat. Under sub-clause (3), the Inspector shall give the president, vice-president or member concerned an opportunity for explanation. Under sub-clause (2) the Inspector may issue a notification and say from which date any member is removed from the panchayat. In sub-clause (4) power is vested in Government to cancel any notification issued by the Inspector, and they may also postpone the date specified in that notification. Sub-clause (5) says that any person in respect of whom a notification has been issued, shall be ineligible for election as president or vice-president or for election as member or from holding any of those offices until the date on which notice of the next ordinary elections to the panchayat is published in the prescribed manner, or the expiry of one year from the date specified in such notification as postponed by the order, if any, issued under sub-section (4), whichever is earlier. I do not know what is meant by this. It is not clear. I suggest that it might be made clear as the Government deem fit.

" Sub-clause (6) of clause 46 says—

" The members, other than the president, of a reconstituted panchayat shall enter upon their offices on the date fixed for its reconstitution and their term of office shall expire in such year and on such date as the Government may fix. The year so fixed shall be either the year in which the next ordinary elections or the year in which the ordinary elections immediately succeeding such elections are to be held for any panchayat in the same district. The date so fixed shall not be later than the 31st day of December."

The whole thing is wrong. The words 'in such year and on such date as the Government may fix' are good enough. The latter portion may be removed. This is all I want to say, and I trust the Government will carry out these amendments as and when they deem it necessary. (Interruption by Dr. V. K. John.) I do not propose to move my amendments. I have only made some suggestions to Government."

* SRI R. RAMAKRISHNA NAYUDU :—" Mr. President Sir, as a villager, I wish to congratulate the Hon. Minister on

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bringing forward such a useful and most essential Bill for the benefit of the villagers. I say it is most essential because the present condition of the villages warrant such a measure. As it is, to do a good thing for those who do not realize the necessity, a certain amount of compulsion is required. So also this Bill compels every village to have a panchayat of its own. Till now it was left to the option of the villages, but there were not many panchayats which came up. Therefore this sort of compulsory Bill became a necessity.

"Yesterday, the hon. the Leader of the Opposition was saying that this was merely a taxation measure. But I wish to point out to him that it is not a taxation measure, but it is something very useful for the villagers. If he visits some of the remote villages, he will come to know that in addition to this taxation measure, there should be more measures. To enforce this Panchayat Bill, more taxes should be imposed so that the villagers may lead better lives. Now the villager does not realize his own conditions nor does he try to improve his conditions. I wish to point out how unhygienic and filthy are the villages.

1 p.m. "There are no public latrines, and streets and pathways are being used for the said purposes. Drinking water is very neglected; roads are neglected, drains are running in the middle of the streets and such other unhealthy acts are being committed every day. These lead to pests and epidemics which scare away the people. To relieve the people from such horrible sufferings, many relief measures are necessary. Public latrines, street sweeping, road forming and drinking water facilities are the foremost items to be attended to. For these we cannot find money without taxing the people at least to some extent. But, Sir, our Leader of the Opposition will tell us that the Government could provide money by way of grants for all these measures, instead of taxing the already heavily taxed villager. In reply to this, Sir, I would like to tell him that if one does not pay, he takes no interest in that matter at all; nobody cares to see what the president does. This is my own experience. Sir, we started a panchayat some years ago and did not impose any taxes. We got some amount from the weekly shandy. Depriving the district board, we got the land-cess and some licence fees. With this amount we employed some sweepers and scavengers and executed little road repair. We had an elected Board in which it was very difficult to find quorum even for monthly meetings. After I left, only very little of that small income was spent and a good amount has been accumulated. No member took any interest. But if they had paid some part of the taxes, they would not have been so negligent and allowed such sums to get accumulated. They would at least realize that there is a panchayat through which they can improve the condition of the village. When the bill collector comes once in a half year at least then they will realize that they have got a part in the panchayat and they can get some work from it. They will then try to take part in its activities. I, therefore, maintain that compulsory taxation is a necessity to make people realize that they are also contributing something for their own well-being and good health.

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"In this Bill, Sir, there is compulsory taxation; but the limit is not specified. It is left to the option of the board to determine the minimum and maximum amounts. They are at liberty to tax the minimum and run the panchayat. But when once they come to realize the amount of benefit they are going to derive from the small contributions they are making, I think not even a daily wage earner would grudge to pay his one or two days' wages in a year. Besides, there are other means of getting incomes at the same time helping the villager, by way of grazing grounds and forests and good tanks could be built up from where silt deposits could be sold at suitable prices. Thus they can get a good income and run the panchayat.

"Sir, much was also said about the interference of the Local Board Inspector and the executive officer. I think, Sir, that some person should be there to guide the panchayat and the Local Board Inspector will be there to guide the panchayats and not to interfere with those bodies. The executive officer also will be there to execute what all the panchayat board passes and he would not be in any way a hindrance to the successful working of the Board. I, therefore, support that such a sort of Bill is essential for the well-being of the people in the villages."

MR. PRESIDENT :—"How much time will the Hon. Minister take?"

THE HON. SRI K. CHANDRAMOULI :—"Only 15 minutes, Sir."

SRI P. VEERABHADRASWAMI :—"Mr. President, Sir, grave doubts have been entertained by many people that the provisions of the Bill cannot work satisfactorily in the village because there are factions in the villages. But, Sir, I think we are enacting this measure at a late date. This ought to have been introduced long ago and people in the villages should be given an opportunity to administer their own affairs. Sir, during the British Raj people in the villages as well as the villages have been neglected; towns and town development were encouraged by the British Government. Consequently, the condition of the village has deteriorated. There are poverty, ill-health and many other evils in almost all the villages; all the intelligent people have left the villages and gone to towns. Even agricultural operations have been given up. No doubt it will take some time for these panchayats to grow, and improvement may be slow. But the Government should give every kind of encouragement and help to these panchayats so that they may grow in a very worthy manner.

"Sir, one novel feature of the Bill is that the president is to be elected by all the voters of the village. It is rather difficult to find efficient people to function as president. In the case of big panchayats, Government propose to appoint executive officers. Those who have an aspiration to work as a president or as an executive officer should have to his credit some work in the villages, specially some kind of training in some Ashram or other. The aim of Mahatma Gandhi was that there should be one trained worker

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for each village who will devote all his time for the improvement of the village and for bettering the condition of the villagers. It will be fulfilled if the Government would give sufficient encouragement to the Asbrams where village workers are being trained.

"Sir, a very important function of the village panchayats now should be to start work in primary school and the best kind of education that can be given to the children in the villages is basic education. All the existing schools may be converted into basic schools and those that will be started in the future may be on basic lines.

"Sir, the only defect in the Bill seems to be allowing separate electorates for Harijans." No doubt, there is an analogy that the Constitution of the Republican India has this provision. But the conditions in the villages are quite different. The Harijans in the villages are sufficiently in large numbers and at the same time, they can have their own men elected to the panchayats even without separate constituencies for them.

"Sir, the greatest handicap with these panchayats is about finding sufficient finances to push through important schemes. From the house-tax, the panchayats cannot be expected to get much because most of the habitations in the villages are huts and it is rather difficult to tax them. Similarly they cannot get much from the profession tax or the vehicle tax. Provision must be made that those vehicles which ply in a panchayat need not pay tax when they go to other panchayats or to municipalities. If that is done, village panchayats can have some good income.

"Another trouble is with the huts in the villages and the frequent fires that occur. The villagers find that all their belongings are completely destroyed by these fires and they have to begin life afresh. So, the best thing that the panchayats will have to do is to have clear layouts of their villages and the Government can appoint Planning Directors for every village so that they may help the villagers to have clear layouts, better streets and better habitations.

"Sir, the Government have to give encouragement to some people in the villages to convert pucca houses to cemented houses, so that others may copy them and have better houses which can escape from frequent fires. Thus they will have better houses, live in better conditions, better sanitation and better health. Sir, I heartily support the Bill."

SRI S. JAYARAM REDDI:—"Sir, I wish to make a few suggestions in supporting this Bill. The Leader of the Opposition was suggesting that this is a Bill which will bring additional taxation measures in the villages. Of course, there will be new taxation which the villagers will not take very heartily. One suggestion which I would like to make is instead of giving 12½ per cent of the land revenue to the villages, a greater portion of the land revenue may be marked to the villages, and the incidence of taxation levied on the villagers should be reduced. That will go a long way to relieve the burden of taxation measures that are proposed. Another view that was expressed by one of my Friends yesterday was that

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if there is no taxation in the villages, there is no responsibility. What has become of the money that is being distributed towards subsidy for sinking wells? The money that is being given to the villagers is not treated as money subscribed by the villagers to the Provincial Government. They think that it is coming as a boon from Heaven and they are not very particular about the ways and means which they adopt for getting that money. Unless some taxation measures are introduced, there is a feeling that the responsibility of the villagers will not be felt then and there and the administration is likely to be bad. That is one aspect which makes me feel that the taxation proposal must be always there when an administration has to be run. That is one aspect which prompted me to support the measures in this present form. From that point of view, I think the taxation measures that are proposed can be modified at a future date, if necessary, after experience is gathered in the working of the Bill. The Bill, as a whole, is one which has to be welcomed by the people because, as it is, from the Provincial Government the villagers cannot expect any ameliorative measures for a number of years. The overhead expenditure of the Provincial Government cannot allow their finances to be diverted to the betterment of the villages. So, a Bill of this kind which the Hon. Mr. Chandramouli has brought forward is a step in the right direction. All of you may be aware of the Sarvodaya plan that was submitted to the Working Committee of the Congress and there it is proposed that power should be decentralized as far as possible and the villages must be made autonomous units wherein they can themselves carry out necessary schemes; they need not look to the Provincial Government or the District authorities. With these few words, I support this Bill."

MR. PRESIDENT:—"Is the Hon. Minister likely to finish by 1-30?"

* THE HON. SRI K. CHANDRAMOULI:—"Yes, Sir, I shall finish. Sir, I am thankful to the various hon. Members who have spoken on the general principles of the Bill and who have levelled certain criticisms against the Bill itself. But, before I go into the matter, I would like to dispel one misconception that has been brought in by the Leader of the Opposition. The Leader of the Opposition occupies an important and dignified position in any House or Parliament. He is expected to weigh the issues properly with caution, care and moderation. He can also draw his conclusions on a general basis and moderation of expression should be the guiding principle of any parliamentarian.

"Somehow I found that Dr. John was a little bit excited yesterday. Of course he was angry also in his expressions. I expected that with all his rich experience and legal knowledge he would show at least some light towards this side. Instead of that, he threw much heat and no light. That was the substance that I found. I am very sorry that the heat that he has thrown might swallow the whole House. That is why I appeal to Dr. John that at least hereafter he may be moderate in his criticism and give his valuable advice with the rich experience and legal knowledge which

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he has got. I am not a lawyer. I am also not a logician as Dr. John. But even in his over-enthusiasm he talked about abstract idealism and other things. I can assure Dr. John that I am a much better philosopher than him. There I would not yield to anybody."

DR. V. K. JOHN :—" It is conceded."

* THE HON. SRI K. CHANDRAMOULI :—" What my friend forgets is that he is living in a modern democratic age. What does democracy mean? It means moderation, it means dilution. Any individual member cannot come here and say, 'This is the highest idealism and the whole House should be raised to that level' and so on without any consideration for others. I say that it is impossible. So long as we live in society, we have to moderate our views. We have to adjust ourselves with the other ideas and other temperaments and thus arrive at a common factor. That is all what I would like to say. The Bill certainly has very good germs. I wish Dr. John had been a little bit moderate. The Government have brought this liberal measure. This is not an autocratic measure. That is why I said that the Bill is just in consonance with the modern set-up, or I should say, the highest common factor has been arrived at. Sri Suryanarayana Rao and Dr. John have levelled three fundamental criticisms upon the Bill. The first thing is, as far as the constitution of the panchayats is concerned, it would have been better had the villages been clubbed together and thus the scope of their activities and also financial set-up were enlarged. If their suggestion is accepted, I am afraid that it will kill the very principles of self-expression and village autonomy about which they have vehemently used high words. By clubbing a group of villages, we will be binding them together for ever. It is not the intention of the Government. The intention of the Government is, whether a village is small or big, it should have a sort of autonomy. A village may be big or small in population or in finance. It does not matter. It should be an autonomous unit. However, it does not prevent, nor is it the intention of the Government, that these villages should not at all combine together. For certain specific purposes they can join together voluntarily and carry on the work. For instance, a road has to be formed in a particular place. Two or three villages can combine together for this specific purpose and carry on this work and share the expenditure equally or proportionately. So also, if a hospital is to be formed for the benefit of two or three villages, they can combine themselves automatically, take the initiative and form the hospital. That is the kind of independence that I expected Dr. John to appreciate. Instead the Opposition want to combine these villages and bind them together on the one hand and at the same time, they are talking loudly about village autonomy and all that. I cannot understand this.

"There is also another thing about the taxation measures. Dr. John was very harsh in saying that the Government is trying to benefit themselves by taxing the panchayats compulsorily. If one goes through the Bill, he will find that whatever is taxed by any panchayat, not one single pie is going to the coffers of the

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Provincial Government. There is nothing in this Bill that warrants any assumption that has been taken by Dr. John in this respect. On the other hand, it is the intention of the Government to continue the grants that are being given already and also increase the grants wherever necessary and in addition to that, however meagre it may be, 12½ per cent of the land revenue has been compulsorily set apart for the panchayats. All this will show that the necessary financial strength has been given to the panchayats. I have already told when I was moving the Bill for the Select Committee that it is not only my personal intention, but it is the intention of several of the villagers that they should not be spoon-fed always and that they should not depend even for small things upon the Provincial Government or some benevolent charitable institutions. They should feel that they also contribute something for the governance of the panchayats. That is real democracy, that is real independence and that is real autonomy. That is why certain taxes have been placed there compulsorily which will be levied."

DR. V. K. JOHN :—" Why not leave it to their option to tax or not? "

* THE HON. SRI K. CHANDRAMOULI :—" They had to be assured of some resources in order to establish themselves and develop their strength and be able to discharge the functions and duties entrusted to them.

"Again, Dr. John wants that Ministers should be there and at the same time the panchayats should be thoroughly independent. That means he wants parallel Governments. I may tell that it is quite alien to the soil. Parallel Governments cannot be run by each and every village. It will only create chaos and confusion."

SRI B. NARAYANASWAMI NAYUDU :—" They will be mere puppet Governments."

* THE HON. SRI K. CHANDRAMOULI :—" That may be the view of Sri Narayanaswami Nayudu. But I may tell him that it is not at all so. As far as the principles of this Bill are concerned, there will always be co-ordination and combination. However much the Opposition may talk and criticise, they cannot get on without administration for a moment. I challenge anyone to take up Government and run for a moment. It is so easy to talk and criticise. But it is really very difficult to put into practice those high ideals and big things which they so loudly profess. In putting certain taxes compulsorily, it is the intention of the Government that these panchayats should stand to some extent upon their own legs and be able to carry on certain things that are essentially needed by the villagers. With the advent of freedom, we cannot go on simply keeping quiet without carrying out certain small measures that are beneficial to the villagers. However poor our villagers might be, I am sure they will appreciate these things and carry on the work.

"There is also another matter, namely the appointment of executive officers. Several friends have raised objection for these executive officers; particularly, the Leader of the Opposition thinks

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that it would create favouritism and the Ministers will take all the power into their hands. I am very sorry to say that this remark is unfounded. In spite of Dr. John's talking about the highest autonomy, yet he is not against the executive officers. He wants that the executive officers should be selected by the Services Commission. That is his idea. If the village autonomy is to be developed and if no extraneous factors ought to be imposed upon the villages, I can understand, if Dr. John or any other hon. Member said that these extraneous officers should not be there once and for all. But they want these executive officers and at the same time they say that the officers should be selected by the Service Commission. After all even clerks and peons are selected by the Commission. There is no kind of patronising in this matter. Because if to-day one man is to be patronised, to-morrow some other Minister will come. Perhaps Dr. John might become Minister one day and he may patronise someone. That is why I say that he cannot say that all these things are done with a motive of patronising. After all if you go through the list of executive officers that have been appointed, it will be seen that it is the Inspector who appoints the executive officers and not the Ministers or anybody else. If one goes through that list, he will see how nicely these appointments have been made. I can say without fear of contradiction that every issue has been taken into consideration before these executive officers are appointed. The intention of the Bill is as far as possible not to appoint these executive officers. Only when there is an imperative necessity and when there is a compelling force, we will be appointing these executive officers. Even then, the executive officers will be appointed to bigger panchayats where there is financial strength and heaviness of work. All these things can be done cautiously. I can assure the Opposition, particularly, Dr. John that these things will be done with care and caution and not for patronising any one.

"Regarding Sri Suryanarayana Rao's remark, after all he has not even used very strong expression. I should say that his expression is rather wavering. He wants executive officers and at the same time, he wants to see that they are carrying their work properly. Of course, I admit that any public work can be done only by a band of selfless persons. However high a scheme may be, much will depend upon the people who work. Other friends have also stated that it all depends upon the way in which the people carry on the administration. In Independent India, hereafter at least, we expect that everyone would be imbued with a patriotic spirit and work selflessly. So we should not draw up any difference between an officer and an elected member. Either the officers run the administration or the elected members run the administration, they should combine together and co-operate with each other, and see that these institutions are made a great success. I can assure the hon. Members, particularly the Opposition, that the Bill has got all the good germs that would give a healthy germination provided the hon. Members take a keen interest, and proper care and help these institutions with their advice, best work and unceasing work and thus see that these

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institutions are made a success. Unless we work and gain experience, it is premature to cast any aspersions upon the authors and framers of the Bill or the Ministers who have brought this Bill into existence. Once more I appeal to the hon. Members to see that this Bill and the principles underlined are studied properly. If there are any defects I can assure the hon. Members, that the Government will consider them if they are pointed out. The Government does not want to stand on false prestige. We are not enamoured of all those things. On several occasions, I have accepted a number of amendments even in spite of myself. Whenever we do not accept an amendment, the Opposition feels that because we have the majority strength, we do not want to hear those view points and thus want to go ahead as we please. They are wrong in thinking so. They should not go with that impression. Particularly, I request Dr. John to see hereafter that he gives the highest care and caution to all matters that pertain to the well-being and welfare of villagers. I know that he is also very anxious that our villagers should prosper. With these words, I commend the Bill for the consideration of the House."

MR. PRESIDENT :—"The question is—

'that the Madras Village Panchayats Bill, 1949 (L.A. Bill No. 22 of 1949), as passed by the Legislative Assembly be taken into consideration at once.'"

The motion was carried.

The second reading of the Bill will be taken on the next day when the House meets. The House will now adjourn and meet again at 2-30 p.m.

(After lunch—2-30 p.m.)

IV.—ADJOURNMENT MOTION.

SRI B. NARAYANASWAMI NAYUDU :—"Mr. President, Sir, I move—

'that the business of the Council be adjourned for the purpose of discussing a definite matter of urgent public importance, viz., the cut and manner of regulating the supply of electricity for agricultural purposes from the Mettur and Pykara schemes which is greatly disastrous to the food situation in the districts served by them.'

"In making this motion I wish to point out that irrigation in the central districts as well as in some others including deltaic areas depends to an appreciable, if not a large, extent upon electric supply. I am not referring to any extension of power to new areas or to new projects but am only confining myself to those places where crops have been raised and are standing. The question is whether these crops should get any water and if so how much. It is not my intention, in raising this question, to get an audience for me but I move the motion in order to get an answer from the Hon. the Minister for Public Works as to the programme of the Government in the matter. If it is a question of my

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trying to get an audience, I feel it is absolutely unnecessary for me to have any one to hear me and I would even request hon. Members to withdraw from this House"

MR. PRESIDENT :—" If they withdraw, the hon. Member cannot go on."

SRI S. B. ADITYAN :—" There will be no quorum."

SRI B. NARAYANASWAMI NAYUDU :—" Sir, if it is suggested that they are here merely for quorum, I ask whether we are functioning with the due sense of responsibility attaching to our office, and I condemn such suggestions as nefarious. Again, it was stated this morning by the Hon. Minister for Law, Mr. Madhava Menon, that the Ministers were not coming here for purposes of giving audience. I do not want, Sir, that any one should be present to give audience. Let them all go out. I want only the Minister for Public Works to answer my motion. You may rest assured I shall not suffer from any sense of disappointment or frustration in such an event. What I am doing now is a duty cast upon me and it is the duty of the Opposition to voice what is going on in the country whether the Government listen to it or not"

MR. PRESIDENT :—" I fail to follow what exactly are the remarks of the hon. Member. He is referring to something which I am unable to understand."

SRI B. NARAYANASWAMI NAYUDU :—" The suggestion has been made, Sir, this morning that the Hon. the Ministers are called in here for purposes of audience. I say we do not call them or want them to be here for this purpose."

MR. PRESIDENT :—" I suppose the hon. Member is on the Adjournment Motion. Does he say that any whip has been given that the Hon. the Ministers may withdraw?"

SRI S. B. ADITYAN :—" No whip was issued that the Members need not attend."

SRI B. NARAYANASWAMI NAYUDU :—" A suggestion may be made and it may be denied. It may be owned and the defect rectified or it may be disowned. But the fact remains there was a suggestion that hon. Members may withdraw."

MR. PRESIDENT :—" I do not understand on what basis the hon. Member makes this allegation."

SRI S. B. ADITYAN :—" It is wrong, Sir. No suggestion was ever made."

SRI B. NARAYANASWAMI NAYUDU :—" In that case I withdraw my remarks, Sir."

MR. PRESIDENT :—" It is not a question of withdrawing an allegation. Unless the hon. Member is satisfied about the correctness of the information he should not make an allegation"

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only to withdraw it later on. In the first place, I do not think the Government is worried over the adjournment motion. On the other hand, the Hon. Minister for Public Works is ready to make a statement and he is here to answer the remarks of the hon. Member. In fact, the Hon. Minister was anxious to speak even this morning itself. So I do not see why the Government should be anxious to withdraw the Members from this House."

SRI B. NARAYANASWAMI NAYUDU :—" I never said that the Government or the Hon. Ministers were anxious to withdraw the Members. I only said there was a suggestion to that effect. I think it would be better if it is not pursued further. That apart, Sir, the real question is how shortage of electric power impedes the growth of crops. In Coimbatore, where cotton is grown on a large scale, lack of adequate power has greatly affected the industry. In my own district where irrigation greatly depends upon the availability of power similar conditions obtain and the crops are adversely affected. Some gentleman from the North Arcot district also represented the same thing to me. The Hon. Minister for Public Works himself belongs to the Chingleput district where agriculture owes largely to the supply of adequate number of pumping sets which again demand power for their working. I dare say he also realizes the difficulty experienced by the agriculturists there in the matter of irrigation. Therefore, the question arises and it arises in this way. There are crops standing which are about to mature and which are not supplied water, for lack of electric power. This is only a temporary requirement which may hold good only for a few months. I want to know whether this power cannot be made good by curtailing that which is supplied to the industries. This is the one question that I want to put to the Hon. Minister. I know that the Minister may say that there has been no cut in the supply made for irrigation projects. But that is not the point I make. The question is whether the ration fixed for the industries could not be diverted partially at least for being utilized on the crops raised and to be harvested. In short, I wish to know whether there has been any cut in the supply, what the present ration or quantity supplied to the agricultural districts is and finally whether a variation cannot be introduced in the matter of supply to the industries. The Hon. the Minister I hope will clearly state on this occasion what their policy and present programme is."

" I have seen that the crops are withering for lack of adequate irrigation facilities and unless something is done now it may be too late and all our efforts will be an absolute waste. I am convinced that the industries may not suffer to that extent as crops would otherwise, if power is suspended for a few months. I am not here suggesting any long-term policy or arrangement but it is only a question of short-term relief."

MR. PRESIDENT :—" The hon. Member may tell the House what are all the districts that have been affected by the shortage of power for irrigation purposes, so that the Hon. Minister for Public Works may be in a better position to reply to the motion."

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SRI B. NARAYANASWAMI NAYUDU :—“ As far as I know at present, they are the central districts of North Arcot, Coimbatore and Chittoor and also Chingleput. These are places I have personal knowledge of and as regards Coimbatore, I heard it was also badly hit. About Chingleput, the Hon. Minister for Public Works himself runs a farm there. (THE HON. SRI M. KHAKTAVATSALAM : ‘No, no.’) At any rate, he knows the conditions obtaining in Chingleput. The next point is about the manner of distribution in the deltaic districts. One person who is most hated and often thought of in irrigation work is the *kalasa* or the man in charge of the valve which regulates supply of water for irrigating the fields. He lifts up the valve and puts it down as the occasion demands and more often he does the latter. So much so, people pay money and get water for the fields. In the deltaic areas also, where power regulates supply of water, this *kalasa* has his counterpart. He is the supervisor (laughter) who holds the key and who compels the agriculturists to follow a particular system according to his convenience and pleasure. The whole question now is, ‘Are you going to do anything that will benefit the ryots, or are you not?’ In this connexion, I would like to suggest that with regard to the supply of electricity to villages, the consumers in each village, who may number six or twelve or eighteen at the most, may be asked to submit a memorandum as to how they want the supply to be made. This will put an end to the captious manner in which things are done now. The supervisor asks the ryots to take water by turns. He says, ‘I will give you to-day, the other man to-morrow and the third man the following day.’ Sir, will this serve any purpose? The crops require a continuous flow of water and unless this is assured they will get dried up. Therefore, Sir, the vitality of the crops should be the main consideration and it will be of no use if the present programme is adhered to. Lastly, there is another matter which needs mention here. Apart from the paddy crop, there is what is known as transplantation of seedlings in the central districts. The period in which such work goes on is known as the transplantation season. Sir, you must be aware that transplantation is a job that can be done only during day time and nothing can be done during nights. A certain gentleman, it has come to my notice, from the central districts had asked the supervisor to supply him electricity during the day so that he could proceed with his work, i.e., planting seedlings. Sir, the reply he got is somewhat shocking. The supervisor is reported to have said, ‘I can supply power only during the nights,’ and when it was pointed out to him how it was not possible to plant the seedlings in the night, it appears he retorted, ‘Keep a petromax light, engage persons and get the work done.’ ‘Can a bureaucratic Government go further than this?’ I ask. Again, have we ever heard of an instance wherein transplantation has taken place with the help of a petromax light in the night? This is indeed callous.

2-45
p.m.

“ The vitality of the seedlings will last only for four days or five days and after that they will become useless. It is useless to hang upon the supervisors or the watchmen. There must be

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some good arrangements so far as transplantation is concerned. The same thing happens in Krishna district which is served by the thermal station at Vijayavada and where the tobacco seedlings have to be transplanted. The people there are asked to do the transplantation in the night. As many of the ryots have been affected by this, I have raised this debate in order to give an opportunity to the Government to inform the House as to what they are doing the matter. It is not because I think that the Government are sleeping over the matter and doing nothing. They are doing what they can. But if they are not doing what all they ought to do, this debate will give them an opportunity of knowing what they ought to do and how they should move in the matter. It is a matter of two months in the case of the maturing crops and a matter of a few days in the case of transplantation of seedlings. The whole policy of distribution of electricity needs thorough revision and careful watching. Unless this is done systematically, I am afraid the Government will be giving cause for a great deal of discontent.”

* DR. V. K. JOHN :—“ Mr. President, I think the Government ought to be thankful to my friend Mr. Narayanaswami Nayudu for moving this adjournment motion and giving the Government an opportunity to explain the matter which has been agitating the public mind in many districts. It is only fair for the Hon. Minister to say that I have had the impression and I still have the impression that Public Works Department of the Government is one of the best departments and one which is run efficiently. But even that department, is not able to give the services which the people expect from it. What is the reason? I am sure the Hon. Minister will admit there is short supply of electricity and if he can produce more of it, many times more, he would surely be happy. Agriculture and industries would be benefited.

“ But the complaint is, even with this short supply, there is maldistribution and inequitable distribution. The result is that food production is affected and we are on the verge of a famine. The Government ought to take very serious notice of the situation. Why is electricity in short supply? Simply because this Government have not got a sense of proportion and they are willing to give away before the 30th June this year Rs. 6½ crores into the hands of the zamindars from the reserve fund while they will not take a few crores of rupees for the purpose of generating electricity which will help food production. The Government have not got a sense of proportion and they do not spend money on necessities, on absolute necessities such as electricity, manure, seed, irrigation and so on. We will not be surprised if this Government land this Province into a situation which will be regretted by them and by everybody else. The adjournment motion is intended to primarily to call upon the Minister to explain to the House and to the public what the real position is. It must also have been intended as a censure on the Government for not having a sense of proportion in spending public revenues, for in my opinion, public revenues are not expended on necessities. I am sure the

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Hon. Mr. Bhaktavatsalam would be very happy to spend a few crores of rupees for the production of electricity, but he is not allowed to do that. The result is the ryots suffer. We ought to censure this Government with all the emphasis at our command for the way in which they are managing the finances of the Province and not utilizing them for the production of more electricity which is one of the essential requisites for food production. I have said on another occasion that the Government have failed in their Grow-More-Food campaign in spite of the heavy expenditure for three years. The Government have failed to encourage the farmer on whose skill, initiative and energy food production depends. How can the farmer produce food when there is drought and when there is no electricity to draw water by means of pumps? The Government are negligent of their elementary duty of supplying food to the people. I ask the Hon. Minister to consider this matter very seriously and see that the public revenues of this Province are utilized properly, and that first priority is given to food production and all those things which will assist food production, of which electricity is a very important one.

"Now, Sir, with regard to the distribution of electricity, I have heard many complaints that this distribution is not done equitably and that favouritism plays a very large part in it. I cannot blame the Minister concerned very seriously for this, because after all, for this he has to depend on the officers who have to go into the various factors and see to an equitable distribution of power. The Hon. Minister and the Government as a whole will have to keep a close and careful watch on these officers who are concerned with the distribution of electricity and see that there is no complaint that there is maldistribution or inequitable distribution of electricity. Sir, I am concerned with production of more power for industrial and agricultural development. Unless the Hon. Minister attends to this, I am afraid that a great calamity will befall this Province, particularly when we have had continuous years of drought and we are not able to raise the necessary food for feeding the people. It is a very serious and urgent problem and let not the Government waste crores of rupees on something which ought not to have priority. Let them take into consideration all the circumstances and let them show sense and wisdom and give priority for essential things and let first priority be given for production of sufficient electric energy for industrial and agricultural purposes. I support the adjournment motion."

* THE HON. SRI M. BHAKTAVATSALAM :—"Mr. President, I do agree with the Hon. the Leader of the Opposition that I should be very much obliged to the hon. Member Mr. Narayanaswami Nayudu for raising this question, because this has enabled me to explain the position relating to the distribution of electricity for agricultural purposes, which has been agitating the minds of some of the ryots of the Province. I am also obliged to the hon. Member Mr. Narayanaswami Nayudu for raising this question because this debate has evoked a kind testimonial from the hon. the Leader of the Opposition about the efficiency of the Public Works Department. There is one other reason for my being obliged

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to Mr. Narayanaswami Nayudu, because this debate has enabled me to correct the knowledge of the hon. the Leader of the Opposition. In spite of his versatility, I am afraid he is grossly misinformed when he says that the Government have no sense of proportion in the framing of the budget and that when we require money for development of electricity we spend that money in other spheres and that, for want of necessary funds we have not been able to produce more power and distribute more power for agricultural and industrial purposes. I would like to tell the House that so far as the programme of electrical development is concerned, the Government are not grudging expenditure whatever be their difficulties. We have provided sufficient funds in the current year's budget. We have been sanctioning scheme after scheme for distribution of electricity giving topmost priority for agricultural connexions. I should tell the hon. the Leader of the Opposition that we have still one crore of rupees from out of the funds available for electrical development which we have not been able to spend because of other reasons, mainly of scarcity of materials that are necessary for proceeding with the programme of rural connexions. I may also tell the House at the outset that so far as agricultural requirements are concerned, as much power as is required is available even today without any cut.

"The House may well realize that it is the unprecedented failure of the north-east monsoon which has compelled Government to impose certain restrictions in the supply of electricity. But I may point out, at the outset, that there is no cut at all in the supply of power for agricultural purposes. There is only regulation of the hours during which such supply may be drawn. Cut has, however, been imposed on supply to industries and domestic uses, while supply for essential needs like agriculture, water-supply, hospitals and public lighting is allowed without cut.

"As Hon. Members are aware, the Hydro area comprising the southern districts of the Province is fed from the three power stations, Pykara, Mettur and Papanasam, which are interlinked by a grid. The Mettur Reservoir has now water only to *one-fifth* of its capacity. To save the food crops in the Tanjore delta, even this small storage is being depleted and it is feared that by the end of the irrigation season in February, the Mettur reservoir will have water only to a *tenth* of its capacity. With that amount only 14,000 K.W. could be generated against the Mettur System power demand of 38,600 K.W. The power deficit in that system will therefore be 64 per cent. Such a condition has to last until the south-west monsoon brings in precious water early next June. If Mettur system has not been interlinked with Pykara, a 64 per cent cut in all consumption in that system would have been necessary for this period.

"So far as the Papanasam system is concerned, the water situation though not so bad as at Mettur, is not satisfactory. The Papanasam reservoir is only *two-thirds* full now. The water will suffice to meet only 70 per cent of that system's demand and a cut of 30 per cent would be necessary in that system.

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" Fortunately, water conditions at Pykara are satisfactory as the lake got filled during the south-west monsoon and it is not so much affected by the north-east monsoon. This water can meet fully the Pykara system demand and there will be a small surplus available for giving relief to the other systems.

" As the three systems are interconnected by transmission lines, it is possible to send power from one area to another and regulate its use to the best advantage of the public and with minimum inconvenience to them.

" It has been decided that users in all the three power systems should uniformly share the inconvenience caused by the water shortage and it has been calculated that if a 30 per cent cut is imposed on all industries and domestic users, in the whole hydro area, we should be able to carry on with the available water until the south-west monsoon sets in.

" Though a 30 per cent cut is indicated, the department has imposed only a 25 per cent cut with effect from 15th January 1950 in the hope that there may occur some local thunderstorms and rain in the next four months which may add to the water. If these do not materialize, the cut will later have to be increased suitably.

" I would here repeat that the 25 per cent cut does not apply to agricultural supply nor to supplies for essential uses like hospitals, water-supply and public lighting.

" In addition to the cut, it is necessary to bring down the peak loads on the power houses, and this has to be effected by regulation of the working hours of consumers. Unless this is done, the best use of the available water cannot be ensured.

" Instructions have therefore been issued

(a) to keep off low tension industrial and agricultural loads during evening peak hours;

(b) to group rural loads in two batches each batch working ten hours a day;

(c) to adjust the recess hours of high tension industrial loads to coincide with peak hours;

(d) to stagger the weekly holidays for industrial loads.

" Such regulation will, it must be remembered, not affect consumption. So while there is regulation of agricultural use, there is no cut imposed on agricultural consumption. This regulation, I admit, may however cause some inconvenience to ryots. But this is inevitable in the present circumstances. The idea behind the regulation is that maximum power available should be distributed for agricultural purposes. I could, however, assure Hon. Members that the restrictions will be removed as soon as the water position improves.

3 p.m. " By staggering and regulation, there is to be no cut in the distribution. Regulation has been systematized and it is not as if ryots have to wait for two or three days to get water. One set of

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ryots will get water for ten hours in the day and another set of ryots will get water for ten hours in the night, so that the maximum power available could be distributed for twenty hours both in the day and in the night for agricultural purposes.

" My hon. friend referred to cases of hardship, particularly with reference to transplantation. I could assure him that I would look into the matter, and if it is found feasible to exempt such cases and enable them to get water during the day, that would be done under these hydro systems and also under the thermal systems in the northern districts as referred to by the hon. member. Water is supplied in two batches, and I am unable to understand complaints of favouritism in the matter. I do not know whether the hon. Leader of the Opposition has received any specific complaints; and if he has got any specific cases, I would request him to pass them on to me, so that I may look into them; but I am almost certain that it is a vague generalising complaint that the hon. Leader of the Opposition has indulged in, because he is the leader of the Opposition. I do not think that he has got in his hands any specific cases of such complaints of corruption and favouritism and all that. If, however, there are cases of favouritism, I would like very much to have them, so that I can look into the matter and see what action could be taken.

" On the whole, Sir, except perhaps with reference to cases of transplantation, the ryots have been managing with staggering and regulation. We are also obliged to do that: we would like certainly to remove the staggering as early as possible, and we are anxious to supply the maximum power that is available for maximum agricultural requirements.

" I may point out that these difficulties in meeting power demand would not have arisen if the Moyar hydro-electric scheme and the Madura Thermal Scheme, both under construction and for which there are ample funds in the Budget, had been completed in the manner planned; but due to delays in the delivery of plant and materials, they are unfortunately not yet ready for service. (An hon. Member: 'Were they not ordered in time?') Yes; I may say that immediately the scheme was sanctioned, they were ordered, but it became difficult to get them in time. I may repeat that the failure of the north-east monsoon is primarily responsible for the power-shortage. The Electricity department is doing its best to ensure equitable distribution of the available power, paying due heed to the importance of agricultural and food production. And I would appeal for the active co-operation of the consuming public in tiding over this difficult period.

" I do trust, Sir, that this explanation of the situation will be appreciated by the hon. Member and that he will not press his motion for adjournment."

MR. PRESIDENT :—" I think the hon. Member referred to the method of distribution."

THE HON. SRI M. BHAKTAVATSALAM :—" They do not want any increase of quota; they get all that they require. One set of pumpsets gets power during ten hours in the day and another

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set of pumpsets gets power during ten hours in the night; all that they require is now being supplied; only power is supplied under staggering conditions, and that in two batches. Because, if it is all supplied only during the day time, we can supply only 50 per cent of that, as power is reduced. We want to give all the power required for agricultural purposes, and that is why we have resorted to staggering conditions. Within a period of 24 hours, all the pumpsets do get all the power that they require."

SRI B. NARAYANASWAMI NAYUDU :—"What I would like to mention is this : X quantity is used for ten hours in the day and Y quantity is used for ten hours in the night. X plus Y make up the usual quota. Why not the X quantity given in the day time be increased to the maximum amount possible, though it might hurt the industries to a certain extent—that is the whole point that I raised. Increase the ration quantity during the day time and decrease the ration quantity during the night time. That will no doubt, as I said, affect the industries during the day time; after all, it is a question of distribution of the units and it is not a question of cut at all. It is more a question of diverting power for agricultural purposes during the day time and diverting power for industries during the night time; there is no question here of any cut and all that. Even if you are unable to give the full Y quantity, why not give half of Y during day time? You know that agricultural work cannot be carried on singly and unless you do it in day time, you cannot get help from others. If you want to do it by the night, then you will have to engage more servants during night time and they will have to be paid heavily. After all, the industries are having the shift system and the Y quantity that is given in the night time may as well be given to the industries in the night. That procedure may not hurt the industries so much, but it will certainly help agricultural work."

* THE HON. SRI M. BHAKTAVATSALAM :—"As I have said, we have already resorted to a cut of 25 per cent for industrial supply and we may be obliged to have recourse to another five per cent cut if there are no rains. If we are to have more cuts, that will apply not only to the management but it will apply also to labour. Labour has already been protesting that they would seriously be affected and that power should be so regulated that their interests are not in any way affected. Further, it is not in every case that servants have to be employed in the night time, so far as agricultural work is concerned. If the standing crops are to be saved, they do not require to engage many servants or agriculturists, although no doubt they are accustomed to work sometimes in the nights, particularly in bad seasons. So, as regards standing crops, there will not be much difficulty; but, as I have said, if there are really cases of hardship as in the case of transplantation, that will be looked into, and I shall certainly see how we can give relief in such cases."

MR. PRESIDENT :—"Is the hon. Member pressing his motion to a division?" (After a pause) The motion is talked out and the House adjourns *sine die*.

The House then adjourned *sine die*.

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APPENDIX I.

[Vide answer to starred question No. 121 asked by Sri M. Narayana Rao at the meeting of the Legislative Council held on 21st January 1950, page 1261 supra.]

Statement showing the importation of cigars and cigarettes from Foreign countries into the Province of Madras during 1947-48, 1948-49 and from April to September, 1949.

Countries.	Cigars.			Cigarettes.		
	No.	Lb.	Rs.	No.	Lb.	Rs.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1947-48.						
United Kingdom ..	..	..	..	42,564,570	112,610	8,54,944
Straits	..	..	..	1,000	2	10
Ceylon	18,500	74	189	..	..	..
Burma	250,000	3,245	12,765	..	..	..
Netherlands ..	5,045	49	735	..	..	..
Canada (AC) ..	..	..	..	950	2	15
United States of America (AC.)	..	..	..	4,985	16	207
1948-49*						
United Kingdom ..	..	..	..	34,543,340	84,512	6,38,100
Ceylon	10	2 oz.	2	..	..	..
Burma	100,000	1,296	4,225	..	..	..
Hongkong	50	1	20	..	..	..
Switzerland ..	10	2 oz.	2	700	2	7
Canada (AC) ..	25,650	244	768	37,870	998	978
United States of America	..	..	..	9,240	19	132

April to September 1949.*

United Kingdom ..	..	..	..	690,000	1,799	13,951
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Statement showing the quantity and value of cigarettes imported at Madras Province from other Provinces and States in India during the official years 1947-48, 1948-49 and from April to September, 1949.

Imported from.	1947-48.		1948-49.		April to September, 1949.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
	Lb.	Rs.	Lb.	Rs.	Lb.	Rs.
Calcutta	337,946	26,57,415	128,594	9,55,164	30,025	2,06,400
Bombay	616	750	503,888	10,18,492	..	..

* Figures for cigars are not available since they are not recorded separately for trade statistical purposes of coastwise trade.

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APPENDIX II.

[Vide answer to starred question No. 122 asked by Sri B. Bhima Rao at the meeting of the Legislative Council held on the 21st January 1950, page 1261 supra.]

Statement showing the Variations in the scales of pay of Secondary-grade Teachers, Lecturers, Assistant Professors and Pandits.

Post.	Date.	Scales of pay. RS.
Secondary-grade teachers ..	1st April 1937 ..	30—3/2—45—2/2—55.
	1st January 1947 ..	45—3—60—2—90.
	31st March 1949 ..	Do.
Assistant Professors or Assistant Lecturers.	1st April 1937 ..	100—10/2—200.
	1st February 1938.	100—8/2—140—10/2—190.
	1st September 1943.	100—10/2—200.
	1st January 1947 ..	120—5—170—7—240 plus Rs. 5 for L.Ts.
	1st April 1948 ..	150—5—200—10—250.
	31st March 1949 ..	Do.
Pandits (in Government Colleges).	1st April 1937 ..	For Grade I: 80—10/2—100 and for Grade II: 65—5/2—80.
	1st January 1947 ..	Grade I: 120—5—170—7—240 plus Rs. 5 for L.Ts.
	Do. ..	Grade II: 80—5—120—10—170 and transitory scales * Rs. 100—5—140 and * 70—5—130.
	31st March 1949 ..	Do.

* The higher transitory scale is given to certain unqualified Pandits who have put in a service of twenty years or more in Government Colleges, and the lower one is given to the rest of the existing unqualified Pandits in Government Colleges.

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SUPPLEMENT.

VISIT OF HON. SHRI G. V. MAVALANKAR (THE SPEAKER OF THE INDIAN PARLIAMENT).

The Hon. Shri G. V. Mavalankar, Speaker of the Indian Parliament visited the House. He was seated on the dais by the side of the Hon. the President.

He was welcomed by the Hon. President as follows.

* MR. PRESIDENT :—“Hon. Members—Ladies and Gentlemen, I have the honour to introduce to you Hon. Shri G. V. Mavalankar, Speaker of the Indian Parliament. It is not as if he needs any introduction to you, but on an occasion like this, it is a necessary formality which I perform with great pleasure. First and foremost, he is one of those who willingly sacrificed their eminence at a lucrative profession for the sake of the country when the call came. His services to the Motherland as well as his great personal qualities were so greatly appreciated that he became the first Speaker of the Bombay Legislative Assembly. He was again the first Speaker of the Indian Dominion Parliament and will be the first Speaker of the Parliament of the Sovereign Indian Republic very soon to be. It is an honour of which any person can justly be proud. It is not a place conferred by a designing alien Government but a tribute to his great qualities voluntarily paid by the discerning and appreciative chosen representatives of the people of this country. With what dignity and capacity he is discharging that high office, is, I am sure, known to all of you. I, along with the other Presiding Officers and their Deputies of the various Legislatures of this land, had opportunities of working with him in close co-operation during our conferences. His is a remarkable capacity of sweet persuasiveness, clear and lucid exposition and right direction. We all felt properly guided without being oppressed by his greatness. The other day, I had an opportunity of witnessing the Dominion Parliament at work for a few days and saw how greatly he is respected by the whole House. An incident which I saw, is worth mentioning. A Government Bill was under discussion. An amendment to one of the clauses had great support from a large number, but the Government was unable to accept it. The Speaker took the matter in hand, clearly and concisely explained the implications both of the original clause and the proposed amendment, and without appearing to unduly interfere with the course of the debate, persuaded the Government to agree to a postponement of the matter till after lunch, so that the Government might have an opportunity of examining the question further and meeting the wishes of the House. As I looked on, I must confess to a sense of elation that all unknowingly I was following the same procedure myself. The House might be aware, that some times I try to do some such thing here and it also drew a mild protest from an Hon. Minister on one occasion. I am now fortified in my opinion that the Presiding Officer should not be a mere automaton. He should take a real and live interest in the matters under discussion and whenever necessary, should explain matters impartially so that the House can properly appreciate the point and come to a right decision, without at the same time unduly interfering with the course of debate or curtailing

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the rights of the Hon. Members. I feel confident that under the guidance of its first Speaker, the Indian Parliament will set high standards of correct Legislative procedure, and I have great pleasure to extend to the Hon. Shri Mavalankarji a hearty welcome to our House and hope the House will appreciate his gesture in coming here and accord him a proper reception."

(The Hon. Shri G. V. Mavalankar was then garlanded by the President.)

* THE HON. DR. T. S. S. RAJAN :—" Sir, I consider this a great privilege that this House should have an opportunity of welcoming our distinguished visitor the Hon. Shri G. V. Mavalankar. It is right that this House is called the Upper House. When the size of the House is considered, perhaps we are not; when the number is considered, perhaps we are not, but we do claim an importance, all its own. The people also acknowledge us as the Upper House. To us, your visit is an honour and we do not have that honour often in the life of our legislature. It is a rare event that you, Sir, representing the Parliament of India, the august assembly at Delhi, should find time during your tours here, to peep in here in this House. As Leader of the House, I am very glad to welcome you here on behalf of the House and also add our tribute to the very fine words which have come from the President of this Council. We echo his sentiments and we do believe that you have conferred a very great honour on us by visiting this House. I know, Sir, that you are out on a pilgrimage in South India. We are glad, Sir, that we in the south can attract people of your type to our midst, not so much for ourselves as for the number of Gods we possess. (Laughter.) We can through our shrines attract your heart and your mind and get the privilege of your visit to South India. It is a rare privilege for us that you have found time to peep in here into this Council. On behalf of the Members of the House, I tender you my heartfelt welcome in our midst. I hope you will carry with you very fine recollections of the fine sights that you have seen here and will go back to your place elated both in body and mind as well as in soul."

* DR. V. K. JOHN :—" Mr. President, I have very great pleasure in associating myself with the very warm welcome which you and the Hon. the Leader of the House have accorded to the Hon. Shri G. V. Mavalankar on his visit to this Province and to this House. Sir, the country has watched with great admiration his career and he could justly be proud of the public services he has rendered. Within a few days he will be the Speaker of the House of the People in a democracy, the biggest in the world. I am quite sure that the example which he sets will be a source of inspiration and will be followed not only by the Speakers and the Chairmen of the legislatures of the states in India but also by the legislatures outside this country.

" Sir, in the conflict in the world between totalitarianism and democracy, we have cast our lot with a democratic structure of Government, and if democracy is to function, we have to protect

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the rights of the Legislature which is supreme in a democratic structure of society. And that right of the Legislature cannot be protected by anybody more than the Speaker of the House of the People at Delhi. I am sure, Sir, that he will keep up the dignity, the prestige and the authority of the Chair in a manner unequalled by any and equalled by few. Sir, one thing which I have noted with admiration and pleasure in the proceedings of the Central Legislature presided over by him is the opportunity, the convenience, the facility which he gives to those who criticise Government and their measures. Sir, criticism is the very breath of democratic life, and I am sure that the example which he has set in allowing a fair and free criticism and independent criticism, criticism without favour or fear of the Government, will be followed by others. Sir, on a former occasion I said—and I should like the Hon. Shri Mavalankar to know—that you, presiding over the deliberations of this House, have followed the same principle; and I said you would be an ornament to any Legislative House in any part of the world. Sir, this House which Mr. Mavalankar has now visited—he will know from persons who are competent to tell him—keeps up the level of debate at a very high pitch and when the Opposition here criticises—and they criticise not men but measures—we are always anxious that this House functions as a very useful institution and you have assisted us in that very much. I am sure, Sir, that every Member of the House of the People, every section of it including the Government and the Opposition, will always uphold the authority, the prestige and the dignity of the Chair, with which only he can function efficiently and properly, as in this House you will remember that every section of the House tries to uphold your authority, your dignity and your prestige. I am sure, Sir, as I said before, the rulings which he will give as Speaker of the House of the People at Delhi might be quoted before long in other Houses of Parliament and perhaps in the Mother of Parliaments, in the British House of Commons; because I know from reputation and from the proceedings which I have followed, that he by ability, by efficiency, by humour, learning and tact and by every other quality which makes a successful Speaker, will be able to give a lead to other Speakers of other Houses.

" Sir, I want to associate myself with all the sentiments and the tributes expressed by you and the Leader of the House, and I hope when the Hon. Shri Mavalankar leaves this place and leaves this House, he will go away with the feeling that he has seen very nice places in South India and also a very good House, which, as the Leader of the House said, is the Upper House and which I have always considered to be the superior House, without of course disparaging the other House. I have also said that the public impression is that the criticism of the measures introduced by the Government in this Council is at a very high level and we also try to support the prestige of the Government and the Ministers, we give them our co-operation where co-operation ought to be given and I can pay this tribute—although I have earned a reputation that I have rarely paid a compliment to the Government

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and that compliments are few and far between—I can pay this tribute in your presence that our Ministers here are patriotic gentlemen, sincere in their work; and if they make mistakes, it is not out of corruption or any other motive. I can compliment them on their sincerity, hard work and patriotism. I must also refer to the great good humour of the Leader of the House and particularly of the Premier who disarms criticism by his smiles.

“Thank you, Sir, for giving me this opportunity to associate myself in the welcome given to the hon. Mr. Mavalankar.”

MRS. M. HENSMAN :—“Sir, I had not intended to speak this morning, but it is a rare privilege to be called upon at this time to add a few words to the remarks that have already been made. Sir, I have been in this House since 1937 and have taken an interest in the work that we have done. But I can surely say with great assurance and sincerity that never has this House been more like a family than it is at this time. We represent different languages, different creeds, even different sexes (laughter) but believe me that we are all one in uniting to seek the best in all the Bills brought forward by the Government and in all the non-official Bills for which we sometimes think we have less time given; as non-official Bills are brought forward by those who wish to raise this province to something greater and better than it has been. We have watched Mr. Mavalankar's career from the beginning, we are proud indeed to have him here to-day; and we know from the women in the Central Legislature how wonderful he is as a Speaker. But, be it personal pride or provincial pride, we hold that our President of this Council is second to none (laughter) in his wit, in his humour, in his rare appreciation of all the points that arise, thorny or otherwise. Although we have in fact frank discussions in this House, we certainly stand together, whether on the Treasury Bench or on this side. The Treasury Bench is most sympathetic and very frank and sincere also, though sometimes it does not allow us the freedom of bringing in amendments that we wish to speak about. But I would wish to close by saying that there is a great family spirit in this place and we hope that some time, Sir, you will come again and listen to debates on controversial measures so that you may know that where we differ, we agree to differ in peace, and where we can stand together, we all follow the same line, whether we sign a party pledge or whether we stand as independents, though it may be in name only. Again, Sir, let me say we are proud indeed to have the Hon. Shri Mavalankar and his wife here to-day, though not as one of us, in the House. We have been honoured by having the Speaker of the Central Republican Legislature to be, where justice is for all, liberty is for all and where there will be no difference between man and woman or any linguistic or other tinge. We hope, Sir, that you will come again. In Tamil we have a saying ‘to go and come again’ (போய் வருகிறேன்). We hope that you will only go to come again (Applause).”

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* THE HON. SHRI G. V. MAVALANKAR :—“Mr. President and Members of the House, it is indeed very difficult for me to express all that I feel on this occasion. You have said so many kind things. Your reception is perfect evidence of the warmth of your feelings, not only the speeches from all sections of the House, but the very garland which you gave me (laughter) represents the weight of your kindness and warmth. It has indeed brought to me more clearly all the responsibilities of the office which I am holding and which I shall continue to hold practically under the same circumstances, though *de jure* there will be a change. We have been practically for all purposes *de facto* an independent Parliament and the change, as you all know, is now only in the nomenclature and in procedure.

“I had a mind to come to this part of our country long long before. The country is really so beautiful; and whatever denomination you may belong to, the temples, the art and nature are all here so attractive, so fascinating, that one thinks, many a time as to whether it would not have been a greater privilege to have been born in this part of the country and stayed here for a much longer time. I had, however, the alternative of having something or nothing and I had preferred half a loaf to no loaf. This running visit, carrying impressions which are all of a type which can never be forgotten, does not satisfy me; and yet, as I said, it is not given to every one of us to continue, all his life, in conditions of his desire or ideal.

“One thing which struck me prominently and very immensely was the conception of those master-builders and artists who conceived the structures of temples on such huge scales and the perfection of the art in the statues and other things. It makes one pause and think that this must be the work of a people who had great minds and always conceived great things on a large all-pervading scale. As the saying goes, small minds and big empires go ill together. Similarly, unless the people had devotion, selfless devotion, spirituality unrivalled elsewhere, love and humanitarian instincts, it would not have been possible for them to build the huge temples, which were not only for worship, not only intended for devotion, but were centres of education, spread of culture and also of social work. I noticed that every temple is an institution and I was just thinking as to whether it is not necessary for us collectively again to assimilate the principles underlying, especially when we want to found our democracy on such a wide foundation and base as adult franchise.

“Our democracy, whatever its form, cannot in substance come up to our expectations, unless we all unitedly and earnestly, notwithstanding our differences of viewpoints and approaches, try our best to raise the level of the common man both materially and morally.

“Of course, when I say ‘morally’ it does include even spiritually. The temples just provide us an example and I was feeling all along as to whether it would not be possible for us to

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take the soul of these institutions and to work up institutions of such type in a manner suited to new conditions and new outlook. I am really going back to the north with an inspiration about these things on the lines I have said, and I shall always be eager to return not for a flying visit but for a visit of a longer duration, and as the saying goes—I do not know what the Tamil saying is, but the saying in Marathi goes—if a man did a thing twice, he will probably do it the third time. I have come to these parts twice and therefore, I may as well hope to be here a third time. I do not know when the time will come. It may not come, but at any rate, my desire is keen on that point and I can assure you I am going back with a lot of inspiration, wider point of view and a more intimate knowledge of our people in different parts of the country.

“As regards the successful working of our Parliament, all of you have been very pleased to speak about me and my capacity. It has a touch of the *Athisayokthi Alankara*, that is, the figure of speech called exaggeration. But all the same, as I see your hearts, it speaks out your affection and love for the institution which I serve and which has undertaken the governance of the country for the benefit of 300 millions. But when we give credit to one individual, who happens to be the token-head you would perhaps be detracting something from the merit of all those without whose co-operation no work on a bigger scale is possible. The commander fights out the battle and wins but the real credit of doing the whole thing very successfully goes, I think, to the unknown soldier. So, but for the co-operation of the Members of the House, I do not think any presiding authority can successfully conduct the affairs of the House. I would like you, therefore, to divide the honours and the credit between myself and the Members of the House and not to give them wholly to me. Perhaps a larger share is due to the Members of the House because it is they who as democrats understand their own responsibilities and limitations and therefore, contribute to the smooth working of the House.

“As said by one of you, criticism is always a good thing. Even where it comes *mala fide*, it does not harm those who work. If it is not *bona fide*, it harms those who criticise. That is why one of the Saint poets of Maharashtra has said in his prayer to God: ‘Oh, God, give me a neighbour who will always engage himself in criticizing me.’ In such a case, the neighbour would always be on the alert to see where we commit mistakes. He would be a great friend and prevent us from committing more mistakes. That is the usefulness of criticism. And in a democratic structure of governance of the country, one has not only not to avoid criticisms but perhaps actively to encourage them. That is how I look upon the critics of Government. If the critics go beyond their legitimate sphere they come down by their own excesses and it does not become necessary for us to raise any iron hand to put them down.

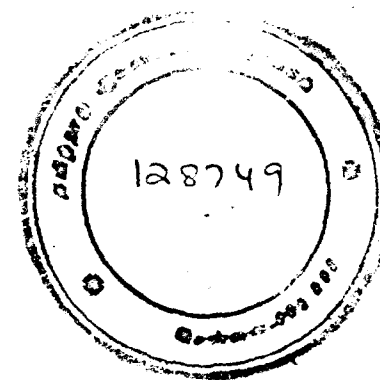
“But I need not take up your time and I have nothing more to add. You are perhaps much more conversant with parliamentary

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democracies. There is, however, one aspect which I would like to say and that is that our democracy is a new one in every sense of the term. We have adopted the form but the mere adoption of the form is not the same thing as having the substance of it. Democracy is more a matter of substance than of form, though forms perhaps indicate the conditions of democracy. Though Western precedents might help us materially, yet, I feel that democracy is a matter of our making and will take a long time to evolve. That means that a much larger responsibility rests on those on whom the work lies at present, to run these democracies. Among them, I would include in the sharers of that responsibility not merely the presiding authority but the Ministry as well as the Opposition. One essential thing that each one must have before him is the advance of the interests of the country, measured in terms of the masses. In other words, the public life has to become impersonal. That is what you find in England. There is such an amount of spirit of tolerance, a desire to understand the view points of others, a recognition of the fact that there can be as many views as there are people and that all need not agree. There is a spirit of tolerance and compromise. It is only by working in this manner that we shall be able to create a spirit of cordiality and to make our democracy successful. I do not think that I should take any more of your time. I thank you very sincerely for all the good words that you have said about me and the good wishes expressed for me and my wife. I can only pray that it might be given to me to shoulder the burden in a proper manner and to come up to your expectations.

“I thank you very much for the kind and warm reception you have given to me.”

The Hon. Shri G. V. Mavalankar watched the proceedings of the Council for a few minutes and then left the Chamber.



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