

MADRAS LEGISLATIVE ASSEMBLY DEBATES

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

19th to 21st and 26th to 28th April 1948.

Volume XII (Nos. 1 to 6).

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Monday, the 19th April 1948.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUKHAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Administration of Pudukkottah State.

* 255 Q.—SRI M. A. EASWARAN: Will the Hon. the Premier be pleased to state—

(a) whether the Pudukkottah State is going to be administered as one district having Pudukkottah as headquarters;

(b) what the Government decided on the matter; and how they are going to administer Pudukkottah State;

(c) what the Government are going to do with the Maharaja's College, Pudukkottah;

(d) whether the Government are aware that the State has got a printing press self-contained, power driven; and what the Government are going to do with it;

(e) whether the Government are aware that the State has got a well-equipped hospital with fourteen doctors; and what the Government are going to do with it;

(f) what the Government are going to do with the Pudukkottah State servants and whether they are going to be absorbed in the Government services; and

(g) if not, what the Government are going to do with them?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—“(a) to (g) The details of the future administration of Pudukkottah State are under the consideration of the Government who are examining a detailed report on the question submitted by the First Member, Board of Revenue.”

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—“Are the Government aware of the agitation in the Pudukkottah State against the merger?”

THE HON. SRI B. GOPALA REDDI:—“No, Sir, we are not aware of it.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Are the Government aware that there is a feeling in the minds of the people of the State to remain independent and if so, will this Government inform the Central Government accordingly in this matter?”

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THE HON. SRI B. GOPALA REDDI:—"It may be, Sir, that some of the people of the State are against the merger, but it is not the business of this Government to inform the Central Government of their feelings."

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"If the Government feel that only a small section of the people are against the merger, why should they not recommend to the Government of India to take a plebiscite?"

THE HON. SRI B. GOPALA REDDI:—"It is not the business of the Provincial Government to make any recommendation to the Central Government with regard to the holding of a plebiscite."

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"How do the Government know that only a small section and not a big section of the population is against the merger?"

THE HON. SRI B. GOPALA REDDI:—"If any section of the people want to make any representation in the matter, they are at perfect liberty to make it direct to the Government of India."

MUHAMMAD RAZA KHAN SAHIB:—"May I know whether the Provincial Government was consulted by the Central Government before the merger was ordered?"

THE HON. SRI B. GOPALA REDDI:—"No, Sir."

DR. S. SUBRAHMANYA AYYAR:—"Will the Government consult the various interests involved before they decide on the future administration of Pudukkottah?"

THE HON. SRI B. GOPALA REDDI:—"Yes, Sir; as I said, the First Member of the Board of Revenue has submitted a detailed report on the future administration of the Pudukkottah State and we are examining it."

DR. S. SUBRAHMANYA AYYAR:—"Do the Government feel that the people in the neighbouring districts who are going to be attached to the State have no say in the matter?"

THE HON. SRI B. GOPALA REDDI:—"I do not think that the people in the neighbouring districts should have any say in the matter, Sir. Moreover the question of taking plebiscite is not in our hands."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"May I know whether the Provincial Government are aware of the representations made by a large section of the people in the Pudukkottah State to the Government of India as regards the merger?"

THE HON. SRI B. GOPALA REDDI:—"Yes, Sir, we are in correspondence with the Government of India in regard to that matter."

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MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Arising out of the answer given by the Hon. Leader of the House, may I know whether it is the people's right or the Ruler's right to merge?"

THE HON. SRI B. GOPALA REDDI:—"The Government have no opinion in the matter, Sir."

DR. S. SUBRAHMANYA AYYAR:—"Are the Government aware that public opinion against the merger is being artificially created and financed by certain interested people?"

MR. SPEAKER:—"The hon. Member is giving an information."

All-India Administrative Services.

* 256 Q.—SRI K. LINGA RAJU: Will the Hon. the Premier be pleased to state the number of officers recommended by the Madras Government to the Indian Dominion Government for the All-India Administrative Service from Madras?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—"An *ad hoc* Committee was constituted in 1947 to select Provincial Civil Service officers suitable for appointment at the Centre. The Committee was constituted with the Hon. the Minister for Land Revenue as Chairman, a member of the Federal Public Service Commission and a member of the Madras Public Service Commission as members. The Committee selected 54 Provincial Civil Service officers and the list has been approved by the Government of India. It is presumed that the hon. Member is referring to this selection."

SRI K. LINGA RAJU:—"May I know the number of Andhras selected by the Commission?"

THE HON. SRI B. GOPALA REDDI:—"I have no information, Sir."

SRI S. NAGAPPA:—"May I know the number of Harijans that were recommended?"

THE HON. SRI B. GOPALA REDDI:—"I will have to repeat my answer that I have no information."

SRI V. M. RAMASWAMI MUDALIYAR:—"Will the Hon. Leader of the House be prepared to place the list of selected candidates on the table of the House for the information of the Members of this House?"

THE HON. SRI B. GOPALA REDDI:—"No, Sir. It is a confidential document and I regret it cannot be done."

SRI V. RAGHAVAYYA:—"May I know on what considerations the selections were made in this connexion and on what basis the recommendations were made?"

THE HON. SRI B. GOPALA REDDI:—"Of course the selection was made on merit. A member of the Federal Public

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Service Commission and a member of the Madras Public Service Commission were on the Committee which made the selection, and the Hon. the Revenue Minister was the Chairman of the Committee."

SRI V. I. MUNISWAMI PILLAY:—" May I know whether the communal G.O. was applied when the selection was made? "

THE HON. SRI B. GOPALA REDDI:—" I should like to have notice, Sir."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—" May I know the number of Brahmans that were selected by this Committee? "

(No answer.)

SRI V. I. MUNISWAMI PILLAY:—" Will the Government be pleased to call for the information and place it before the House so as to enable hon. Members to know the number of candidates that were selected from each community? "

THE HON. SRI B. GOPALA REDDI:—" No, Sir. As I said, it is a confidential document."

SRI B. S. MURTHI:—" May I know, Sir, whether the Government will give the House the information as to the number of persons recommended and the number of persons taken by the Government of India? "

THE HON. SRI B. GOPALA REDDI:—" From the report it is seen that 54 Provincial Civil Service officers were selected and the list has been approved by the Government of India. But nobody has yet been actually taken up by them."

SRI V. RAGHAVAYYA:—" Did the list contain the names of any of the Depressed class community? "

THE HON. SRI B. GOPALA REDDI:—" I cannot now give that information, Sir."

Appointments in jobs reserved for Scheduled Castes.

* 257 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Premier be pleased to state—

(a) whether the Government are aware that jobs reserved for Scheduled Castes are being given entirely to Adi-Andhras and Adi-Dravidas and that other communities included in the Scheduled Castes are entirely neglected;

(b) whether the Government are aware that communities like Kuravas, Kurichchans, Kuruman, etc., of Scheduled Castes are not at all represented in services; and

(c) if the answer (b) is in the affirmative, what steps the Government propose to take to see all communities get proper and due representations?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—" (a) & (b) No.

" (c) Does not arise."

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Ban on Rashtra Seva Dal.

* 258 Q.—SRI ALLURI SATYANARAYANA RAJU (on behalf of Sri B. S. Mallikarjuna Rao): Will the Hon. the Premier be pleased to state—

(a) why the Rashtra Seva Dal of Madras has been banned by the Government;

(b) whether the Government have enquired into the aims and objects of this organization; and

(c) whether the Government intend to ban Provincial Congress Committee Seva Dals or Hindustani Seva Dals giving semi-military drill to their members to cultivate discipline and organization?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—" (a) It was banned because private armies are to be discouraged.

" (b) Yes.

" (c) No."

SRI ALLURI SATYANARAYANA RAJU:—" Are not the Government aware of the fact that the Rashtra Seva Dal is a most non-communal organization that has been fighting communalism from its inception? "

THE HON. SRI B. GOPALA REDDI:—" The hon. Member is evidently asking for an opinion; I am not prepared to give my opinion, Sir."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" In reply to clause (c) the Hon. Leader of the House has stated that the answer is in the negative. May I know whether these organizations which are mentioned here are private organizations or organizations of any other character? "

THE HON. SRI B. GOPALA REDDI:—" They are private organizations, Sir."

MUHAMMAD RAZA KHAN SAHIB:—" Under the definition of private army as enunciated by the Government may I know whether Congress volunteers also come under that category of private army? "

THE HON. SRI B. GOPALA REDDI:—" The answer to clause (c) is 'no'. We are not going to ban such organizations."

SRI ALLURI SATYANARAYANA RAJU:—" May I know whether the Government have got any information that the Rashtra Seva Dal has been organizing private armies and what their activities were? "

THE HON. SRI B. GOPALA REDDI:—" As I said in the answer, the Government have information that they are organizing private armies and by so doing, they are trying to undermine the prestige of the Government."

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"That is exactly what I wanted to know, Sir, i.e., whether the organizations mentioned in clause (c) are private organizations or not and as such, whether they can be encouraged?"

THE HON. SRI B. GOPALA REDDI:—"They are of course, private organizations, but as far as we are aware, they are not undermining the prestige of the Government."

MUHAMMAD RAZA KHAN SAHIB:—"Are the Government aware that they have suppressed some of the organizations which have been saying people to do physical exercises and if so, will they take steps to revive them?"

(No answer.)

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know, Sir, how the Government distinguish between one private army and another? Does the Hon. Minister say that the organizations mentioned in clause (c) do not form private armies, while the organizations in the other clause form private armies?"

THE HON. SRI B. GOPALA REDDI:—"It is not merely a question of the formation of private armies alone that is taken into consideration. We have to take the object with which such organizations are formed and with what purpose they are organizing private armies. All these things were taken into consideration by the Government before banning any such organizations."

Alleged campaign against South Indians at Delhi.

* 259 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Premier be pleased to state—

(a) whether the Government are aware that there is a regular campaign going on at Delhi against South Indians in general and Madrasis in particular;

(b) whether his attention has been drawn to the speech made by Sri T. A. Ramalingam Chettiar in the Indian Parliament recently on this subject; and

(c) if the answer to (b) is in the affirmative, what action has been taken in this matter?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—" (a) No.

" (b) No.

" (c) No action has been taken in this matter."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Arising out of the answer to clause (b), what action has been taken by the Government in the matter, since the publication of the speech in the papers?"

THE HON. SRI B. GOPALA REDDI:—"Sir, we are not aware of any statement made by Mr. T. A. Ramalingam Chettiar that Madrasis are being ill-treated at Delhi."

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SRI M. S. PATTABHIRAMIAH:—"Are the Government conscious of the fact that an incredibly long and regular campaign of vicious propaganda against the Northern Indians has been going on in this Province and that the Northern Indians in South India are greatly excited over such propaganda? And have not our unadulterated democratic government of this province been tolerating such a campaign?"

(No answer.)

SRI B. S. MURTHI:—"May I know whether the Government will make enquiries as to the insults alleged in the question?"

THE HON. SRI B. GOPALA REDDI:—"No, Sir."

SRI A. VEDARATNAM PILLAI:—"Will the Hon. Minister be pleased to say whether it is a fact that a South Indian lady was recently murdered in Delhi and if so, whether the Government have taken any steps in the matter?"

MR. SPEAKER:—"The hon. Member can put a separate question."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Is it not a fact the hon. Mr. T. A. Ramalingam Chettiar's speech was prominently reported in the south with regard to the allegations against the South Indians in Delhi?"

THE HON. SRI B. GOPALA REDDI:—"I am not aware, Sir, that it is widely published in South Indian papers."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Will the Government make a definite and categorical statement that there is no such campaign going on in Delhi against South Indians?"

THE HON. SRI B. GOPALA REDDI:—"I do not know whether there is any definite campaign going on against South Indians in Delhi or in any other Province, nor do I think that any such campaign is being carried on against North Indians in South India."

MUHAMMAD RAZA KHAN SAHIB:—"It is because, Sir, there is no Publicity Department in this Province. For if it had existed it could have brought this statement of Mr. Ramalingam Chettiar to the notice of the Government."

(No answer.)

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"What I wanted to know was this. Since there is not much substance in the statement that there is a special campaign against the South Indians in North India will not the Government think it advisable to make a categorical statement that there is no such campaign going on?"

THE HON. SRI B. GOPALA REDDI:—"I do not know what is happening in Delhi and in other provinces in North India."

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Release of the stocks of Burma beans in local markets.

* 260 Q.—BEGUM SULTAN MIR AMIRUDDIN: Will the Hon. the Minister for Food be pleased to state whether the Government have released certain stocks of Burma beans for sale in the local markets?

THE HON. DR. T. S. S. RAJAN:—"The Government have not ordered the release of any stocks of Burma beans for sale in the local markets."

BEGUM SULTAN MIR AMIRUDDIN:—"Is it not a fact that a variety of Burma beans called the Sultani beans have been released by the Government as intimated in Press Note No. 16, dated 16th January 1948?"

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

BEGUM SULTAN MIR AMIRUDDIN:—"May I know whether the Government do not intend to release any variety of Burma beans for sale?"

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

Sangameswaram Project.

* 261 Q.—SRI N. VENKATASUBBAYYA: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the necessary staff for the preliminary investigation of the Sangameswaram (Krishna-Pennar) Project has been sanctioned;

(b) if so, the number of officers under each category so sanctioned;

(c) whether they have entered upon the duties and started the investigation and if so, when;

(d) what is the headquarters for the investigating staff;

(e) what is the time which they are asked to take to complete the investigation; and

(f) when their report is expected to be ready?

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

" (b) Executive Engineer	..	..	1
Assistant Engineers	..	..	4
Supervisors	..	..	16
Surveyors	..	..	10
Draughtsman, I Grade	..	..	1
Do. II do.	..	..	2 (one for circle office).
Do. III do.	..	..	2
Tracers	..	..	2
Divisional Accountant	..	..	1

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Head Clerk	..	..	1
Typist	..	..	1
Upper Division Clerks	..	..	2 (one for circle office).
Lower Division Clerks	..	..	7
Peons	..	..	28

" (c) The following have joined duty on the dates noted against them:—

1 Executive Engineer	..	1	15th December 1947, forenoon.
2 Assistant Engineer	..	1	27th January 1948, forenoon.
3 Supervisors	..	2	30th December 1947 and 5th January 1948, forenoon.
4 Draftsman, II Grade	..	1	26th January 1948, forenoon.
5 Do. III Grade	..	1	23rd January 1948, forenoon.
6 Tracers	..	2	1st January 1948 and 19th January 1948.
7 Upper Division Clerk	..	1	1st February 1948, forenoon.
8 Lower Division Clerks	..	2	22nd December 1947, forenoon and 10th January 1948 forenoon.
9 Peons	..	5	23rd December 1947 and 5th January 1948, etc.

" (d) The Headquarters of the Executive Engineer and Assistant Engineers are as given below. The headquarters of the supervisors will be fixed by the Executive Engineer after allocation of work.

1 Executive Engineer	..	..	Cuddapah.
2 Assistant Engineer, Someswaram Dam	..	..	Somasila.
3 Assistant Engineer, South Main Canal	..	..	Kalahasti.
4 Assistant Engineer, Kistna Dam	..	..	Nandikotkur.
5 Assistant Engineer, Mittakondala Survey.	..	..	Nandyal.

" (e) The staff for preliminary investigation has been sanctioned only for one year for the present; beyond this no time has been specifically fixed for the investigation.

" (f) In about a year after the whole staff join, provided the requisite facilities also actually become available such as permission of the Hyderabad Government for the Madras staff conducting investigation in their territory, essential facilities of rapid movement from area to area, etc."

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SRI N. VENKATASUBBAYYA:—"Have the investigating staff been asked to find out the possibility of taking water across the Nallamalai to Cumbum and Markapur taluks? Is this point under investigation by the staff?"

THE HON. SRI M. BHAKTAVATSALAM:—"This is only a preliminary investigation that has been just started. All these aspects will be gone into in due course."

SRI B. S. MURTHI:—"Is the staff sufficient or do the Government think that some more staff should be appointed?"

THE HON. SRI M. BHAKTAVATSALAM:—"The staff is sufficient for the purpose and whenever more staff are required the Government will take necessary action."

SRI K. BRAHMANANDAM REDDI:—"May I know, Sir, whether the Government have directed the staff to enquire into the fact whether the canal, cannot go into the Guntur district through 'Nallamalai' hills?"

THE HON. SRI M. BHAKTAVATSALAM:—"That question does not arise at this stage of preliminary investigation."

SRI V. RAGHAVAYYA:—"Were some facilities, such as tents and other arrangements for housing which were asked for by the staff refused by the Government?"

THE HON. SRI M. BHAKTAVATSALAM:—"I have had this information from the Hon. Member, Sir."

SRI S. NAGAPPA:—"May I know whether it is the intention of the Government to proceed with the Ramapadasagar project simultaneously along with this project?"

THE HON. SRI M. BHAKTAVATSALAM:—"There is no comparison between this project and the other project."

SRI K. BRAHMANANDAM REDDI:—"The Government have stated, Sir, that my question did not arise at this stage. May I know when that question will arise and how it will be settled?"

THE HON. SRI M. BHAKTAVATSALAM:—"That question may perhaps arise after the preliminary investigation is over."

SRI S. NAGAPPA:—"In view of the importance of the area will the Government consider the claims of this project in preference to the Ramapadasagar project?"

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

SRI B. S. MURTHI:—"May I know whether any portion of the staff from the Ramapadasagar project has been transferred to the Sangameswaram project?"

THE HON. SRI M. BHAKTAVATSALAM:—"I have no information, Sir."

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SRI N. VENKATASUBBAYYA:—"Has the investigation staff been asked to find out how the Sangameswaram project will affect the existing Kurnool-Cuddapah Canal?"

THE HON. SRI M. BHAKTAVATSALAM:—"All these questions will be gone into, Sir."

Repairs to a bridge in Sankarankoil taluk.

* 262 Q.—SRI D. DURAIRAJA PANDIAN: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that a big bridge at mile 23/5 near Vasudevanallur, Sankarankoil taluk, Tinnevely district, in Road No. 11 from Tenkasi to Srivilliputtur across the River Niehshathapani alias Karuppiyar is under repair for the last seven years and is absolutely unfit for use; and

(b) what steps the Government propose to take to render the same serviceable to the public?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) The bridge referred to is at M. 22/6 of the road from Tenkasi to Madura via Srivilliputtur. It was damaged due to extraordinary floods in January 1943.

" (b) The Chief Engineer (Highways) has reported that remedial measures to set right the bridge were under correspondence for some time. Non-availability of steel girders during the war period contributed partly to the delay in the execution of the work. The Chief Engineer (Highways) reports that definite decisions have since been reached in regard to the remedial measures to be taken and that he has instructed the Superintending Engineer (Highways) to prepare the plans and estimates for the work urgently. An allotment of Rs. 20,000 for this work has provisionally been made in the budget for 1948-49 pending administrative sanction to the estimate."

Collection of Sales Tax.

[* 263 Q.—MR. SPEAKER:—"The hon. Member, Sri K. S. V. Krishnan, is not in his place. The answers will be printed in the proceedings."]

SRI K. S. V. KRISHNAN: Will the Hon. the Minister for Finance be pleased to state—

(a) whether it is a fact that Sales Tax is being collected on the total amount of bills made out by traders, which not only include the cost of articles actually sold, but also other incidental expenses thereon and Sales Tax collected by the dealers; and

(b) whether it is a fact that instructions have been issued to the assessing authorities under Madras General Sales Tax

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Rules, to disallow the deduction to which a registered manufacturer of groundnut oil and cake is entitled to make under rule 18 from his monthly turnover, in case the statement prescribed under rule 18 (3) is not submitted by him in time?

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

“(b) No such instructions have been issued by the Government.”

MR. SPEAKER:—“Regarding question No. 264 I wish to tell the House that the Hon. Minister has informed me that the answers are not yet ready. The question will be taken up on Wednesday.”

[* 264 Q.—Postponed.]

Licences for starting printing presses.

[* 265 Q.—MR. SPEAKER:—“The hon. Member Sri S. C. Balakrishnan is not in his seat. The answer will be printed in the proceedings.”]

SRI S. C. BALAKRISHNAN: Will the Hon. the Minister for Industries be pleased to state—

(a) whether new licences are given to start printing presses; and

(b) if so, the total number of licences granted to start printing works from 1945 to 1948?

THE HON. SRI H. SITARAMA REDDI:—“(a) Permission is being granted on application to the Provincial Paper Controller to start new presses to those who purchase the entire machinery of a running press with the goodwill and to those who purchase new machines.

“(b) No such permission was granted in 1945 as the orders of the Government of India delegating powers under clause 17 of the Paper Control (Economy) Order came in only towards the end of December 1945.

“The total number of permits to start Printing Presses issued by the Provincial Paper Controller from 1st January 1946 to date is 1,520.”

Supply of yarn to handloom weavers.

* 266 Q.—SRI M. KANNIYAPPAN: Will the Hon. the Minister for Industries be pleased to state whether the Government are aware that 14,000 handloom weavers are bereft of yarn supplies; and, if so, what action has been taken?

THE HON. SRI H. SITARAMA REDDI:—“The Government have not received any specific report of the kind referred to. It is not clear what particular locality, the hon. Member has in view. The Government are however aware that there is difficulty at the moment in obtaining yarn supplies. This is primarily due to the loss of production in Coimbatore as

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a result of the strike. The Government have requested the Textile Commissioner, Bombay, to make a special allocation of yarn to this Province from Mills outside the Province, to tide over the crisis.”

SRI M. KANNIYAPPAN:—“தலைவர் அவர்களே, நெசவு தொழிலாளர்கள் நூல் இல்லாமல் கஷ்டப்படுகிறார்கள் என்பதை நான் கேட்டிருந்தேன். அவர் பதில் சொல்லும் விஷயமும் இன்னும் தனியாக பம்பாயிலிருந்து நூல் வந்தால் சரியாக இருக்கும் என்று சொன்னதும் எனக்கு புரியவில்லை. உடனடியாக அவர்கள் நிலைமையை கவனித்து இப்பொழுது அவர்கள் வாங்கக்கூடிய நூல் கிரயம் அதிகப் பட்டிருப்பதையும் உத்தேசித்து நியாயமான விலைக்கு கிடைக்குமாறு அவர்கள் செய்வாரா என்று கே்கிறேன்.”

THE HON. SRI H. SITARAMA REDDI:—“The Government have no control over the distribution of yarn and there is no question of the price being fixed by the Government of Madras or the Central Government. So far as the supply of yarn is concerned, as I have already stated, I have addressed the Textile Commissioner, Bombay, just a few days back I have received a letter from him promising an early supply. Now supplies are being moved.”

SRI V. RAGHAVAYYA:—“May I know, Sir, with regard to the unaccountable stocks of yarn with the wholesalers whether the Government propose to distribute them to the weavers or return them to the very offenders who stocked them?”

THE HON. SRI H. SITARAMA REDDI:—“I have already stated, Sir, that there is no control over the distribution of yarn. If there the stocks with people they will certainly sell them. They won't keep them in their houses.”

SRI N. M. R. SUBBARAMAN:—“May I know, Sir, whether the mills in Coimbatore district have now begun to work?”

THE HON. SRI H. SITARAMA REDDI:—“Yes, Sir. Some of them have already begun work.”

Memorandum from the Secretary, Provincial Elementary Teachers' Union.

* 267 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government have received any memorandum during the past one year from the Secretary, Provincial Elementary Teachers' Union;

(b) if so, what it is;

(c) what action has been taken thereon; and

(d) if no action has been taken, why?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“(a) Yes.

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"(b) The memorandum contained certain requests relating to improvements of the general conditions of elementary school teachers in the Province for consideration of Government.

"(c) & (d) The requests were examined and suitable action was taken wherever necessary."

SRI S. NAGAPPA:—"May I know, Sir, whether these teachers are satisfied with the action taken by the Government wherever it was necessary?"

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

"I should say, Sir, that there is a large amount of satisfaction among the teachers."

SRI S. NAGAPPA:—"May I know, Sir, whether the Government are aware that the teachers are still not satisfied and that they have been making demands continuously almost on every public platform?"

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

"It is quite possible, Sir, that some people are making still further representations."

SRI S. NAGAPPA:—"What do the Government propose to do further, Sir?"

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

"Nothing further, Sir."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"May I know some of the salient points that have been raised and that have been accepted by the Government?"

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

"The main thing is about the increase of the salaries of teachers. Secondly, holidays. Thirdly, uniform scales of pay in all services. These are the salient points."

SRI K. P. KAMAKSHI CHETTIYAR:—"May I know whether recognition has been given to the Union?"

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

"No, Sir."

Number of high schools for boys and girls in the Tanjore district.

* 268 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Education be pleased to state—

(a) how many boys' high schools are in Tanjore district;

(b) how many girls' high schools are in Tanjore district; and

(c) whether the Government are taking any steps to increase the number of girls' high schools in this district?"

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

"(a) 33.

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"(c) There is no proposal to open any Government high for girls in this district. If proposals are made by bodies or private agencies to open such schools, they sympathetically considered."

SRI A. VEDARATNAM PILLAI:—"Will the Hon. be pleased to state the reason why the number of girls' schools in Tanjore district is so small and what steps the Government are going to take to increase the number of girls' schools?"

MR. SPEAKER:—"I think the Hon. Minister has answered the question. If he is willing to answer it again no objection."

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

"The hon. Member has raised the question of the number of girls' schools being small as compared with the number of boys' schools. The result is like that because there is not a sufficient number of girls forthcoming. The hon. Member will remember that even recently there was a discussion about closing a school for want of strength. But the Government refused to close the school as they are interested in women's education."

Tamil books in the Connemara Library.

* 269 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Education be pleased to state—

(a) whether there are any Tamil books in the Connemara Library and if so, the number of such books there; and

(b) whether those books are brought up to date?

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

"(a) Yes; 362 volumes.

"(b) Yes; the annual addition of books to the Library in Tamil and in other South Indian languages has been commenced from the current year (1947-48), and these will be brought up to date."

SRI A. VEDARATNAM PILLAI:—"May I know, whether the Government have got any proposal to increase the number of books in regional languages in all the other libraries also?"

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

"It is the only one library maintained by the Government. Sir. For all other libraries grants are being made.

open to those people who maintain the libraries to purchase books in the regional languages."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"From asking the publishers to send copies of their publications to the Government wish to add substantially to the number of books in Tamil in this Library in view of the fact that the Library at present has got only 362 volumes in Tamil in the midst of thousands of books?"

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

“That is the reply I gave, Sir. It is unfortunate that in the past the regional language section was not attended to. The Government have made grants last year namely, Rs. 1,000 for Tamil, Rs. 1,000 for Telugu, Rs. 500 each for Malayalam and Kannada sections. In this year's budget also further provision has been made so that substantial additions to these books might be made.”

11:30 a.m. SRI B. S. MURTHI:—“May I know, Sir, on what basis the selection of books is made for this library?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“Good books in every department of knowledge, Sir.”

SRI M. BAPINEEDU:—“May I know, Sir, the number of books in other languages?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“The hon. Member may put a separate question, Sir.”

Conversion of Government Girls' Middle School into a High School at Chicacole.

* 270 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Education be pleased to state—

(a) whether any steps are proposed to be taken by the Government to convert the Government Girls' Middle School into a high school this year at Chicacole;

(b) whether any representations have been sent by the public and the Education Department as well with a request to convert the said school as a high school; and

(c) if so, what they are?

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

“(a), (b) & (c) Resolutions passed at meetings held under the auspices of the Mahila Sangam and the Parents' Association, Chicacole, in this connection have been forwarded to Government, but the strength at present in the middle school is not such as to warrant the opening of a high school just now.”

SRI G. KUMARASWAMI:—“May I know, Sir, when the question of converting the Girls' Middle School at Chicacole into a high school will be taken up?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“When the strength improves, Sir.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know, Sir, what is the strength that the Government expect for the girls' high schools?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“Normally, the attendance of 15 people are expected, Sir.”

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BEGUM SULTAN MIR AMIRUDDIN:—“Will the Hon. Minister for Education hereafter take the advice of the Education Department in regard to women's education and not that of the Retrenchment and Reorganization Committee whose members do not know anything about women's education?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“Without saying anything about the latter part of the question, I say it is the opinion of the Education Department.”

Commission paid to stamp-vendors.

* 271 Q.—SRI A. DEVANAYAGA IYAH: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the rates of commission paid to the stamp-vendors in the Province;

(b) whether the Government have enhanced the commission rates after the commencement of the last war and what the present rate is;

(c) whether the Government are aware of the fact that the stamp-vendors of Chidambaram are asked to remit back the excess commission paid to them from 1941 and what is the total amount to be collected;

(d) who is responsible for paying the amount without observing the present rules and Government orders; and

(e) how the Government propose to realize the amount and from whom?

THE HON. SRI KALA VENKATA RAO:—“(a) & (b) A statement* showing the present rates of discount allowed to stamp-vendors in this Province is placed on the table of the House. There has been no enhancement of rates after the commencement of the recent war.

“(c) & (e) The stamp-vendors of Chidambaram taluk were paid an excess discount of Rs. 3,579-0-6 during the period from June 1942 to July 1947. Of this, a sum of Rs. 3-12-0 has already been recovered and the balance is proposed to be recovered from the stamp-vendors concerned.

“(d) The Sub-treasury Officer, Chidambaram and the Deputy Tahsildars at Kattumannarkoil and Porto Novo.”

Mettur Water Works Scheme.

* 272 Q.—SRI P. KANDASWAMY PILLAI: Will the Hon. the Minister for Public Health be pleased to state—

(a) in what year the Mettur Water Works Scheme of supply of drinking water to Salem has begun;

(b) in what stage it is now;

(c) whether the Government have placed orders for pumping machines in connection with this scheme;

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(d) if so, what is the cost of the machinery and on what date the order was placed and how long will it take to take delivery of the machines in this country;

(e) with which company the order is placed and what is the duration within which the company has promised to supply the goods;

(f) what is the cause for such a long delay; and

(g) why this scheme alone is delayed, while such schemes in other districts like Pollachi and other places are carried out very quickly?

THE HON. SRI A. B. SHETTY:—“(a) The works on the scheme were started in April 1938.

“(b) All the items of works connected with the scheme, except the following were completed prior to outbreak of war:—

(i) The domed roof over the valve tower in the Mettur Reservoir: (This work can be resumed only after the works of supply and erection of pumps and motors are completed).

(ii) Laying and jointing pipes near the Booster Station and valve tower: (These works are also dependent on the completion of the erection of the pumping plant).

(iii) Constructing an elevated reservoir at Ammapet: (The tenders called for originally had to be cancelled due to high cost. Fresh design for the reservoir is under preparation in the Chief Engineer's office and tenders will be called for on completion of the revised design).

(iv) Laying and jointing the remaining portion of Gravitation main: (This work has been entrusted to one Sri S. Chinnaswami Pillai, Contractor, Salem, and the work is in progress).

“(c) The Government have sanctioned the acceptance of the tender for the supply and erection of pumping plants required for the work.

“(d) The total cost is about Rs. 3,25,740. The order was placed in July 1947. The total time stipulated by the supplying firm in their tender is about 2½ years.

“(e) The order has been placed on the Easun Engineering Company, Madras, Limited. The firm have promised to effect the supply and erection within 2½ years from the date of receipt of order.

“(f) Owing to the intervention of the war, the work had to be deferred. It was resumed again after the cessation of hostilities, and prompt action has been taken to complete the unfinished items of work.

“(g) Owing to the war, some of the water-supply schemes like those of Calicut, Pollachi and Cochin Municipalities also had to be delayed on account of the difficulty in procuring the essential pumping plant. The Cochin Water-Supply Scheme

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has since been completed; and in the case of others, the work is now under execution. Every endeavour is being made to push on with the schemes and complete them as early as possible.”

SRI P. KANDASWAMY PILLAI:—“In view of the answer given by the Hon. Minister, may I know, Sir, when it will be possible to make the necessary arrangements for laying pipes for distribution in the town?”

THE HON. SRI A. B. SHETTY:—“As early as possible, Sir.”

SRI S. NAGARAJA MANIGAR:—“Is it not a fact, Sir, that priority will be given to drinking-water supply schemes?”

THE HON. SRI A. B. SHETTY:—“Yes, Sir.”

SRI P. KANDASWAMY PILLAI:—“May I know, Sir, when the Government are going to make the necessary arrangements for laying the distribution pipes in the town?”

THE HON. SRI A. B. SHETTY:—“I have already answered the question, Sir.”

Cleaning of clothes in the Adyar river.

* 273 Q.—SRI M. KANNIYAPPAN (on behalf of Sri S. K. Govindaraja Nayagar): Will the Hon. the Minister for Public Health be pleased to state whether it is a fact that the Adyar river at Saidapet is being used by dhobies for cleaning clothes?

THE HON. SRI A. B. SHETTY:—“Yes.”

N. MUHAMMAD ANWAR SAHIB BAHADUR:—“Will the Hon. Minister for Public Health give us an assurance that Government will not allow any more washing of dirty linen here.” (Laughter.)

(No answer.)

The Harijan Welfare portfolio.

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

(a) whether it is a fact that the Harijan Welfare portfolio has been transferred from the Development Department to the Firka Development Department; and

(b) if so, what the reasons are for such a change?

THE HON. SRI V. KURMAYYA:—“(a) The answer is in the negative.

“(b) Does not arise.”

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

II.—MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.

I have to announce to the House the following message, dated the 2nd March 1948, from His Excellency the Governor:—

“In pursuance of section 82, sub-section (3), of the Government of India Act, 1935, I, Archibald Edward Nye, Governor of Madras, hereby recommend to the Madras Legislative Assembly the consideration of the Madras Restriction of Habitual Offenders Bill, 1948.”

[19th April 1948]

2. I have to announce to the House the following message, dated the 13th March 1948, from His Excellency the Governor:—

"In pursuance of section 82, sub-section (1), of the Government of India Act, 1935, I, Archibald Edward Nye, Governor of Madras, hereby give my recommendation to the introduction in the Madras Legislative Assembly of the Madras Tobacco Taxation of Sales and Licensing (Re-enacting) Bill, 1948."

3. I have to announce to the House the following message, dated the 7th April 1948, from His Excellency the Governor:—

"In pursuance of section 82, sub-section (3), of the Government of India Act, 1935, I, Archibald Edward Nye, Governor of Madras, hereby recommend to the Madras Legislative Assembly the consideration of the Madras Re-enacting (No. III) Bill, 1948."

III.—RESIGNATION OF DR. P. SUBBARAYAN FROM THE MINISTRY.

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Sir, I saw in the papers that Dr. Subbarayan has resigned from the Ministry. It is not possible for us to know the reasons for his resignation."

MR. SPEAKER:—"The hon. Member knows that in our Rules there is a provision that if the hon. Member (Dr. Subbarayan) wants to make a statement he is at liberty to do so. Because he has not come here to make a statement, it is not the business of the hon. Member to ask him to make a statement."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"I am asking the Government, Sir. Is it not their duty to explain to us the reasons for the resignation and why it was accepted?"

MR. SPEAKER:—"It is not the duty of the Government. If he himself wants to make a statement I have no objection. If he makes a statement, the Government will reply to that. As Dr. Subbarayan is not making a statement, . . ."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"You will remember, Sir, that there is a convention that if there is any change in the Ministry or in the arrangement of portfolios, information will be given to the House as soon as it re-assembles. As the information has not been given, I would request the Government to keep up to this convention."

MR. SPEAKER:—"The hon. Member need not remind the Chair or the Leader of the House with regard to this matter. I have already told the Leader of the House, and he is going to make a statement with regard to portfolios."

THE HON. SRI B. GOPALA REDDI:—"Consequent on the resignation of Dr. Subbarayan all the subjects which were under his supervision are being looked after by the Hon. Premier now. As a temporary working arrangement, the Hon. Minister for Prohibition is requested to look after the Legal portfolio which includes legislative matters."

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MOHAMED ABDUL SALAM SAHIB BAHADUR:—"On a point of clarification, Sir. I want to know whether the allegations, in the correspondence between the Premier and Dr. Subbarayan, are true and whether there was interference. Is it not necessary that we, the Members, should know whether the allegations made by Dr. Subbarayan are true or not."

MR. SPEAKER:—"The hon. Member can put questions on this. I will get the answers ready and at question time I shall place them before the House."

IV. GOVERNMENT BILLS.

(1) THE MADRAS RE-ENACTING AND REPEALING (NO. 1) BILL, 1947
(L.A. BILL NO. 3 OF 1948).

* THE HON. SRI K. MADHAVA MENON:—"Sir, in the absence of the Hon. Mr. Daniel Thomas, I present the report of the Joint Select Committee on the Madras Re-enacting and Repealing (No. I) Bill, 1947 (L.A. Bill No. 3 of 1948)^a and move that the Bill as reported by the Joint Select Committee be taken into consideration at once. This Bill was referred to a Joint Select Committee and it went into the matter. This is a Repealing and Re-enacting enactment of various enactments made during the Section 93 regime by the Governor. Those Bills which require to be permanently put on the Statute Book are mentioned in Schedule I. Those Bills which have to be put on the Statute Book with some modifications are given in Schedule II. Those Bills which are to be repealed are given in Schedule III. The Joint Select Committee went into the details of all the individual Bills and considered them. It has sent up a unanimous report to this House. The Select Committee's report consists of four Schedules instead of three. Certain enactments in the original Schedule I were considered by the Select Committee to require further consideration, but to avoid any difficulty, the Select Committee recommended that those Bills that are mentioned in the third schedule of its report might be re-enacted for one year so that Government might re-examine the whole thing during this one year and decide whether they are to be permanently put on the Statute Book or repealed. So, the Acts mentioned in the third schedule of the report are for a period of one year, and the Acts in the fourth schedule are the Acts to be repealed. The Select Committee has given consideration to all the Bills, and has unanimously recommended the Bill for being taken into consideration. So, I request that the Bill be taken into consideration at once."

"Certain amendments have been given notice of by the hon. Member Mr. Bhashyam. One other amendment has been given notice of by Mr. Tatachari. When the amendments are moved, I shall say what I have to say. I am sure, after all, that most of the amendments are not necessary, and therefore, as and when the amendments are moved, I shall say the Government view of the matter. I request that the Bill be taken into consideration at once."

^a Printed as Appendix II on pages 78-90 infra.

[19th April 1948]

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^a Printed as Appendix II on pages 78-80 infra.

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* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, I am glad that the Select Committee has decided that such of the enactments to be found in this Re-enacting and Repealing Bill which are of a controversial nature should be given one year's lease of life so that during this interval necessary amendments to them may be brought forward by the Government. But with reference to the Madras Elementary Education (Amendment) Act of 1941, I do not see why this has been done instead of that Act being repealed. This Act was passed by the Advisers' Government evidently because that Government was not interested in education and wished to evade its responsibility in this regard. Under the old Act of 1920, a municipality or a district board had power with the previous sanction of the Government to levy within its area, an education tax and the Government were bound to contribute a sum which was not less than the proceeds of the tax levied by the municipality or district board. But as the Advisers' Government was averse to making this contribution, it passed the Madras Elementary Education (Amendment) Act in 1941, so as to absolve itself from that responsibility. One can understand such an attitude in bureaucratic administration but not in the present Government, which claims to be interested in the well-being of the citizens of the land. It is a matter of common knowledge that the provision of greater facilities for education is a *'sine qua non'* for national progress. As such this Government cannot shirk its responsibility in this regard. It must be prepared to share with the local bodies the expenses incurred by the latter with reference to education. It does not redound to the credit of a national Government to act in the same manner as the Advisers' Government with regard to educational matters. I am, therefore, of the opinion that the obligation of the Government to contribute an equal amount raised by the local bodies for the purpose of education should not be removed.

"Another Act to which I would like to advert is the Madras Elementary Education (Amendment) Act of 1946. I cannot understand why the Select Committee at first sought to repeal this Act. Now it has been given one year's lease of life instead of its being included in the first schedule. This Act was passed because the presidents of district boards and the chairmen of municipal councils were reluctant to impose penalties for enforcing compulsory education. Hence this Act transferred the power to impose penalties to the Educational Officer, subject to an appeal to the Director of Public Instruction. This change in the machinery controlling compulsion seems to have been a step in the right direction. I, therefore, do not know why the Select Committee at first intended to repeal this Act and thereafter decided that it should remain in force for a period of one year. I may point out that the late Sir Meverel Statham recommended in his Report on Post-war Educational Reconstruction in the Madras Province that the control and execution of compulsion should be in the hands of the Revenue department instead of in those of local body officers. Therefore, if the District Educational Officer

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has not been successful in the enforcement of compulsion, the recommendation of the late Sir Meverel Statham may be given a trial. He also recommended that the Government should take power, in addition to the imposition of the fine, to forcibly place the child in school irrespective of the circumstances of the parent, for there are many cases where the parents and guardians are literally unable to pay the fine. In such cases not only is the fine not paid but the child also does not attend school. This recommendation of the late Sir Meverel Statham may also be borne in mind when amendments are brought to the Madras Elementary Education (Amendment) Act of 1946.

"Sri, another Act, which should have been repealed instead of its being re-enacted is the Madras Nurses and Midwives (Amendment) Act of 1941."

THE HON. SRI K. MADHAVA MENON:—"The hon. Member may please go through the schedules."

* BEGUM SULTAN MIR AMIRUDDIN:—"That Act is in the first schedule. My point is that it should come under the fourth schedule. Sir, the Advisers' Government acted in an undemocratic manner by depriving the Midwives and Nurses' Association of their privilege of sending two representatives to the Midwives and Nurses' Council. I do not know why this Government should fall in line with the attitude of the Advisers' Government in regard to this matter. It is but proper that the Midwives and Nurses' Association should be allowed to have their duly elected representatives on the Midwives and Nurses' Council. Therefore, this Act should have been repealed instead of its being kept alive.

"Sir, there are three other Acts to which I would like to refer. One is the Madras City Police (Amendment) Act of 1941. This deals with the problem of mendicancy and provides that 'Whoever in any public street, road, or thoroughfars or any place of public resort, begs or applies for alms, or exposes or exhibits any sore, wound, bodily ailment or deformity with the object of exciting charity or of extorting alms, shall be punishable with fine which may extend to fifty rupees or with imprisonment which may extend to one month.' But though we have this Act in the City of Madras, it is indeed a matter of regret that it merely adorns the Statute Book and is not enforced, the reason given for this being that there is a paucity of work—houses for the able-bodied beggars and of special homes for the physically disabled. I think it is the duty of the Government before they pass any measure to take steps to provide facilities for the implementation of their legislation. It does no credit to a Government to have an Act in the Statute Book and not take steps to see that it is enforced. They should not pass an Act merely for the sake of propaganda. Unlike certain other Acts which precede public opinion, this Act has public opinion in its favour,

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and hence early steps should be taken to implement it. In Britain and other Western countries, we find that public opinion is at first formed and thereafter legislation is undertaken, but in this land, very often, especially with reference to matters pertaining to social reform, legislation is first launched upon and public opinion is created thereafter. In regard to this Act, however, public opinion conforms to legislation hence there should be no delay in implementing the measure. Another characteristic of Western countries is that before legislation is undertaken, adequate measures are adopted by the Government in order that the law that is passed may be really enforced. In contradistinction to this Western tendency, in this Province, time after time, the Government come forward in this House with Bills, which are intended merely to adorn the Statute Book. There are many Acts which are lying stationary in the Statute Book and are not implemented. One of these is the abovementioned Act, which is intended to tackle the beggar problem. I, therefore, request the Government to take steps to implement this Act by establishing more work-houses for able-bodied beggars and homes for those physically disabled."

MR. SPEAKER:—"Order, order. I am not able to hear the hon. Lady Member's speech. There is too much noise in the House."

* BEGUM SULTAN MIR AMIRUDDIN:—"If Acts are passed by the Legislature which are violated with impunity and respected more in their breach than in their observance, regard for law is undermined among the citizens. I, therefore, request the Government to take up the question of implementing this Act in right earnest."

"Sir, in the Bill before us there is another Act with reference to the prevention of begging and that is the Madras Prevention of Begging Act of 1945. It is provided therein that 'the Provincial Government may, from time to time by notification in the *Fort St. George Gazette*, direct that the provisions of this Act shall come into force in such local area and on such date, as may be specified in the notification.' This Act aims to prevent begging in the mufassal. I would like to know from the Hon. Minister whether this Act has come into force in any of the districts and if so, in which districts and how far it has been implemented. I would like the Government to take urgent steps to see that mendicancy is eradicated from this Province. This will be achieved not merely through legislation but by taking adequate steps to establish suitable homes for beggars throughout the Province."

"Finally, Sir, I wish to refer to one Act which comes under the fourth schedule and that is the Madras Prohibition (Suspension) Act, 1943. I do not know why the Government has come forward at this late hour to repeal this Act. Prohibition has been in force in this Province for the past two years. Hence I do not know why the Madras Prohibition (Suspension) Act should be repealed now instead of its having been repealed all this time

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when Prohibition was reintroduced I wish to be enlightened as to the legal position with reference to the step that is being taken at this late stage instead of its having received attention earlier. Since the Act was not repealed when Prohibition was reintroduced is it not a fact that those who have been punished for offences under the Prohibition Act might claim that their sentences have been illegal? Is it not open to the offenders to argue that because the Madras Prohibition (Suspension) Act was not repealed all this time, they have been wrongly punished? I should like the Hon. Minister to enlighten me as to the legal position as regards this matter. I hope the Government will be cautious hereafter in regard to the repeal of such Acts which are redundant."

* SRI T. VISWANATHAM:—"Sir, I also wish to draw the attention of the Hon. the Finance Minister to the re-enactment of Act XV of 1941. Under this Act the Advisers' Government exempted themselves from the liability to pay the local bodies an amount equal to the amount they raise by way of education cess. Even at the time of the introduction of this re-enacting Bill in this House some months ago we protested against its re-enactment. The Municipalities are not very rich. They have been depending on the Government for years and their finances should not be crippled. Therefore, Sir, I want that this Bill should not be re-enacted even for a period of one year. The original position should be restored and where a local body collects a certain amount by way of Elementary Education cess, a like amount should be compulsorily contributed by the Government. This practice of compulsory contribution was suspended during the war owing to the exigencies of the war. Now that the exigencies of the war no longer exist, I request that the original position may be restored."

* THE HON. SRI K. MADHAVA MENON:—"Sir, the hon. the Lady Member and the hon. Member Mr. Viswanatham referred to the re-enactment of the Madras Elementary Education (Amendment) Act, 1941. Originally it was proposed to include this Bill in the first schedule and re-enact it permanently. But for the very reasons put forward by the hon. the Lady Member and the hon. Member Mr. Viswanatham, the Select Committee thought that further consideration should be given before it was placed permanently on the statute book and recommended that it should be re-enacted only for one year. During the Advisers' regime, the Elementary Education Act was amended as stated in the Act, because the finances of the Government did not permit the contribution to the local bodies of an amount equal to that which they have been able to collect by way of education cess. It is quite possible for a District Board or a Municipality to introduce compulsion in its jurisdiction and levy an education cess. The Act as it stood before 1941 compelled the Government to contribute an equal amount to the local bodies. The Government did not want to have further commitments as their finances did not permit of them. Now the Government thought of putting this Act permanently on the statute book so that they may not have any commitments in this direction. But on further consideration, the Select

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Committee thought that the finances of the province might improve, and that even if the finances do not improve, the necessity for the improvement of elementary education may come in at any time and the Government should not put themselves in a position of avoiding their responsibility. For that reason the Government thought that the Bill should be re-enacted for a further period of one year only. It is as a matter of abundant caution we have done this. We should not be taken to task for this. On the other hand we deserve some consideration for having decided that the matter should be considered further after one year.

"Sir, with regard to the Elementary Education (Amendment) Act of 1946, the hon. the Lady Member wants that the fines should be collected through the agency of the revenue department and not the education department. It is only a matter of administrative convenience. The Government can do it at any time by executive orders. The matter will be borne in mind.

"As regards the Nurses and Midwives (Amendment) Act, it is stated that it should not be in the first schedule and that it should be repealed. I submit I cannot agree with the hon. Member. Certain difficulties arose in regard to the elections when there were no nurses associations at all. It was considered necessary to put this Act on the statute book permanently so that there may not be any difficulty in the election of nurses to the Nurses Council. It is to give proper representation to the nurses that the Act has been amended.

"With regard to the Prevention of Begging Act, the complaint is not that it is unnecessary but that it has not been implemented fully. The hon. Member took me by surprise by asking me for figures regarding the districts where the Act has been brought into force. I do not have the information on hand. If I had previous notice, I would have collected the information. I agree with her, Sir, that mendicancy should be eradicated if it is possible. The difficulty is that many people think that it is wrong to refuse alms to a beggar who asks them for it. Personally I would like to see that mendicancy is entirely eradicated and that the Act should be enforced more strictly. This point therefore will be borne in mind.

"Sir, I did not exactly catch the point raised by the hon. the Lady Member with regard to the Madras Prohibition (Suspension) Act, 1943. What we have done now is to repeal that Act."

* **BEGUM SULTAN MIR AMIRUDDIN**:—"What I said was that the Government had two contrary Acts on Statute Book simultaneously, one suspending Prohibition and the other introducing Prohibition."

* **THE HON. SRI K. MADHAVA MENON**:—"During the advisers' regime the Prohibition Act was suspended, because the Advisers had no faith in Prohibition. Now we are repealing the suspension Act altogether and the original Act comes into force. The former Act need not be repealed, because it will lapse at the

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end of April, but we found that there would be certain difficulties, that the General Clause Act would come in if the Act was not formally repealed."

* **BEGUM SULTAN MIR AMIRUDDIN**:—"I wish to know why Government did not repeal that Act earlier instead of coming forward with the repeal only after the prohibition has again been in force in this province for nearly two years."

* **THE HON. SRI K. MADHAVA MENON**:—"There was no necessity for it, because the Act which we are now repealing will come into force only in places where there is a notification. There was no notification anywhere and therefore there was no necessity to repeal it."

The motion was put and carried.

Clauses 1 to 7.

Clauses 1 to 7 were separately put and carried.

First Schedule.

* **SRI K. BHASHYAM**:—"Sir, I have given notice of some amendments in the hope that the Government will accept them. Anyhow whether the Government accept them or not, it is my duty and it is a courtesy which I owe to the House to explain the object with which I have proposed those amendments. Then we can see whether the Government will be persuaded to accept my amendments or whether I have to withdraw them or press them. The first amendment that I propose is that—The Indian Medical Degree (Madras Amendment) Act, 1940, shall be omitted from the first schedule and added to the third schedule. Of course, there are persons who have faked degrees which are not conferred by recognized associations. There are quacks who have armed themselves with these false titles and they pretend to cure people but really do great harm. This should be prevented. But it should not be forgotten that many influential bodies have been conferring titles upon persons who have been doing really good work as Ayurvedic, Unani and Siddha practitioners. These practitioners have been called Bishagratna or Siddha Pandit and so on. They have been doing good work. I should, therefore, like that the Government should consider this matter further and see whether a better Bill cannot be brought forward or whether some more modifications are not necessary for the present Bill. I think the Bill may be put in the third schedule so that it may be given a life of one year more so that the Government may have some time to consider the matter further."

SRI A. KALESWARA RAO:—"I second the amendment."

* **THE HON. SRI K. MADHAVA MENON**:—"Sir, I am sorry I cannot accept the amendment. The Bill only penalizes unauthorized use of titles, etc., implying medical qualifications. It is very common for some people to use titles like M.D.(H) and

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so on, putting the letter 'H' in small types or in brackets and thereby making the people believe that they possess really the M.D. qualification. It is really cheating the people. They use bogus titles like M.D.(A) and so on. It is really very dangerous to society. That is why the Bill says:—

'No person shall add to his name any title, description letter or abbreviations which imply that he holds a degree diploma licence or certificate as his qualification to practise any system of medicine unless—

(a) he actually holds such degree, diploma, licence or certificate; and

(b) such degree, diploma, licence or certificate—

(i) is recognized by any law for the time being in force in British India or in any part thereof; or

(ii) has been conferred, granted or issued by an authority referred to in section 3 . . .

The hon. Member, Mr. Bhashyam, says that there may be practitioners of Unani and Siddha systems and they may be penalized. Not at all. He will not be penalized if, as the section says, he holds a degree which is recognized by any law for the time being in force in British India or in any part thereof; or has been conferred, granted or issued by an authority referred to in section 3; or has been recognized by the General Council of Medical Education of the United Kingdom; or . . . has been conferred, granted or issued by an authority empowered or recognized as competent by the Provincial Government to confer, grant or issue such degree, diploma, licence or certificate.' So it is only to save people from the dangers of bogus medical practitioners that this Bill has been passed. We want to put it on the statute book. If any difficulties are found in the working of it and if they are brought to the notice of the Government, we shall consider the necessity of making the necessary amendments. As it is, I am sorry, I cannot accept the amendment."

* SRI K. BHASHYAM:—"Sir, I am afraid that the clause which says—

'No person shall add to his name any title, description, letters or abbreviations . . .' is so wide in terms that any person who calls himself a doctor of Ayurveda or a Bishagratna will come under the mischief of the Act. Therefore I suggested that the Act may be left on the statute book for only one year so that the Government may go into the matter and make the necessary amendments to it. But it is unfortunate that the Government do not accept it."

The amendment was, by leave of the House, withdrawn.

1.15 p.m. VIII.—*The Tanjore Chatram Endowments (Utilization) Act, 1942.*

* THE HON. SRI K. MADHAVA MENON:—"Sir, I appreciate the amendment given notice of by the hon. Member. In fact,

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what the hon. Mr. Bhashyam wants is to give greater powers to Government by adding anything that they think necessary to the schedule so that the temple chatram fund may be used for the purpose. In fact, the object of this amendment is to enlarge the powers of Government. I am not accepting the amendment because the Government have already provided an amendment in the original Act to take powers for the Government in the case of the Orathanad School of Agriculture the cost of which is being met by the Tanjore Chatram Fund. The legal advice in regard to the matter is that a mere amendment to the schedule itself is not the correct procedure but that an amendment of the Act would be necessary. The matter is already under consideration and I hope to bring out very soon before the legislature an amending Bill which will serve the purpose of the amendment proposed by Mr. Bhashyam. I hope the hon. Member will be satisfied with this explanation and withdraw the amendment."

* SRI K. BHASHYAM:—"In view of the fact, that Government is considering the question and that they propose to introduce a Bill dealing with the matter, I withdraw my amendment."

MR. SPEAKER:—"In fact the hon. Member has not moved the amendment at all."

The First Schedule was put and carried.

The Second Schedule was put and carried.

VII.—*The Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1941.*

* SRI K. BHASHYAM:—"I am not moving my amendment relating to this, because Government do not seem to be in a mood to accept it, though it is a small matter."

XVI.—*The Madras City Improvement Trust Act, 1945*

* SRI K. BHASHYAM:—"Sir, I think there is some difficulty about this. I had a discussion with the Hon. Minister in charge of the Bill and I am not convinced with what he said about it. I would like to point out what the matter is. Under the City Improvement Trust Act, there is a provision for constituting a tribunal to deal with matters arising out of the Act. The tribunal shall consist of three members, namely, a president and two assessors. The president shall be either a barrister, advocate or pleader of not less than ten years' standing, who has practised as an advocate or pleader in the High Court of Judicature at Madras. Now, we are getting rid of barristers and even the Government of India Act does not recognize them. It is only advocates of the High Court that are recognized for the purpose and I do not see why under this Act, we should recognize barristers, fresh from England for being appointed as President of the Tribunal even though they might have practised in the Madras High Court for a day or so. In the case of barristers there is

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no limit of ten years, whereas there is ten years of practice necessary for the advocate or pleader and it is open to the Government to appoint as a member of the Tribunal, barristers from England, Malaya or China, which I do not think is the intention of the Government. I would like, therefore, to persuade the Government to accept my amendment. It is possible for an Indian practising in Malaya or elsewhere to come here and practise, say, for seven years or so. Is he to be sent out because he has not got ten years of standing? If a person had gone out of his country and spent sometime elsewhere he should seek his fortune there. When there are eminent persons here available and who can satisfy the conditions of the section, I do not think it necessary to give any preference to a person who had gone out of his country and practised there for some time. Therefore, I move, Sir, that in section 74 (2) (b) the words 'a barrister' be omitted."

SRI A. KALESWARA RAO:—"I second the amendment."

* THE HON. SRI K. MADHAVA MENON:—"Sir, I am not enamoured of barristers nor is it because of any particular affection towards barristers that I am reluctant to accept this amendment. Conditions in the last three or four years in the East were different. I discussed the matter with the hon. Member. There are Indian barristers who have evacuated from Singapore and they were practising in Singapore and Malaya States not because they did not love our country but because they thought they could get better practice there. Now they have to be evacuated for no fault of theirs and they might not have put in ten years of practice as required by the section. Nobody can get into the Tribunal unless he is an advocate of the Madras High Court. If he is a barrister he need not have ten years of practice but need only be an advocate of the High Court. There may only be, after all, a few persons of that category and it is not right to exclude these persons. The Act as it stands at present says: 'a barrister, advocate or pleader of not less than ten years' standing, who has practised as an advocate or pleader in the High Court of Judicature at Madras' shall be the President of the Tribunal. Thus no one can be appointed to the Tribunal unless he has practised for ten years as an advocate of the Madras High Court. Even a barrister, to satisfy the conditions laid down here, should have practised as an advocate for ten years. I do not want to shut out such of the barristers who have chosen to come back to India or had to evacuate for no fault of theirs, to become members of the Tribunal. So, it is more or less to encourage barristers who have come here for no fault of theirs that the clause has been put in there. As a matter of fact, an Indian who has practised in England as a barrister or even in Malaya for five years and then gets himself enrolled in the Madras High Court and practised for five years, will be disqualified if you remove that word. There is no reason to impose such a disqualification on all those persons. I therefore request the hon. Member not to press his amendment."

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* SRI K. BHASHYAM:—"Since the Government are not able to accept the amendment, nor have I got the persuasive power to make them accept it, I withdraw the amendment."

The amendment was, by leave of the House, withdrawn.

VIII.—The Madras Elementary Education (Amendment) Act, 1946.

* SRI K. BHASHYAM:—"Sir, I hope this will share a better fate than my other amendments, because this deals with a practical difficulty in the matter of working the Elementary Education Act. Persons who do not send their boys or girls to schools have to be sent before some officer for the purpose of being punished. Originally it was the Commissioner of Corporation in the City of Madras and the Chairmen concerned in the case of municipalities who had the power to punish persons who do not send their boys or girls to schools. It was found in actual practice that during the Advisers' regime a District Educational Officer, a hard-hearted Government officer, would be more able to do the work than a person who depends upon the votes of members. I accepted it to a certain extent, because the elected members would be reluctant to be strict for they have to be dependent on those who have elected them for their re-election. The difficulty is, there is only one District Educational Officer for the whole district and if a large number of cases have to be tried by him he will not be able to cope up with the work properly. Therefore, I am suggesting to the Government that such other person as may be appointed by the Provincial Government in this behalf, might be appointed to dispose off accumulated cases and also for relieving congestion of work with the District Educational Officer. Of course, I am not saying that the work should be taken away from the District Educational Officer but what I am suggesting is that some other person may also be appointed to deal with the cases. As a matter of fact, when you are having honorary magistrates for dealing with other cases, you can have without much difficulty honorary men for this purpose also and I hope Government will see their way to accept my amendment."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"While seconding the amendment, I entirely agree with what my hon. friend, Mr. Bhashyam has stated, but one thing I must strongly object to and that is in regard to the expression used by him when he was speaking about District Educational Officers as being hard-hearted. I repudiate that statement. I know not only from my personal experience but even from my association with these officers, that they are the most human and humane of the officers I have ever seen. But there is much force in the argument put forward by my hon. friend, Mr. Bhashyam, and I am sure the Hon. Minister for Education will see his way in allowing honorary magistrates and such other officers as may be found necessary to

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deal with the problem along with the District Educational Officers in the districts. It is for this reason I support the amendment."

BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, I wish to support the amendment of my hon. Friend, Mr. Bhashyam. As I have already pointed out I do not know why the Select Committee at the outset wished to delete this sentence. If the Educational Officers have not been able to function satisfactorily there may be some reasons for it. Perhaps, as Mr. Bhashyam stated, one District Educational Officer is not able to tackle the problem in the entire district. Hence he has suggested that the work may be delegated to some honorary magistrates or even to revenue officers as recommended by the late Sir Meverel Statham. The Government will be well advised in accepting Mr. Bhashyam's amendment."

* THE HON. SRI K. MADHAVA MENON:—"Sir, I have found some administrative difficulty in accepting this amendment. In fact, Mr. Bhashyam's amendment is only enlarging the powers of the Government. The words in the section are: 'District Educational Officer' and Mr. Bhashyam wants to add the words 'or such other person as may be appointed by the Provincial Government in this behalf'. In fact the amendment only enlarges the power of Government to choose the persons, though he does not say whether they should be officials or non-officials. He now says they may be honorary magistrates. In the subsequent section provision has been made for appeal to the Director of Public Instruction. We are considering the question of amending the provisions relating to punishment of offences and it is, therefore, not right that we should accept the amendment for giving power to honorary magistrates or to any other body. The question whether the power of appeal should lie with the Director of Public Instruction has also to be examined and that is the reason why it was taken away from here and put in the Third Schedule. Government will certainly put the whole thing in order so that both the question of appeal and the persons likely to be appointed would be considered. We are only asking the House permission to continue the Act for one year in the course of which we may have the whole question examined. I hope the hon. Member would not press his amendment."

* SRI K. BHASHYAM:—"In view of the fact that the Government is taking up the matter and are likely to bring in an amendment in respect of the matter, I have to withdraw my amendment."

The amendment was by leave withdrawn.

The Third Schedule was put and carried.

The Fourth Schedule was put and carried.

The Preamble was put and carried.

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

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

(2) THE MADRAS RE-ENACTING (NO. II) BILL, 1948 (L.A. BILL NO. 6 OF 1948).

* THE HON. SRI K. MADHAVA MENON:—"I present the report of the Joint Select Committee on the Madras Re-enacting (No. II) Bill, 1948 (L.A. Bill No. 6 of 1948)* and move that the Bill, as reported by the Joint Select Committee, be taken into consideration at once.

"Sir, it is exactly similar to the Bill that I have already moved and has been accepted by the House. The Joint Select Committee considered the whole matter. The Third Schedule related to certain Bills taken from the First Bill and taken over to the second Bill. The question will be re-examined by Government whether to put them on the Statute Book after one year. The Fourth Schedule deals with the repeal of certain Acts. There are two amendments to the Schedule which would be dealt with when the amendments are taken up.

Clause 1 was put and carried.

Clauses 2, 3, 4, 5 and 6 were put separately and carried.

First Schedule.

The Madras Stamp (Increase of Duties) Act, 1943 (Act XVI of 1943).

SRI K. BHASHYAM:—"Mr. Speaker, Sir, I move the following amendments that stand in my name—

In Section 4 (d) (vi), clause (a), for the words 'three hundred and twelve rupees eight annas' the words 'one hundred rupees' shall be substituted.

In Section 4 (d) (vi) the following shall be added after Exemptions (a) and (b):—

"(c) Entry as an Advocate on the roll of any High Court when he was previously enrolled as pleader under the Legal Practitioners' Act and has been enrolled as such for not less than 25 years prior to the date of application of such entry."

The two amendments refer to the question of stamp duty payable upon the enrolment of an attorney as an advocate of the High Court and the enrolment of a pleader of a mufassal court as an advocate of the High Court. The position prior to the amendment of the Adviser Government was that in the case of attorneys they paid Rs. 375 for articulated clerkship and when they

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actually enrol themselves they have to pay another Rs. 312-8-0 before he becomes an attorney. Certain rules were passed by the High Court according to which he can become an advocate and for enrolling himself as such he has to pay an additional sum of Rs. 312-8-0 which is really unnecessary. I may inform the House that prior to this amending Act, the position was that an attorney has to pay only Rs. 500 in all in the old days until it was increased under the amended Act to Rs. 625 and he need not have to pay anything at all if he wanted to be admitted as an advocate. I propose this amendment with some confidence because looking at the number of attorneys on the rolls of the High Court to-day, I find there are not more than half-a-dozen who can take advantage of this amendment. Perhaps it may even be less. If they are asked to pay another Rs. 312-8-0 it will tell rather heavily upon them. I hope the Government will accept this reasonable amendment. The Adviser Government have done an injustice to these attorneys, because they did not remember the fact that the attorneys have paid the full quota of Rs. 625 for entry as attorneys. Thus a mistake has crept in and an injustice has been committed. I request the House to accept my amendment and set right the injustice. I hear the Hon. Finance Minister saying 'Financial loss'. It is not going to be any loss worth mentioning. Attorneys are going out of fashion altogether, at least in the Madras Presidency; their number is dwindling and I think there are only half-a-dozen Indian attorneys who want to become advocates. If all the six of them want to become advocates on payment of rupees 312-8-0 each, the total amount will come to only Rs. 1,800 odd and nothing more than that. Even that is not the real loss. Strictly speaking it will only be Rs. 1,200 because they have to pay Rs. 100 now each. Simply because an injustice has been committed by the previous Government it should not be perpetuated. This is so far as the attorneys are concerned."

* THE HON. SRI K. MADHAVA MENON:—"Sir, my difficulty in the matter is the figures supplied to me from the office are not exactly the same as given out by Mr. Bhashyam. The enrolment fee for an attorney is Rs. 312-8-0. The amendment of Mr. Bhashyam is to substitute Rs. 100 for Rs. 312-8-0. A person who wants to be an advocate has to pay Rs. 625. An attorney on enrolment has to pay Rs. 312-8-0 and subsequently he has to pay another Rs. 312-8-0. I don't see any reason why an attorney should be placed in an advantageous position. This amendment is not fair. I cannot, therefore, accept it."

* SRI K. BHASHYAM:—"There is some difficulty in accepting the position taken up by the Hon. the Minister in charge of the Bill. It seems he has omitted to notice that for becoming an articulated clerk, an attorney since March 1942, he has to pay Rs. 375 as stamp duty and another Rs. 312-8-0 for becoming an advocate, thus making up a total payment of Rs. 687-8-0. It will be seen from the Stamp Act that an attorney

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before he really enrolls himself as such, has to undergo a course of clerkship for five years and for entering clerkship has to pay a sum of Rs. 375. Similarly advocates pay Rs. 625 as stamp duty. Since there was no change from one category to another every practitioner got himself enrolled as an advocate by paying Rs. 10 to the Bar Council. This fee was increased to Rs. 50 later on by an Act passed in 1943. It is probably a mistake and it should be cancelled forthwith. In the Stamp Act there is also a section which requires that a person who wants to article himself as an apprentice or attorney after 3 or 5 years has to pay a stamp advocate he has to pay another Rs. 100. After all the financial duty of Rs. 375 plus Rs. 312-8-0 and for becoming an implication is only very little and I request the Government to see that the injustice done by the Adviser Government is set right."

* THE HON. SRI K. MADHAVA MENON:—"Sir, I don't think there is any piece of injustice done. The fee was Rs. 312-8-0 and my friend wants to reduce it to Rs. 100. With the figures at my disposal I am not able to understand the position of my hon. Friend. If the amendment is accepted an attorney has still to pay Rs. 412 at the time of enrolment while an advocate has to pay Rs. 625. I shall call for the figures and if as my hon. Friend says the number of attorneys is only six, I shall examine the case and if necessary, bring in an amendment before the next sitting. I therefore, request the hon. Member to withdraw his amendment."

SRI K. BHASHYAM:—"I only want to make this point clear so far as this is concerned with reference to the reply of the Hon. Minister. He has appealed to me to withdraw my amendment. Before I do so I would like to have some information from him. I want to know if he has satisfied himself with the position I have stated to-day and if so, to accept it even now, because if they want to bring in fresh amendment it would take them a long time. I may point out that apart from European attorneys—I do not know their number—the Indian attorneys are only six altogether. I am sure about it."

MR. SPEAKER:—"I see conversation is going on between the hon. Member and the Minister."

SRI K. BHASHYAM:—"It is only an aside, Sir."

12-45
p.m.

THE HON. SRI B. GOPALA REDDI:—"He is helping us to make up our mind."

* THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, the amendment has only been received by us three days ago and it is not possible to accept the amendment without ascertaining what will be the financial implications of it; we must know what it is that we are likely to lose before we finally come to a decision. But these matters will certainly be examined and we shall see that necessary amendments are brought forward by the next session."

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SRI K. BHASHYAM:—"In view of the assurance, I beg to withdraw the amendment."

The amendment was by leave withdrawn.

* SRI K. BHASHYAM:—"Mr. Speaker, hope never dies and that is the reason why I am moving my amendment—

'In section 4 (d) (vi), the following shall be added after exemptions (a) and (b):

"(c) Entry as an advocate on the roll of any High Court when he was previously enrolled as pleader under the Legal Practitioners' Act and has been enrolled as such for not less than 25 years prior to the date of application for such entry."

For the information of hon. Members who may not know the position, I may say that there are three kinds of legal practitioners in this Presidency. The one is the attorney and the second is the pleader who is entitled to practise in the mufassal courts, the district courts of three or four districts only and he pays Rs. 25 per year for purposes of renewing his sanad and there is the third class, namely, the advocates who pay a lump sum of Rs. 625 for enrolment and he is entitled to practise in the High Court and all over the Presidency. Regarding the pleaders, I know, I have seen the file and I can tell hon. Members that there are about three thousand of them and they are all paying at the rate of Rs. 25 per year for renewal of their sanads and Government is making Rs. 75,000 every year. As regards revenue derived by this means, I can say that this pleader class is fast disappearing because under the Bar Councils Act there is no more enrolment of pleaders and it is dwindling and it cannot be added to. The number is going down due to retirement and death. So this is a matter on which no Government is entitled to rely upon for purposes of revenue. My amendment seeks to say that if a pleader has been in the field as a legal practitioner for 25 years, he has paid Rs. 625 to Government already and such a person should not be asked to pay it once more to Government for his enrolment. It will not seriously affect the financial position of the country because I have restricted my amendment to only such of the pleaders who had had 25 years of practice. So far as my information goes the number that can avail themselves of it will only be about a hundred and year after year that number will be reduced. My point is that there should be no further levy on them. This is a source of revenue which is in fact dwindling and so no considerations of finance should stand in the way of accepting the amendment. The House itself is committed to the unification of the Bar and that is why the Bar Council said that there should be no more pleaders and everybody must be advocates. If that principle is accepted and that has been accepted by the Legislature, everything must be done for the purpose of helping to bring about the unification and democratisation of the Bar which is necessary for placing all the members of the Bar on

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an equal footing and status. This is a reform which has been requested by every member of the Bar and even the previous Government was promising to look into the matter and to bring early legislation for the purpose. I am pressing this amendment very strongly. If a person had been able to pay Rs. 625, he would have paid it by now; it is not as if all people are successful at the Bar; it is only one in a hundred. The others require relief. In view of the principle of the unification of the Bar and in view of the fact that members of the Bar must be placed on an equal basis, I hope that this amendment will be accepted by the Government."

SRI A. KALESWARA RAO:—"I second the motion."

* THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker having once belonged to the profession, I have the fullest sympathy for the pleaders who have been practising for 25 years but my point is that there are other factors to be taken into consideration. This is not a matter which can be decided off-hand on the principle enunciated by Mr. Bhashyam that the Government are not at all going to lose anything. Mr. Bhashyam argued that people who had been practising for 25 years had paid at the rate of Rs. 25 per year and have paid twenty-five times twenty-five, that is Rs. 625 and they must not be asked to pay Rs. 625 now as such a person must be presumed to have paid the entire amount already. But in such an argument we lose sight of the fact that if a person pays Rs. 625 in a lump sum, what about the interest on it at least 4 per cent per annum and what is the relief that is proposed to him? He could have invested that amount elsewhere, get a return of Rs. 25 per year which he could make over to Government and this is what the return is on Rs. 625 at 4 per cent. So, I regret that I cannot agree with that kind of argument. Further it is open to one flaw in that the contention may be raised that when people who had paid for 25 years are entirely exempted from payment, others who are yet to do a year or two might be registered on a payment of Rs. 25 or Rs. 50 as the case may be and why should there at all be the limit of 25 years? The High Court was approached with a suggestion in June 1946 to the effect that they may be enrolled on payment of Rs. 50 payable under the Bar Councils Act and Rs. 25 on application, but the High Court did not feel that there was any hardship in levying the full fee. I want the House to realize the implications of the amendment. My friend himself when the Bar Association approached him felt that Rs. 312-8-0 might be collected from them. When that is the position I do not understand how one can expect Government to agree to the entire amount being written off and I have regretfully to say that I cannot agree with it. My hon. friend said that there must be uniformity in the Bar; there will be no more pleaders hereafter—because there will be only advocates hereafter and the existing members of the Bar could and can be absorbed. The amendment will cover about 325 members and the loss in income to Government is about Rs. 1,87,500 which represents what they would have paid. The Government is immediately losing it."

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* SRI T. VISWANATHAM:—" Mr. Speaker, may I draw the attention of the Hon. Minister to the fact that he is thoroughly wrong in saying that the Government would lose to the extent he has suggested; as a matter of fact all the 300 are not going to be enrolled; as Mr. Bhashyam suggested there are many who have already paid Rs. 625.

" The Hon. Minister said that interest should be calculated at 4 per cent on what the advocates pay for enrolment but I say that interest should equally be calculated on sums of Rs. 25 which the pleaders have been paying year after year all these 25 years and it will be almost equivalent to the interest on the lump sum paid by advocates for enrolment. What I wish to say is that the Hon. Minister should not bring this red herring across the path; he is not losing as he has said but only about Rs. 75,000 calculated at Rs. 25 for the three hundred of them. I beg of him to accept the amendment instead of multiplying argument and reasons to the contrary."

THE HON. SRI K. MADHAVA MENON:—" Mr. Speaker, I thank the hon. Mr. Viswanatham very much for the very good advice and the instructions he has been kind enough to give me. Valuable as it is, I do not at present think that I can profit by it; we have to consider the ultimate result and not the immediate loss at Rs. 25 each for the three hundred of them. I may remind the House that in September 1947 the Provincial Bar Federation requested that it may be made obligatory that the pleaders should enrol and the fee may be reduced to Rs. 100; but my friend Mr. Bhashyam is more royal than the king himself and wants the whole thing to be abolished at a time when the parties themselves were agreeable to pay Rs. 100. I would say no more than that. Mr. Bhashyam is generous and I would also like to be generous if it is possible for Government to be generous. I regret I am unable to agree with Mr. Viswanatham for whose wisdom I have got the greatest regard. He should not think when the matter is explained in the light of possible implications that red herring is drawn across the path and to condemn it as red herring is not the right thing. The Hon. the Finance Minister will certainly agree that he always asks for the ultimate cost and not for the immediate cost; so also in the case of loss, likely loss has to be considered. (Sri T. Viswanatham: 'Imaginary loss also.') As a matter of fact imaginary loss has also to be considered. The figures are based on the fact that if these 300 are enrolled we would get Rs. 18,75,000 and when an amendment is moved to exclude them, we lose that amount. (Sri K. Bhashyam rose from his seat.) I am sorry I am not yielding; the matter is fairly clear. He said that it was not a possibility but I have to think of a possibility that one day or other all these will be enrolled. I am not saying that these are arguments which would stand in the way of unifying the Bar. I am sorry I am unable to accept the amendment at this stage when it involves the examination of so many points, questions of revenue and even at one stage my friend thought differently and said that it might be Rs. 312-8-0 but now

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to collect nothing without bestowing the least consideration regarding the matter by the Finance and Revenue Departments is to ask too much of me. This also will be examined. We shall consider the suggestion of the Bar Federation for a reduction to Rs. 100 or we can consider the suggestion of my hon. Friend himself of having it as Rs. 312-8-0. We are aware that this is a dwindling institution and there will be no more increase. Regarding the necessity of effecting uniformity, I fully agree. I assure the hon. Member that the various points will be examined and legislation will be undertaken to do something in the matter and that is all that I can say."

* SRI K. BHASHYAM:—" Mr. Speaker, Sir, I think so far as this matter is concerned, there has been an utter confusion in the mind of the Hon. Minister in charge of this Bill. I demonstrated that so far as the number of pleaders with twenty-five years of practice is concerned, it may not be over three hundred. Out of them, some may retire and some may die. About one hundred persons may take advantage of this suggestion. The immediate loss may be Rs. 6,250 and not Rs. 75,000 as suggested by the Hon. Minister. Many of these pleaders do not get themselves enrolled as advocates. Not because they do not really want to enrol themselves as advocates, but because most of them cannot afford to do so. So, after all, the loss would be about six or seven thousand rupees.

" True, Sir, when the Bar Federation suggested Rs. 100, I also said it might be Rs. 312-8-0. But in this, we were having in view the limited class of persons out of the whole class of more than three thousand persons who may include people with a lesser number of practice at the Bar and they may be entitled to be enrolled on payment of that sum. This amendment does not even go to that length but restricts its application to persons with twenty-five years of practice. The Hon. Minister in charge need not take all the trouble to go over past history to show that I am inconsistent in my amendment. It was said that I wanted Rupees 312-8-0 to be the necessary fee when I was the Minister. The hon. Member must know that at that time I was in a more responsible position. Moreover, then, all the pleaders were asked to pay the said amount. Whereas, now, only pleaders with twenty-five years of practice have to be exempted from payment. I wish to ask, in this connexion, whether it is good logic to say I proposed some other amendment. If they had accepted it, I would not have had the least objection. They did not accept the original amendment and they do not accept this also and in opposition to this amendment, to cite the fact that I once suggested Rs. 312-8-0 which was not accepted later is to argue in a strange manner.

" Sir, my submission to the House is, having regard to the restricted application of this amendment, that the Government will accept the same. Further, this is a question concerning the unification of the Bar. The matter was placed on the resolution of the Bar Federation and the Bar Councils all over India, that

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the ultimate principle of unification of the Bar be accepted. In this connection, I must state that even in the matter of loss, it may not be, as I said, Rs. 6,000 for all time but will progressively go down year after year. This is not also a source of revenue which is on a permanent basis and could be depended for all time by the Government because the pleaders are going out of existence altogether and I do not think that loss of revenue for financial or budgetary purpose can be adduced as a sufficient reason by the Hon. Minister to oppose the amendment that I propose. I once again request the Government to accept the amendment and do justice to the class of persons who need it."

* THE HON. SRI K. MADHAVA MENON:—"Sir, except for the consideration of the uniformity in the Bar, there is, I must say, no other consideration which requires the Government to agree for the reduction of the fee. After all,—though I am a member of the profession and I am proud of it—the lawyer's profession is not really a profession which requires consideration from the point of view of revenue, for it is a profession which can afford to pay revenue. Even for doing a trader's profession, one has to take out a licence, so that it is not a question of monetary consideration at all that should weigh with the matter. The only consideration, as I suggested, is the uniformity and Government have that in view and the question will be examined in that light. This class of people who can afford to pay by the income they are getting from their profession, have been paying at Rs. 25 per year and the object of the amendment is to stop it altogether, on the ground that for these twenty-five years they had paid this Rs. 625 which is the enrolment fee. I say there is no justice in asking exemption from payment in respect of which people in other professions have to take out a licence every year.

"Sir, regarding uniformity, whatever could be done will be examined but I am afraid we cannot accept the amendment."

* SRI K. BHASHYAM:—"Sir, I have got an assurance of the Hon. Minister in charge that he is a member of the Bar, sympathetic to the Bar and accepts the principle of the uniformity of the Bar. I hope he will show it and carry out what he has promised on the floor of the House and stick to it. And with that assurance and in the hope that something will be done soon, I withdraw my amendment."

The amendment, by leave of the House, was withdrawn.

First Schedule was put and carried.

Second Schedule was put and carried.

Third Schedule.

* SRI T. K. T. N. R. TATACHARI:—"I am made to understand, Sir, that the Government will not find it possible to deal with

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the position suggested in my amendment otherwise than by amending the legislation on the floor of the House. I therefore do not move my amendment."

Third Schedule was put and carried.

The Preamble was put and carried.

The Hon. Sri K. Madhava Menon moved that the Bill be passed into law.

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

(3) THE MADRAS TOBACCO TAXATION OF SALES AND LICENSING (RE-ENACTING) BILL, 1948.

* THE HON. SRI B. GOPALA REDDI:—"Sir, I beg to introduce the Madras Tobacco Taxation of Sales and Licensing (Re-enacting) Bill, 1948 and move that the Bill be taken into consideration at once.

"Sir, the history of the Bill is very interesting. In 1939 the Tobacco (Taxation of Sales and Licensing) (Amendment) Bill was passed and in 1944 or so the Government of India came to an agreement with this Government and asked us to waive all collections in view of the twenty-two lakhs that they will pay to this Government. But now, the Government of India is collecting over three hundred lakhs of rupees from this Province and we made representations to them that they may share at least fifty per cent with this Government. But so far we have not made any progress and we are still in correspondence with them. We expect that the Constituent Assembly will take up this matter. So I want to keep it alive because in 1943 during the Advisers' Regime, they have repealed the entire Act and by this Act we are repealing that Repealing Act and keeping the original Act and revive it so that we can bargain with the Government of India later and see if we can get something more than this, twenty-two lakhs. By repealing the Repealing Act we are keeping it alive. But for the time being we keep it in suspense so that we can repeal that suspense again and enforce this Act and get what is due to us. As I have told you, it is an interesting thing and I want the House to approve it."

* SRI T. VISWANATHAM:—"Sir, I heard the Hon. Minister for Finance saying that by repealing the Repealing Act, the original position will be revived. That position is somewhat doubtful. I would request the Hon. Finance Minister to refer to the General Clauses Act, not only the Madras Act but also the Government of India General Clauses Act and there is also a like provision in the English Act to the effect that when you repeal a Repealing Act the original position is not revived. I would like the Hon. Minister to make himself sure before proceeding with the Bill on the presumption he has given out."

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THE HON. SRI B. GOPALA REDDI:—"Sir, we are seeking to get it revived and the House is being asked to approve that procedure, viz., that the original Act will be revived and kept in suspense."

* SRI T. VISWANATHAM:—"Sir, what I say is that we should pass a positive legislation rather than depend upon an intention in repealing a Repealing Act."

1.15 p.m. * BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, I support the motion moved by the Hon. Finance Minister. The present position is that this Government are negotiating with the Central Government for a larger share of the excise duty on tobacco. The Sircar Committee has recommended that the Central Government should share this revenue with the Provincial Governments, but we find from the Draft Constitution that the Central Government have not accepted this recommendation. Since the passing of this Bill will help the Provincial Government in their negotiations with the Central Government to get their due share of the excise duty on tobacco, I support the motion."

M. S. ABDUL MAJID SAHIB BAHADUR:—"I have great pleasure in supporting the motion. But I would like to bring to the notice of the Hon. Minister one important fact. The Government of India asked the Madras Government to repeal the original Act because they felt that otherwise there would be double taxation on the dealers in raw and manufactured tobacco. By repealing the Repealing Act, we are creating a situation in which there will be double taxation on tobacco dealers."

THE HON. SRI B. GOPALA REDDI:—"No. While reviving the Act, we are also keeping it in suspense."

M. S. ABDUL MAJID SAHIB BAHADUR:—"If that is so, I have nothing to say."

MUHAMMAD RAZA KHAN SAHIB:—"I support the motion and I want to make just one or two observations. Our Province imposed a tax on tobacco. The Government of India took power to levy this tax from 1944 because they felt that this was a very important tax. Just now the Hon. Finance Minister said that the Government of India were collecting as much as 325 lakhs of rupees. Our Province, particularly Guntur district, is an important tobacco-producing centre, and the Government of India are realizing a good amount of revenue. But I doubt whether the method of repealing the Repealing Act adopted by the Finance Minister will serve the purpose. Every one in this House has got sympathy for the Finance Minister. When we are losing 17 crores by the adoption of prohibition, we should do our utmost to help the Provincial Government to get as much as possible from the Government of India, particularly when it is a share of the revenue derived from this Province. I may bring

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it to your notice that the Bengal Government have always maintained that the Government of India should give them an adequate share of the tax on jute which is grown in that Province. But I would like to know whether it is necessary to repeal the Repealing Act for bargaining with the Government of India. In the Centre there is a popular Government like the one in Madras. We can put our case clearly before them and I am sure they will consider our case very sympathetically but subject to their own difficulties because there is a demand from every Province to get from the Government of India as much as possible. I have got every sympathy for the Finance Minister in his attempt to get something more, and I wish him good luck. By our Finance Minister making an open declaration that he is reviving the original Act for using it as a bargaining counter, we lose our case. The Government of India can very well understand the machination of the Finance Minister. Therefore don't think that they will be simply cowed down. He could have come in a straightforward manner and asked for a larger share. If he really feels that the passing of this Bill will help him to use it as a bargaining counter, I have great pleasure in supporting the motion."

SRI V. M. RAMASWAMI MUDALIAR:—"Sir, I rise to elicit information from the Hon. Finance Minister as to whether the Provincial taxation of tobacco was prevalent in any other Provinces of India and, if so, whether the Central Government took power to collect the revenue themselves under a Central Act and what share of the excise duty on tobacco is given to such Provinces. Out of 325 lakhs collected in this Province as excise duty on tobacco we are given only 22 lakhs and this works out to about 7 per cent. I would like to know whether any figures are available as to the percentage of allocation to other Provinces so that we can find out whether Madras has got a good case to place before the Central Government."

* THE HON. SRI B. GOPALA REDDI:—"As regards the point raised by Sri V. M. Ramaswami Mudaliar, as far as I recollect, there is only one other Province in a similar position and it gets some little money. Our point is whether the Advisers have got the power to mortgage the future finances of this Province in that manner and barter away our right to collect the tobacco-tax for a paltry sum of 22 lakhs. We believe that it is up to us to revive the Act and levy the tax, even though it may result in double taxation. It is up to the Government of Madras and the Government of India to levy and collect their respective tax. It is not our intention just now to run parallel to the Government of India. We want to see whether we can persuade them to give us a greater share of the excise duty. Our case is further strengthened by the report of the Sircar Committee which recommends that at least 50 per cent of the Central excise duty on tobacco must be given to the Provinces. If ultimately our efforts fail, we can remove the suspension of the operation of the Act and enforce it. Then our Act will take its own course and we can get some more money. The

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passing of the Bill will strengthen our hands and enable us to use it as a bargaining counter with the Government of India, and I hope that we will succeed ultimately. So I request the House to pass the Bill."

The motion was put and carried.

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

THE HON. SRI B. GOPALA REDDI:—"Sir, I move that the Bill be passed into law."

SRI A. KALESWARA RAO:—"Sir, I wish to know whether this taxation is a concurrent subject."

THE HON. SRI B. GOPALA REDDI:—"This is a purely Provincial subject."

SRI A. KALESWARA RAO:—"Then, how do the Government of India levy the tax?"

THE HON. SRI B. GOPALA REDDI:—"Ours is a sales-tax. There is an altogether different tax and I do not know what exactly it is. However they came to some agreement with the Advisers' Government to levy the tax themselves and pay 22 lakhs to this Province."

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

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Sir, I move that the House be adjourned now, as there are only four minutes more to rise for lunch."

MR. SPEAKER:—"There is no seconder."

(4) THE MADRAS RESTRICTION OF HABITUAL OFFENDERS BILL, 1948.

* THE HON. SRI K. MADHAVA MENON:—"Mr Speaker, Sir, I introduce the Madras Restriction of Habitual Offenders Bill, 1948, and move that the Bill be taken into consideration at once. (Interruption by Sri V. Raghavayya.) My hon. Friend Mr. Raghavayya asks: Is it the Habitual Offenders Bill? He will find that the Bill before the House is not the Habitual Offenders Bill to which he objected before, but an altogether different Bill to which, I am sure, he will not take any objection.

"The Criminal Tribes Act, 1924, was intended to control members of criminal tribes both individually and collectively. This Act was amended in 1943 and again in 1945. The object of the amendments was to stiffen the original Act in certain respects.

"The Criminal Tribes (Madras Repeal) Act, 1947, intended to repeal the Criminal Tribes Act in its application to this Province, was passed in May 1947. But the Act has not yet been brought into force pending promulgation of the new Madras Restriction of Habitual Offenders Act.

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"The Madras Restriction of Habitual Offenders Act, 1943, provides for the application of the provisions of the Criminal Tribes Act, 1924, to individual habitual offenders. It is proposed to revise it with the object of having a single Act to control the activities of individual habitual offenders, whether they are members of a notified tribe or not, and to enforce the new Act and the Criminal Tribes (Madras Repeal) Act, 1947, simultaneously.

"The Criminal Tribes Act generally provides for the declaration of tribes, gangs or classes of persons of well-known criminal propensities as notified tribes. Members of notified tribes are required to register their names with the police. Some of them are required to notify their residences and some to report themselves at fixed intervals to the Police. The movements of sections of tribes are restricted to particular areas. Dangerous elements among these tribes are confined to settlements.

"Towards the end of 1946 the Government directed that the provisions of the Criminal Tribes Act, 1924, and the Madras Restriction of Habitual Offenders Act, 1943, should not be applied afresh to any person. They subsequently directed in March 1947 that the application of the provisions of the Criminal Tribes Act should be confined to those in Criminal Tribes settlements only. The result is that the provisions of the Act are not now enforced against the members of notified tribes outside the settlements.

"The present Bill is essentially a reproduction of the Madras Restriction of Habitual Offenders Act, 1943, eliminating all provisions which may be considered as objectionable and includes in it the restrictive provisions of the repealed Act only with the object of making it applicable to individual offenders. The general outline of the proposed legislation is that no tribes, gang or class of persons will be brought as such within the scope of the new Act. Only individuals, whether members of notified tribes or not, will be brought within its fold. It is proposed to provide for the following:—

- (i) notification of individuals as habitual offenders;
- (ii) offenders to notify residence;
- (iii) restricting movements to specified areas; and
- (iv) confining offenders in settlements.

The Bill before the House gives up the provision existing in the Criminal Tribes Act of reporting to the police."

MR. SPEAKER:—"The Hon. Minister can continue his speech after lunch. The House will now adjourn for lunch and meet again at 2-30 p.m."

(After lunch—2-30 p.m.)

THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, I was saying before we rose for lunch that immediately on repeal of the Criminal Tribes Act, a large number of habitual offenders who are at present subject to restrictions (though such restrictions are

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held in abeyance) will cease to be liable to any restriction. To deal with the interim situation, it is proposed to bring within the restrictions of the new Act, every one who was registered under the former Act at the commencement of the new Act, and who within the previous five years had been ordered to give security under section 110, Criminal Procedure Code, or convicted of an offence under section 24 of the Criminal Tribes Act or of a non-bailable offence under any other law.

"The provisions in the Bill are liberal when compared with the provisions of the existing Madras Restriction of Habitual Offenders Act. I shall briefly indicate the changes.

"The definition of the term 'Habitual Offender' in the existing Habitual Offenders Act brings within its scope those who had committed at least three non-bailable offences or who had been ordered to give security under section 110, Criminal Procedure Code, or who by repute, as established at a magisterial inquiry are addicted to the commission of serious offences against person or property. The definition of an habitual offender in clause 2 of the Bill is in much more restricted terms. The reference to non-bailable offence has been confined to serious offences set out in the schedule. It is only in respect of the following offences that this Bill will apply:—

Offences under Chapter XII of the Indian Penal Code, such as counterfeiting coin, making or selling instrument for counterfeiting coin, and other offences connected with counterfeiting coins.

Offences under Chapter XVI of the Indian Penal Code, such as culpable homicide, murder, causing grievous hurt, kidnapping, etc.

Offences under Chapter XVII of the Indian Penal Code, such as theft, extortion, robbery, dacoity, trespass, and offences connected with theft, extortion, dacoity, etc.

"Secondly, instead of merely establishing that a person has committed an offence, it has been made clear that a specific sentence of imprisonment should have been passed in respect of the offence. Thirdly, there should be a subsequent conviction in respect of an offence committed after the previous conviction or convictions. So that only a person who has been convicted on three different occasions after each conviction can be thought of being brought under the provisions of the present Bill.

"The existing provision for a magisterial inquiry has been deleted *in toto*. The demand for security for good behaviour under section 110, Criminal Procedure Code, will not make a person a habitual offender, as in the original Act, but will be regarded as equivalent to the passing of a single sentence of imprisonment. Under the former Act, the demand for security for good behaviour under section 110, Criminal Procedure Code, was thought sufficient to bring a person within the mischief of the Madras Restriction of Habitual Offenders Act. While the existing Act does not provide

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for Government action under the Act being questioned in a Court of law, the Bill provides for Government action under clause 3 being questioned in a Court of law.

"Sir, let me now explain the necessity for passing this new Bill into law before the end of April 1948. The Criminal Tribes Amendment Acts of 1943 and 1945 and the Madras Restriction of Habitual Offenders Act, 1943, were passed during the Advisers' regime and these Acts will lapse on the 30th April 1948. The Government are advised that some administrative difficulties may arise if the new legislation is not passed into law by the end of this month. Clause 16 of the Bill provides that every notification issued in respect of any person under section 3 of the Restriction of Habitual Offenders Act, 1943, and in force at the commencement of this Act, shall be deemed to have been issued under section 3 (1) of this Act. As the Habitual Offenders Act of 1943 lapses this month, it is doubtful whether a man registered under this Act can be deemed, after 30th April 1948, to be registered habitual offender. If the new Act is not passed into law before the end of April 1948, the validity of continuing any action taken under the Acts passed in 1943 and 1945 will be left in doubt. It is very essential, therefore, to pass the present Bill into an Act before the end of this month. When the new Act comes into force, the Criminal Tribes (Madras Repeal) Act, 1947, will also be brought into force, so that the Criminal Tribes Act, 1924, as amended in 1943 and 1945 and the Madras Restriction of Habitual Offenders Act, 1943, will be repealed altogether.

"Sir, the legal position is also rather complicated. The Criminal Tribes Act, 1924 (Central Act VI of 1924) was amended by two Madras Acts passed during the Section 93 situation, viz., Madras Act XXIX of 1943 and Madras Act XXV of 1945. The former Act is pretty comprehensive and covers a wide ground. Another Act, called the Madras Restriction of Habitual Offenders Act, was also passed during the Section 93 situation, as Madras Act XXX of 1943. After the proclamation under Section 93 was revoked and the Provincial Ministry was restored, Madras Act X of 1947 was passed. That Act repeals, with effect from such date as the Provincial Government may by notification appoint, the Criminal Tribes Act, as amended by Madras Acts XXIX of 1943 and XXV of 1945, except for the purpose of section 3 of the Madras Restriction of Habitual Offenders Act, 1943. No date has been appointed so far under Madras Act X of 1947.

"The position on the 30th April 1948 on which date two years will have elapsed from the revocation of the proclamation under section 93, will therefore be as follows:—

(1) Madras Acts XXIX of 1943 and XXV of 1945 will lapse.

(2) The Criminal Tribes Act, 1924, as it stood before Madras Act XXIX of 1943, will be restored to its full operation.

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(3) The Madras Restriction of Habitual Offenders Act, 1943 (Madras Act XXX of 1943) will lapse and cease to be in force.

"The validity of continuing any action taken under any amendment made by Madras Act XXX of 1943 will therefore be left in doubt. Similarly the Madras Restriction of Habitual Offenders Act, 1943, having lapsed, it may be difficult to hold that any action taken under that Act can be continued after the 30th April 1948. Having regard to these difficulties, it is very desirable to have this Bill placed on the Statute Book before the 30th April 1948. After all, this Bill is essentially similar to the Re-enacting Bills, Nos. 1 and 11, inasmuch as it seeks to deal with a situation created by the impending lapse of three Acts passed during the Section 93 situation.

"I shall just indicate how the Bill we have now placed before you differs from the Madras Restriction of Habitual Offenders Act, 1943. In clause 1 of this Bill, the Government fix a date of the coming into force of this Act and Clause 2 deals with certain definitions. The definition of the term 'Habitual Offender' has been modified. The proposed definition is in much more restricted terms. In the old Act a Habitual Offender meant, a person who has committed at least three non-bailable offences. No such thing is mentioned here. While the Bill for the Repeal of the Criminal Tribes Act was being discussed in this House, my hon. Friend Mr. Raghavayya said that the Madras Habitual Offenders Act would include political offenders also. Perhaps it might have been true and it is only in order to avoid any such contingency that the definition of the term 'Habitual Offender' has been completely changed and I do not think that any reasonable person can object to the present definition in this Bill.

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"The former definition was: 'A habitual offender' means a person who has committed not less than three non-bailable offences. It will also include offences committed at one and the same occurrence. He can be made a habitual offender on one of the offences and security for good behaviour demanded under section 110. And he was not given any right to appeal to a court also. In this new Bill the definition of a habitual offender has been made like this: 'habitual offender' means a person who, before or after the commencement of this Act, has been sentenced to a substantive term of imprisonment, such sentence not having been set aside in appeal or revision, on not less than three occasions, for one or another of the offences under the Indian Penal Code set forth in the schedule. The schedule gives the offences of counterfeiting coins, etc., and offences against persons such as murder and other things, and theft and dacoity, etc. The three classes of offences have been mentioned in the schedule. Every person who has been convicted definitely three times and sentenced by a court three times, the sentences not being reversed in appeal, can be classified as a habitual offender. Unlike the old section, he must have been sentenced in respect of an offence after the passing

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of a previous sentence on a previous occasion. Further the provision with regard to the passing of an order requiring a person to give security for good behaviour with reference to section 110, Criminal Procedure Code, which would make a person liable to be classified as a habitual offender outright formerly, has been modified and rectified.

"Sir, the objections that were raised last time are not there and as I have already stated, I have restricted the schedule under which habitual offenders can be brought.

"Another change is that about the jurisdiction of courts mentioned in clause 1b. Formerly section 5 stated that no court should question the validity of the Act, etc. It is too wide a provision and the Government have said that an order under clause 3 shall be questionable in a court and the aggrieved party can take up before any court any order or notification passed by Government in the matter. That is the amendment that we have made in the present Bill. You will find that in regard to settlements the main provision says that the Government may authorize any offender at any time and they can direct any notified offenders who may be in a settlement to be discharged, or transferred to any other settlement.

"These are the main provisions of the Act and I am sure that there is nothing in this to which legitimate objections can be taken. Because of the position of the law after the 30th of this month. If it is not passed, this is very emergent and I therefore request the House to take this Bill into consideration at once."

SRI V. RAGHAVAYYA:—"Sir, this Bill was tried to be moved some time before when Dr. Subbarayan was Home Minister. Then he definitely promised on the floor of the Assembly that he would drop this Bill when I drew his attention to certain poignant aspects of the legislation. It is unfortunate that he is not here to-day, for I would have gladly waited for such an opportunity when the prodigal son would have returned to his father and would have had his share of the fatted calf. Nor do the chances seem to be so impossible. This interval has been taken advantage of by the Hon. Minister for Agriculture to rush through this Bill. The Hon. Mr. Madhava Menon, himself a lawyer and a criminal lawyer too, should have known by this time that he is introducing the thin end of wedge of repression which he in hundreds of cases should have condemned before. I wish to draw his attention to the following general features of this Bill which are very pernicious. This Bill tries to punish crimes. The long list of offences given in the schedule are very serious offences no doubt for committing which the criminal undergoes punishment, sometimes even up to ten years or for transportation for life. It is such a man that the Hon. Minister wants to pick up for further punishment for an indefinite period. As I understand law, preventive laws are much less rigorous than those for substantive offences. For instance when a man commits a theft he goes in for two years. Then he is bound over for security for the same offence

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sometimes. The subsequent preventive action should not be more rigorous than the original punishment. Here in the list given in the schedule to the Bill there are offences which are very serious for which a man would undergo even a life sentence. I want to know why he should suffer twice over for the same offence.

“ My second point is that it is vindictive in conception. The Government seem to think that the criminals or the old offenders are wild beasts who have to be cordoned off from cradle to grave, so that they might not inflict injuries by bringing their claws to bear upon the innocent people outside. Whether the public outside are innocent or whether these are cruel beasts is a matter which cannot be decided so easily at present. The Government forget that one of the objects of punishment is reform and not vindictiveness, as has been rightly pointed in the Statement of Objects of this Bill. The Hon. Minister was making the point that hitherto the Criminal Tribes Act was very cruel and that its provisions were rigorous and that the Act was likely to make them more hardened criminals than to reform them. I would like to appeal to the Hon. Minister to see that if judged by that he is not making them more hardened criminals by this law which we are now inflicting. The Statement of Objects and Reasons says: ‘ The special provisions contained in the Act were obviously made to suit unsettled times, and their continuance could hardly be justified in the light of modern progressive penology. Mr. Madhava Menon should come to our rescue to tell us whether in a Free India it is not a cruelty to impose such punishments which have never been conceived of by any jurist in the world till now.’

“ Thirdly, Sir, the Bill gives enormous powers to the police as if their powers at present are too small. The world will laugh at us if it goes out in the Press that for the purpose of deciding whether a man is an offender or not the Commissioner of Police should be treated as a District Magistrate. It is just like saying that a man includes a woman. In fairness, will the Government say that the power of deciding whether a person is an old offender or not could be exercised by the same policeman who holds the criminal from his birth to his grave? In the City of Madras, Sir, the Commissioner of Police has been given enormous powers to declare who is an old offender and is opposed to all laws of jurisprudence.

“ Fourthly, why are the Government not satisfied with the normal procedure of law? The Criminal Procedure Code gives them enormous powers to catch any innocent person and bring him to book and harass him and give him the horrors of hell. The Procedure Code contains the preventive sections, namely, 106, 107 to 110 under which without much evidence you can haul up a man, keep him in for a year or two and say: ‘ You have no austensible means of livelihood ’. They are taking away his freedom and keeping him in prison. Under section 75, I.P.C., a Government which wants to establish order or peace could secure an enhanced sentence from even one month to a period of ten years or transportation of

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life. I wonder what has made this Government lose its sense of fairness in this connexion and invoke all these most rigorous, unwanted, unsuited and uncivilized methods of repression once more in this land.

“ Fifthly, the Government take an unjust view and they consider that once a person is an offender he is always an offender. If only my learned friend, the Hon. Minister, had occasion to visit and witness the picture on the screen which I mentioned the other day to Dr. Subbarayan—unfortunately he is not here—he will see what the history of an old offender is. The story is: The man stole a piece of bread because he was hungry. He was hauled up. He was asked: ‘ What is your livelihood? ’ He said: ‘ None. I stole that bread for eating and not for sale ’. Then he was sent in for ten years of rigorous imprisonment. Then he came out. As soon as he came out he went in search of employment. There was a brand on him and a ticket attached to his neck that he was an ex-criminal. So he got no employment. Then he went to the Government. The Government would not employ him because he was an old offender. Then he went to a private merchant. He was told that he could not be employed as he was an old criminal. Finally he went to the policeman. They welcomed him back with a ‘ My dear fellow ’. So, the man stole another piece of bread and got ten more years. The next time he got another sentence of ten years. So he has been a prisoner for thirty years for stealing three pieces of bread.

“ Sir, that is a big long story. I only say it because the bogey of old offenders is nothing but a myth which has possessed our Government also as it did other Governments. We, Congressmen, when we were out of the jails, were we not eloquently saying that we would bring new hope to the people who were inside jails? We said to them, we will enact a civilized law; we will do a lot to improve your position; we will try to remove your shackles and make you free men. But, we have got to-day, the Criminal Tribes Act in another form. It is nothing but old wine in a new bottle. It is only the Hon. Mr. Madhava Menon who is tactful enough to understand this and indeed he, very tactfully tried to explain away this ugly aspect. He has put it in such a way that in defending this Act, he painted the Bill as being innocent but in its seeming innocence, there is the poison of a thousand snakes. It may be, he was too simple and too innocent not to understand the implications of provisions of the Act. He seems to think that he will be always in power when he assures that the Act will be leniently dealt with. Dr. Subbarayan said with reference to the Public Safety Act that it would not be applied so lightly so long as he was in office but to-day he is gone but still the Act is there. Therefore, Sir, the Madras Government should get out of these moorings and deal justly with these habitual offenders.

“ Now, Sir, I come to the provisions of the Bill. Now, the Bill says, in Clause 15: ‘ No court shall question the validity of any notification (other than one under section 3), or order,

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issued under this Act.' Mr. Speaker, Sir, what is the court of law provided for? Sir, it looks as though the framers of this section and the law Secretaries, who are in sympathy with the Government always put in such a clause in every Bill. Sir, from the time this Government took up office, it has been fighting shy of law-courts. Some Secretary drafts such a clause and the Minister laudably thinks that it is necessary and approves it. It only shows the inferiority complex of the Government in fighting shy of law-courts. In every Bill and every legislation there is a clause to some such effect that the courts shall have no powers in respect of that particular Bill or legislation. I ask why do they want such a safeguard? Are they coy-maidens or are they gosha ladies or are they so much afraid of the law that it makes them feel shy of public criticism?

"Then, Sir, another provision with regard to restricting the movements of an habitual offender says: 'The Government may, by notification, cancel any declaration made under section 6 or alter any area notified under that section or this section; and the District Magistrate may, by order in writing, alter any area notified under section 6 or this section into any other area situated in his district. Suppose, for instance, Government declares that a notified offender shall be restricted in his movements to a specified area. Under existing law, the District Magistrate is empowered to delegate his powers to a Subdivisional Magistrate. What has happened to-day will be repeated to-morrow. Actually you are giving excessive power to the head constable or Sub-Inspector. Because, the District Magistrate will delegate his power to the Subdivisional Magistrate and under the existing system, the power will go into the hands of the head constable or Sub-Inspector. On account of this, the Arukulas who are convicted for such offences from day to day would suffer most. From day to day, I have pointed out that these poor people are persons who suffered most.

"Then, about the settlements, Sir, section 10 says 'that the Government may, by order, direct that any person voluntarily residing in any settlement shall be subject to all or any of the restrictions and penalties imposed by or under this Act on a notified offender placed in such settlement.' In these cases, the District Magistrate bases his opinion on the report sent by a head constable or a Sub-Inspector and passes an order. Sir, it is the duty of the Government to explain to the person why such a person is classified as an habitual offender. But even the charges here are not given to him according to the provision of the Bill.

"Again, section 3 (2) says that a reasonable opportunity shall be given to a person to show cause against the issue or modification of a notification. In this connexion, there is also a provision that the offender should intimate to the authority his place of residence and every change or intended change thereof. It means he should not leave his village without intimating the matter to the District Magistrate. It also means that for a specified period the person should not move from his place. We have been talking vehemently

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against detentions. But, this is nothing but a detention camp so far as the offender is concerned. If you keep such persons in these detention camps, naturally you will be throwing them into the hands of the Communists and providing opportunities for them to become hardened criminals. You should not create such conditions. Again, if you do not provide for an appeal in a court of law so that they may defend themselves, then those persons who are already hardened criminals and discontented with life will turn out to be either marauders and revolutionaries. So, I think the Hon. Sri Madhava Menon has not recognized the importance of his legislation. For a long time past, I wanted that the Government should bring forward a legislation for the improvement and reclamation of old offenders but the present measure does not meet that object.

"Then, Sir, there is no provision in the Act on the ameliorative side. There is also in this Bill the imposition in an inhuman form of a mandate restricting the movement of a habitual offender. In my opinion, this provision with regard to the restriction of movement is a most drastic provision which has been introduced in his wonderful piece of legislation without the Government taking any responsibility to feed the internees. The Hon. Sri Madhava Menon says that the Government can restrict the movement of a person without liability. But how long can you ask a person to live in the same place without providing his means of livelihood? You are trying to draw an orbit for the movement of a particular person, do not feed them but ready to punish them. What is the justice for that?

"Again, there is no provision made in the Bill as to which court shall try these offences. I do not know how the Minister failed to note this simple fact. Provision must be made that such and such a court shall try these offences. I think it is better if the Subdivisional Magistrates are empowered to try such offences here some justice can be got. You must also provide a court of appeal. It may be a District Court. For these reasons, I would suggest to the Government to resort to the practice of referring this Bill also to the Select Committee where these points can be discussed at length and I can promise that the matter can be disposed of within two hours and I also promise to give a more comprehensive Bill so that the people may not say that even Mr. Raghavayya has agreed to this nefarious Bill."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Sir, it is hardly necessary for me to speak after Mr. Raghavayya has spoken, because he is a specialist on the problem of these habitual offenders and the under-dogs. Sir, I must say that all those members of the party in power and the members on the Treasury benches are habitual offenders since they have gone to jail twice or three times. It is being enacted to stop every member of the party in power being an habitual offender. Because they know where the shoe pinches, they have come forward with this Bill. Mr. Raghavayya also stated that this Government is fighting shy

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of law-courts. I throw out a challenge now; let Government show us at least two Bills wherein they have not introduced this provision about law-courts. They know that there are many complaints with regard to the measures passed by them and that is why they prefer that there should be no reference to law-courts. There is another point and my hon. Friend Mr. Raghavayya also mentioned it. You have already sentenced a man three times for his offences and if you are going to punish him again under this Act, it is an additional punishment. The Government should not have come forward with this sort of legislation. The Minister said that it is an urgent Bill. Perhaps this Government are not capable of doing anything for the good of the people. There are more urgent and immediate problems to look after. Therefore, more harm is done by the Government and the members of the Ministerial party in discussing these things when vital questions such as the food problem are not settled which are essential things for the people outside. Suppose there is an offender in one taluk who has committed a serious offence. What happens is the District Magistrate sitting in another place is empowered to notify that such a person is an habitual offender. This is one of the most unnecessary Bills. If the Government think that unless this Bill is there they will not be able to rule this Province, it is high time they do not sit on the Treasury benches. For the last two months it has become the fashion of the Government to arrest people in the name of Communists. The Public Safety Bill has come in very handy for the Government. They resort to it in season and out of season. They apply it in the case of persons whether they are innocent or not. Why should not the Government take some of these cases to a court of law? It has become a fashion with the Government to arrest people and keep them without trial simply because there is a Bill which confers such a power on them. They take shelter under it. Why should the Government fight shy of the courts, as Mr. Raghaviah said? Why should they feel shy like gosha ladies? In every Bill which this Government have brought forward, they have introduced a clause saying that no court shall interfere with the matter. Mention was made of a tribunal in the Public Safety Act. Has that tribunal come into existence at all? If it has come into existence, why has no case been referred to it? Why should the Government fight shy of courts? After all there may be very few cases. You have got the police to manipulate the case diaries and all that. Even then why have you no confidence in the courts?

“Now in addition to habitual offenders you have got a new word ‘notified offenders’. Any Sub-Inspector or head constable can fabricate evidence to show that the man is missing. It is very easy to say that this man is not in this village or town or taluk. Then that man is again doomed. I have seen cases where these offenders have become slaves and have to work in the constable’s or Inspector’s house simply because they have to stay in that particular place. By this small Bill, the Government are taking

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away the freedom from these people who are likely to reform, while they do not feel the necessity and the duty of trying all possible reformative measures.

“Sir, in season and out of season these people have been promised heaven. It was said that manna would drop from heaven as soon as we got independence. The Leader of the House when he presented the budget some time ago waxed eloquent at the powers they have got and said that the Governor had no powers to interfere. But you cannot squander the money. In the budget that has been presented, have you allotted any money for the reformation of these people? But you are thinking of controlling them and restricting their movements. (An hon. Member: ‘Settlements.’) The settlements are there. The less said about them the better. There is corruption. There is idleness. They are only dens for keeping these people. These people must be given some work. If you do not give him work and enable him to earn his livelihood, how can he stay in the place? He may have committed an offence in that particular place and he may not be able to get proper employment there and it is better that he shifts to another place. Have you not shifted from place to place and from portfolio to portfolio?”

THE HON. SRI B. GOPALA REDDI:—“Have you not changed from party to party?”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Change is the order of life. Therefore let them change their places as they like and try to lead a new life. If you restrict them to some places and some professions, it will be nothing but slavery for some of our brethren. It is better that a Bill of that nature is not introduced in this House.”

* SRI A. VAIDYANATHA AYYAR:—“Mr. Speaker, Sir, originally this Act contained a lot of defects. They have now been removed. The original Habitual Offenders Act was capable of being perverted and applied even against political offenders. The Act has been carefully restricted so as to be applicable only in very hard and important cases where restrictions are necessary. The schedule refers to offences like counterfeiting coins which naturally will upset the economic conditions of the State. It refers to offences mentioned in Chapter XVI of the Indian Penal Code like ‘kidnapping a child under ten years with intent to steal from its person’. Then offences under Chapter XVII have been included.

“Then, Sir, ‘habitual offender’ has been carefully defined as a person who . . . has been sentenced to a substantive term of imprisonment, such sentence not having been set aside in appeal or revision, on not less than three occasions. . . . This shows that it is not three offences committed at one and the same time, but offences committed on three different occasions. Constituted as we are, I do not think we can quarrel with the definition. The question is whether persons who have been guilty of offences

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involving violence or offences against property on three different occasions should not be regarded as habitual offenders in the interests of the peace and security of the State.

"Sir, the object of the Bill has been misunderstood by some of my hon. Friends. When a man commits repeated offences against property, we can increase his sentence, but this Act provides a preventive remedy and puts a weapon in the hands of the Government which may prevent the recurrence of the offence. The Act provides that in cases where the Government declare the offenders as habitual offenders, some restrictions may be placed on them either by general rules or by notifications so that those persons may be kept out of mischief. The Government may be complimented upon for making a provision like that. However we may deal with crime, crime as such will not vanish. If it were so, with the advent of Swaraj, the Indian Penal Code might have been repealed by the Central Government. The very fact that it is still there on the statute book and that from day to day we are creating new offences shows that with the advance of civilization crime also increases. The original Criminal Tribes Act was passed by the Government of the day because they found that it was difficult to deal with crime *en masse*. There was a certain amount of harshness about it. Our Government have now removed the Criminal Tribes Act. But we have also to see that there are sufficient safeguards and preventive measures so that offences are not committed by habitual offenders.

"Now, Sir, there has been famine in three districts and there has been an increase in the number of offences of house-breaking. For the last two or three days, in Madura City alone there have been 22 instances of house-breaking. When people are in difficulties, crimes increase and preventive measures are necessary. Under the old 1943 Act there was provision for restricting the movements of a number of persons. Therefore while we may regret having to place such restrictions on these people, we find that they are well intended. We cannot quarrel with them.

"Sir, some of the provisions seem to be loosely worded. They have to be rectified. Clause 5 says—

'Every notified offender shall intimate to such authority and in such manner as may be prescribed, his place of residence, every change or intended change thereof, and every absence or intended absence therefrom.'

Does the place of residence mean the house or the town? Secondly supposing I intend to move from my house to some other street or village, that intention commences as soon as I think about it. It may or may not materialize after all. But if the intention is not notified, I would be committing an offence. If I were a habitual offender or a notified offender and if I tell my friend that I intend to change my house or go to some other village, I would have committed an offence if I do not intimate the intended change or intended absence to the District Magistrate. Suppose I tell my friend that I propose to go to a marriage somewhere else.

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I would have committed an offence if I do not inform the District Magistrate about my intended absence. I think there is a flaw in the legislation which might possibly work a hardship. It is indefinite. Especially in a penal law like this, there should not be a loophole.

"There is one other thing, Sir. I am glad to note that there is an exemption made in clause 15 of the Bill, which says 'No court shall question the validity of any notification (other than one under section 3) or order, issued under this Act'. That is perfectly right and the Government have to be complimented on this. Section 3 says, 'The Government may, by notification, if they are satisfied that any person is a habitual offender, declare that he shall be subject to the provisions of this Act. . . . Again 'habitual offender' means a person having been convicted on not less than three occasions. This thing can be easily ascertained. It is easily ascertainable whether a person has been convicted three times or not. The Bill has specifically provided that other orders may not be questioned than the order under section 3. What I want to point out is this. Of course you say the court may question, but which is this court that is provided under the Act? You say, the court can question the validity of any notification but there is no provision except for the Government itself to revise it. You do not place the power with any criminal court; let it be a District Magistrate or a Sessions Judge and when once you provide for a court questioning the order, you must also indicate the forum in which a man must be put. Can we insist on having the conviction placed on a person and then try him in a criminal court? Very often a person may be questioned ultimately for a breach of order and when hauled up before a criminal court, it is possible that the court may be able to question that order. There should be an immediate rectification of the order itself. My suggestion to the Government is, they might also provide some forum to him so that there may be an appeal. There is no great difficulty in that when you have defined in section 3 'habitual offender' in a particular way. There is no discretion left and any court may by rule of thumb declare whether a person is a habitual offender or not. Section 16 seems to be somewhat all-embracing. Of course it has been done with the best of intentions. I would like to point out whether it may not be necessary to change it so as to restrict the period somewhat less. What the section provides is this: There may be persons against whom there is an order or there was an order under section 3. This gives retrospective effect so that you can classify 'habitual offenders' persons who come under the scope of section 16 in any way. Section 16 says: 'In respect of every person who stood registered under the Criminal Tribes Act, 1924 at the commencement of this Act and who within a period of five years immediately preceding such commencement, had been ordered to give security for good behaviour with reference

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to section 110 of the Code of Criminal Procedure, 1898 or convicted of an offence under section 24 of the said Act or of a non-bailable offence under any other law, a notification shall be deemed to have been issued under section 3, sub-section (1), of this Act, declaring him to be subject to all the provisions of this Act; and this Act shall apply to every such person accordingly. This gives retrospective effect. If a man had been convicted within five years of the commencement of this Act of any non-bailable offence or ordered to give security under section 110 of Criminal Procedure Code till the last five years the person who is said to be registered under Criminal Tribes Act automatically comes within the scope of this Act and a notification shall be deemed to have been issued. Look at the all-embracing nature of the position. The law says that with regard to such a man he shall be deemed to have been a notified offender under section 3 of the Act declaring him to be subject to the provisions of the Act. I do not know whether you are to carry the all-embracing features of the last Criminal Tribes Act especially while you are repealing it, to everybody who has broken it in the last five years and automatically deal with him as a notified offender? I think that provision requires considerable relaxation because you will have many persons who have committed offences during the last five years. These have to be removed. While it is necessary as a preventive measure it must at the same time prevent opportunities for committing offences. Everybody agrees that it has to be administered wisely within the limited scope.

"One other matter I wish to refer to in this connexion and that is in regard to kidnapping which has recently taken place in a big city like ours. There have been instances where men going on a bicycle in the course of a single day taking away 10 or 15 children and stripping them of all their ornaments. It is a wonder how all the children were able to identify the persons who took them away and deprived them of all their jewels. There have been frequent instances like that. While approving the nature of the Bill and some of its provisions restricting the scope I would draw the attention of the Government to remove the intended change or intended absence or make it more explanatory. That is one thing. The second point, I would urge on the Government is to indicate the court to whom you can carry your complaint against section 3 if it is wrongly ordered under section 3. Thirdly, with regard to section 16, you are making almost everybody who has committed an offence, provided he was a member registered under the Criminal Tribes Act, 1924 to come under the Act for having committed a non-bailable offence. I think it requires loosening in that respect."

* SRI K. BRAHMANANDAM REDDI:—"Mr. Speaker, Sir, being at the legal profession for a decade and more and having a rather intimate knowledge of how the supposed offenders are harassed by the police, it will not be outside my province if

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I do not agree with this measure. But, certain instances also have come to my notice and, I presume, to the notice of several members which certainly make it incumbent on the Government to adopt restrictive measures of this type. Now, Sir, the hon. Mr. Raghavaiah pleaded eloquently for having no Bill of this type and hon. Mr. Salam also spoke and in speaking, as usual he shot off the mark and he would excuse me if I say that relevancy is not his 'forte.'

"I would request the Government to look into some of the provisions of the Act which according to me are penal. In this connexion I wish to refer the Hon. Minister to Section 2 (5) which deals with the definition of habitual offender. True, it certainly restricts in a much better way than the 1943 Act. But the explanation, namely, 'the passing of an order requiring a person to give security for good behaviour with reference to section 110 of the Code of Criminal Procedure, 1898, shall be deemed to amount to the passing of a sentence of substantive imprisonment within the meaning of this clause' is to my mind really objectionable. The Hon. Minister is aware that section 110 of the Criminal Procedure Code is a sort of omnibus section. It can rope in anybody and especially clause (f) of that section would rope in any man provided the police say he is a desperate or dangerous character. Sir, any kind of hearsay evidence is admissible. As such I suggest that if section 110 also has to be considered as a substantive punishment it should be restricted to the first five sub-clauses only of section 110. Supposing under the definition of habitual offender a person is asked three times consecutively to give security, should he be considered a habitual offender? Supposing an offender is not punished for any of the offences mentioned in the schedule but only ordered to give security under section 110 consecutively three times what happens to him—whether he could not come under the definition of 'habitual offender'? If it does so, I think it is better to have a safety valve somewhat on the following lines: 'Provided that convictions under section 110, Criminal Procedure Code, shall be considered to be a sentence of substantive punishment for once only.' The addition of words like these will certainly exclude him from the operation of that clause.

"I want to know, Sir, why the Government have taken power to delegate their function to the District Magistrates because the Government might now be aware that generally orders passed by the District Magistrates under the Criminal Tribes Act or probably under this Act, will be generally routine orders recommended by the head constable or sub-inspector. The mere fact that a District Magistrate's name is mentioned does not mean that the District Magistrate is going to exercise his discretion in individual cases and approve the notification. What happens is as soon as a sub-inspector or head constable or a station-officer reports that a certain man is a habitual offender he is booked under the Act and a notification shall immediately follow by the District Magistrate. So, however much the Government may think that

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the Act will not be abused, still there is chance for the local officialdom to abuse it. Therefore I would request the Government to take away section 15 of the Act and substitute it by another section, viz., that the District Judge of a district shall, on the application of the aggrieved person, set aside or modify an order as the case may be. That means if the Government or District Magistrate notify under section 3 or 6, it is up to the District Judge who is the highest legal authority for the district to hear the aggrieved party and say 'yes' or 'no'. That will provide a safeguard against any possible abuse by the local police.

"I have certainly an objection, as stated by Mr. Vaidyanatha Ayyar to section 16 (1). Of course I need not repeat the argument advanced by him because it will amount to repetition. I would only request the Government to delete that sub-clause.

"In the schedule, several offences have been mentioned. I entirely agree with the Government when they say the offences have been very seriously restricted. But I do not know why the undermentioned section had come in here.

1-45 a.m. "Causing grievous hurt generally arises not only in cases of habitual offenders but even in villages where there are party factions. If unfortunately driven by factions they in the villages happen to be convicted for causing hurt and if they are to be roped in, I should say that I disagree with the inclusion of those sections. Habitual offenders are people who commit offences which involve a certain amount of moral turpitude. If a man is convicted for hurt, simple or grievous, it does not necessarily follow that he is a habitual offender or a man who should be placed under restraint; but the man who commits robbery, dacoity or extortion, is in a different situation altogether because there is an element of moral turpitude in the crimes and only such people should be roped in as habitual offenders and not other ordinary law-abiding citizens who due to faction or some extraneous reason, beat each other and come under the mischief of section 322, 324 or 326 of the Indian Penal Code. That is why I strongly appeal to Government for omitting these sections from the schedule. I am unable to agree with what Mr. Vaidyanatha Ayyar said with regard to section 5. The intended change thereof does not come into operation so long as it is an intention. God knows not the thought of man and much less the ordinary men or the learned; that is the saying oft-quoted. If merely he intends to change his residence, it does not become an offence so long as that intention is not conveyed to the authorities. My submission is that especially as regards section 110 an amendment must be made and section 15 has to be given up and another section must be inserted to give jurisdiction to District Judges and in the Presidency Town to the Chief Presidency Magistrate to question the validity of an order passed either by the Government or the District Magistrate. I suggest that section 16 (1) be deleted."

BEGUM SULTAN MIR AMIRUDDIN:—"Mr Speaker, I do not see why a Bill of this nature instead of its being refered to a

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Select Committee is sought to be passed in the House all at once. It is indeed a matter for gratification that the Government are repealing the obnoxious Criminal Tribes Act in toto and, that this Bill is a great improvement over the previous Act of 1943. Nevertheless, it cannot be claimed that the Bill before us is so perfect as to be passed by the House all at once. It does require minute consideration. Even the hon. Mr. Vaidyanatha Ayyar who has supported the measure, has pointed out that there are a number of loose clauses in the Bill that have to be rectified; Mr. Raghavayya and Mr. Reddi also have made a strong case for the Bill being referred to the Select Committee instead of its being rushed through in the house. Since this Bill aims to restrict the liberty of movement of a certain number of citizens of this land; even though they may be criminal tribes; sufficient time should be given to the members to scrutinize its clauses. Viewed from the rational and from the humane point of view, I think that a Bill of this nature should be referred to a Select Committee."

"As is usual with the Government we have clause 15 in the Bill to restrict the power of law courts. Unless the Government change their attitude towards the court of law, I think there is great danger in store for this country; it is no use saying that the judiciary will be independent and will not be interfered with. Unless and until we allow the law courts to exercise their power over all matters, which should legitimately fall within their perview, there will come a time when there will be no work left for the law courts. If the executive appropriates to itself all the functions of the judiciary and the present tendency is allowed to continue, courts of law will have to be abolished in this country in course of time. This will indeed be a calamity unheard of in any civilized land. The Government must, therefore, restrain themselves in regard to this matter and in future should refrain from inserting a clause in their Bills, ousting the jurisdiction of the law courts. I hope the Government will not again turn a deaf ear to this appeal.

"Another matter to which I wish to refer is that according to section 16, who had been registered under the Criminal Tribes Act will be subjected to punishment in a sort of retrospective manner. Although the Government are repealing the Criminal Tribes Act, in fact a large number of people registered under that Act will be brought under this measure. In view of the defects that have been mentioned elaborately by the previous speakers, I feel that the Government will be well advised if they do not rush through this Bill but refer it to a Select Committee."

SRI V. I. MUNISWAMI PILLAY:—"Mr. Speaker, taking note of clause 18 of the Bill I welcome the introduction of the Bill, whereby the Criminal Tribes Act is to be repealed for which the House has been clamouring for many decades. Coming to the other provisions of the Bill I feel they will work a great hardship on the unfortunate communities that go under the name of scheduled classes. There has been a lot of propaganda in the villages with the result that agricultural labourers have taken to political activities in joining some of the political parties known

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as Communists and Socialists. Due to illiteracy and ignorance some of these people have been made tools of by these parties. I feel that great hardship will be caused to these unfortunate people. In clause 3 Government have taken powers to notify habitual offenders. Government after all have to use the media of the local officers and we know what is happening in the villages to-day. Unless the taluk and district officers take a correct view of the happenings in the villages, I am afraid this Bill will work a hardship to these unfortunate people. The Government have proposed Industrial Agricultural Settlements. I do not object to reformatory settlements where those people who become habitual offenders may be reformed but in the case of the Industrial and Agricultural Settlements people who may be led away by others to commit certain offences may be drafted which clearly shows that this Bill has something to achieve by way of rules and regulations where people who are interesting themselves in industry and agriculture may be roped in and made sane in order to enable them to carry on the avocation they have taken for their lives. Coming to penalties, people who are first convicted, have to undergo imprisonment for six months or a fine of Rs. 200. In the case of the people who are economically very bad, they will not be in a position to pay any penalty and therefore, they have to be simply huddled in jails. On the second conviction also, I am afraid the provisions will work still harder. Under clause 13, he may be arrested without a warrant by a police officer or even by the village headman or the village watchman. In the face of it, I tremble to think what will be the fate of these people who due to ignorance commit some simple offence and are styled as habitual offenders and put under this category. I do not know whether there is any provision for giving a warning to these people and the more so, when there is no appeal. Any legislation that is made in this House must appeal to the man of ordinary common sense and must be admitted by an average man as fair and just. There is one redeeming feature that I find in this Bill and that is the Government have taken the power of making rules. I think I must appeal to Government and the Hon. Minister who has taken the task of piloting this Bill to see how far he could protect the people who are illiterate and who do not know and are not in a position to understand what the rules and regulations and the laws of the country are. Moreover, in the schedule, robbery and attempt to commit robbery are mentioned. In these days of starvation we know what people could get and it is easy for agricultural labourers and labourers doing such other work to be very easily roped in and in taking the powers to make rules and regulations, I think the Government will kindly consider how unfortunately these people will be placed unless there is some safeguard to protect them. With these few words, I support the Bill."

p.m. THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, the main objections raised against this Bill have been answered by my hon. Friend Mr. Vaidyanatha Ayyar. I must thank him

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for making my task of replying very easy. The main objectors were Messrs. Raghavayya and Salam Sanib. I am constrained to say that Mr. Raghavayya's criticism is based more on sentiment than on real facts advanced against this Bill. Mr. Raghavayya, in his usual attempt at oratory, said that the Government were acting as if they were dealing with 'cruel beasts,' and referred to 'the inhuman mentality of the Government,' 'the threat of vindictiveness' and 'the calamity' that the country will pass through if this Bill is passed into law. A good portion of his criticism was directed more against sections 74 and 75 of the Indian Penal Code and the security provisions of the Criminal Procedure Code than against this Bill. He says that this Bill will bring all people under the clutches of the police. The Government have lost all sense of fairness, once an offender, always an offender, this is only old wine put in new bottles—these were the expressions which Mr. Raghavayya used generally without specifying in what particular respects they applied to the clauses of the Bill. 'Once an offender, always an offender,' is not the basis of this Bill. The Government do not at all want that once an offender he should ever be an offender at all afterwards. From Mr. Raghavayya's speech it will appear that administration by the application of the Habitual Offenders Act is the normal thing in the country and that the Government have been waiting for an opportunity to take powers to put everybody under that Act. That is a very exaggerated view of things and it is not correct. I must say that he has been unfair in levelling that charge against us. As Mr. Vaidyanatha Ayyar pointed out, the definition of a 'habitual offender' goes against the contention of Mr. Raghavayya that once an offender, the Government want him to be an offender always.

"I can understand the criticism that the Government are nervous about courts of law when we do not provide for the courts to interfere. But I wonder why we should be charged in the same manner when we have made provision for the courts of law to interfere in cases where the aggrieved person chooses to move in the matter. The crux of the whole Bill is in section 3 which gives power to the Government to notify an offender, all the other provisions dealing only with the administration of the Act after a person is so notified. The court has been given the power to question the validity of any notification issued under section 3. It is a travesty of fact for Mr. Raghavayya to say, and Mr. Salam perhaps merely echoed what Mr. Raghavayya said without himself reading the Bill, that the courts have been studiously avoided.

"Mr. Vaidyanatha Ayyar pointed out that the particular court had not been specified. My impression is that a person can go to any court which has got jurisdiction, and naturally there will be an appeal against any order of that court as is provided for in the Criminal or Civil Procedure Code. But I wish to say that under section 11 (1), the particular court can be specified in a rule."

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SRI A. VAIDYANATHA AYYAR:—“It has been found that a power of appeal or a power of resort should be specified in the Act itself. So, while I accept the assurance of the Government, I say that it may be difficult to put it in a rule as it will be liable to question.”

THE HON. SRI K. MADHAVA MENON:—“If it cannot be done under the rule, I shall take the earliest opportunity to specify the particular court to which the matter can be referred.

“Mr. Raghavayya said that no period had been fixed. Section 7 gives power to the Government to cancel any declaration if they are satisfied that it is no longer necessary. So I don't think that there is any point in that objection.

“Mr. Raghavayya waxed eloquent on the detention of the people. He said that the Government would rue for it. Whether his imprecations and curses on this Government are going to have any effect is for the future to decide and it is not for me to answer. (Interruption by Sri V. Raghavayya.) It may be his fond wish and perhaps the wish of a great man like him may be fulfilled. But I am not here to answer the pious wish of my hon. Friend.

“As regards Mr. Salam, his speech, as usual, has been packed more with abuse than with real objections. I did not hear from him even a single objection to this Bill. But he indulged, if I am not unparliamentary in saying so, in wild abuse of the Members of Government. As he could not do so in other places, he has taken advantage of this opportunity. As he himself admitted, perhaps his remarks are not taken seriously by anybody, though it may be a matter of amusement for some of us here.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“Mr. Speaker, Sir, is it parliamentary for a Member of a Government to say that the speech of an hon. Member is not to be taken seriously? The Hon. Minister said that whatever Mr. Salam said need not be taken seriously.”

THE HON. SRI K. MADHAVA MENON:—“I only gave the substance of Mr. Salam's own words. Mr. Salam himself said that he was not taken seriously. Perhaps he knows better than I do. If my language is unparliamentary, I shall withdraw.”

MR. SPEAKER:—“It is not unparliamentary. But I wish to know what exactly is the point of the hon. Member. Probably the Hon. Minister wants to impress on the House that the hon. Member Mr. Salam was not serious in what he said.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“Can anybody make a remark like that? There is a world of difference between saying that he was not serious of what he said about a particular thing and that whatever he says need not be taken seriously.”

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THE HON. SRI K. MADHAVA MENON:—“I did not say that I would not take anything that he said seriously. I simply repeated because what he said about himself may be true.

“Mr. Brahmanandam Reddi explained that if an offender decided to change his residence, he could inform. If he did not change, it would be difficult to prove whether he intended to change or not. Sri Vaidyanatha Ayyar pointed out defects in three sections, section 5, 15 and 16. As regards the defect pointed out in section 15, I have already answered. As regards section 16, towards the end of 1946 the Government directed that the provisions of Criminal Tribes Act and the Madras Restriction of Habitual Offenders Act, 1943, should not be applied afresh to any person. Immediately on repeal of the Criminal Tribes Act, a large number of habitual offenders, who are at present subject to restrictions (though those restrictions are held in abeyance), will cease to be liable to any restriction. Some of them may have to be restrained, and to do this power has been taken in section 16. The caution that has been given will be very carefully noted in administering the section.

“Mr. Brahmanandam Reddi, I am afraid, was under a misapprehension about section 2 (5). Under the previous Restriction of Habitual Offenders Act, an order under section 110, Criminal Procedure Code, by itself rendered a person liable to be classified as a habitual offender. But under this Bill, it is not so. An order under section 110, Criminal Procedure Code, will be taken as one of the three convictions for which he has been sentenced. Mr. Brahmanandam Reddi asks: Is it fair to notify such an offender as a habitual offender? I want to draw the attention of the House to the security provisions of the Criminal Procedure Code. What section 110 says may be borne in mind. This is what it says:

“Whenever a Presidency Magistrate, District Magistrate, or Subdivisional Magistrate or a Magistrate of the first class specially empowered in this behalf by the Provincial Government receives information that any person within the local limits of his jurisdiction—

(a) is by habit a robber, house-breaker, thief, or forger,
or

(b) is by habit a receiver of stolen property knowing the same to have been stolen, or

(c) habitually protects or harbours thieves or aids in the concealment or disposal of stolen property, or

(d) habitually commits, or attempts to commit, or abets the commission of, the offence of, kidnapping, abduction, extortion, cheating or mischief, or any offence punishable under Chapter XII of the Indian Penal Code, or under section 489-A, section 489-B, section 489-C or section 489-D of that Code, or

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(f) is so desperate and dangerous as to render his being at large without security hazardous to the community, such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Magistrate thinks fit to fix.

Mr. Raghavayya was saying that a person of no ostensible means of livelihood could be brought within the scope of this Bill. That is section 112 of the Criminal Procedure Code. The offences referred to in section 110 only are included in the schedule. If a person is sentenced for three consecutive offences under section 110, he need not necessarily be classified as a habitual offender. The Government have only taken power to classify him as such. So there is no basis for entertaining such a fear.

"As regards the offence of causing hurt mentioned in the schedule, my hon. Friend Mr. T. S. Pattabhiraman has given notice of an amendment and I shall deal with it when the question comes.

4-15 p.m. "Sir, the hon. Lady Member Begum Sultan Mir Amiruddin asked why this Bill is not referred to a Select Committee. I thought, Sir, that I had already explained this point at the beginning of my speech when I introduced this Bill. This Bill has to become law before the 30th of this month. Our Legal Advisers have advised us that some of the Acts passed during the Advisers' regime will not be valid if this Act does not come into force before that date. Moreover many of the orders passed under those Acts are still kept in doubt and that is why there is this urgency to pass this Bill into law before 30th April 1948 and not to refer it to a Select Committee.

My hon. Friend Mr. Muniswami Pillay has made certain suggestions and at the same time he warned us also against certain abuses in the working of this Act. Sir, these suggestions and the caution which he has given will be of use in taking action under this Act."

SRI A. VAIDYANATHA AYYAR:—"Mr. Speaker, may I make a small submission? In clause 16, cannot the Government make a small amendment in order to make it better instead of having these all-embracing clauses. Sir, what the Government have proposed under clause 16 is this. 'In respect of every person who stood registered under the Criminal Tribes Act, 1924, at the commencement of this Act and who, within a period of five years immediately preceding such commencement, had been either ordered to give security for good behaviour with reference to section 110 of the Code of Criminal Procedure, 1898, or convicted of an offence under section 24 of the said Act, or of a non-bailable offence under any other law, a notification shall be deemed to have been issued under section 3, sub-section (1) of this Act, declaring him to be subject to all the provisions of this Act.' After all, not every person who has been registered under the other Act should necessarily be deemed to be a person who is to be notified under

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this Act. I do not think, Sir, that that is the intention of the Government. The Act proposes that the Government may issue a notification only in respect of such persons who have committed at least three non-bailable offences. So far as these persons are concerned, why should it automatically be taken that they have already been notified? I think it will be sufficient if the Bill provides that a person who comes under section 16 may be deemed to be a person who could be notified under section 3 (1), so that not all the persons should be deemed to be notified persons under this Act, because automatically a very large number of persons will be brought under this Act as soon as the rules are framed and their liberties will be curtailed, which I am sure, is apparently not the intention of the Government. What I am therefore suggesting is, that to meet the requirements of public security, the Government may straightway choose such persons whom they want to bring under this Act under section 3 (1), by issuing the necessary notification."

MR. SPEAKER:—"The hon. Member is making a second speech."

SRI A. VAIDYANATHA AYYAR:—"Sir, I want to make the position clear and I want the Government to see the reasonableness of my suggestion. According to clause 16 of this Bill, a number of people—it may be many thousands—would automatically be subject to the punishable provisions of this Act. That is apparently not the intention of the Government and I believe that the Government will find it sufficient if they choose such of the people whom they want to bring under the provisions of this Act and declare them straightway as notified persons. That would be a very simple and just course. That is my submission, Sir."

* SRI K. BRAHMANANDAM REDDI:—"On a point of explanation, Sir. My point is this. Section 3 (2) of this Bill says that before any notification is issued in respect of a person under sub-section (1), clause (a), a reasonable opportunity shall be given to him to show cause against such issue. Under clause 16 (1) he shall automatically be deemed to have been brought under the provisions of this Bill. Then does not this section conflict with section 3?"

SRI V. RAGHAVAYYA:—"Mr. Speaker, the Hon. Minister will see that section 5 says that every notified offender shall be intimate to such authority and in such manner as may be prescribed, his place of residence, every change or intended change thereof, and every absence or intended absence therefrom, etc. No provision has been made as to how these things should be intimated to the authorities concerned. No provision has been made as to who is to evidence the presence of the offender before the authorities and if he happens to be an illiterate person—and most of the habitual offenders will be illiterate persons—what safeguards are there to ensure that he is given sufficient facilities to comply with the requirements of this clause. After all, it

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may be a remote corner of a municipal town or a village where the person may be asked to notify his movements. How to prove his presence? Where is the provision for all these things?

"In section 3, sub-section (2), it is stated that a reasonable opportunity shall be given to him to show cause against such issue or modification. I ask, is it a legal opportunity or only an executive opportunity? If it is a legal opportunity, then evidence has to be recorded according to the Evidence Act. Otherwise it will be useless, if the person wants to make an appeal as provided for against registration under section 3."

THE HON. SRI K. MADHAVA MENON:—"Sir, regarding section 5, the ordinary provisions of the Evidence Act will apply in this case also."

"Sir, I understand the object of the suggestion made by my hon. Friend Mr. Vaidyanatha Ayyar with reference to section 16 of this Bill. Mr. Vaidyanatha Ayyar fears that automatically all those persons who were registered under the old Act, will come as offenders under this section, as it stands. An interpretation like that is possible. What I would submit is this. Since 1946, after the repeal of the Criminal Tribes Act the Government have taken a list of all people who have been registered and they are examining every case with reference to the nature of the offence committed. After the examination is over, orders will be passed cancelling or confirming the notification issued against them, according to the merits of each case. Therefore by 1st May 1948, when this Act comes into operation, a number of them whose cases would have been examined by then, would have automatically got out of the provisions of this Act and the danger which my hon. Friend Vaidyanatha Ayyar apprehends will not be there. But, however, in view of what he said, I shall get his point examined again and if any amendment is necessary to this clause, I shall certainly bring it before this House for its consideration and therefore he may be rest assured that the Government will do everything possible to avoid any hardship or injustice to any class of people affected by this Bill."

"Then Sir, my hon. Friend Mr. Raghavayya was waxing eloquent about the administration of this Act. Those of us who had been to jails know very well who are the habitual offenders and what preventive action should be taken against them in order to make society safe from them. Therefore in such cases, the Government will take all the necessary preventive measures. But this much I can assure hon. Members that this Bill will not be used under normal circumstances against everybody and on every day."

MR. SPEAKER:—"The motion before the House is that the Madras Restriction of Habitual Offenders Bill, 1948 be taken into consideration at once."

The motion was put and carried.

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Clause 1.

THE HON. SRI K. MADHAVA MENON:—"Sir, I move—
'that in clause 1, for sub-clause (3), the following sub-clause be substituted:—

"(3) It shall come into force on the 29th day of April 1948'."

The amendment was put and carried.

Clause 1 as amended was put and carried.

Clause 2.

THE HON. SRI K. MADHAVA MENON:—"Sir, I move—
'that sub-clause (1) be omitted and that sub-clauses (2) to (9) be renumbered as sub-clauses (1) to (8) respectively.'

"Sir, this is only a consequential amendment to the previous amendment which has just now been accepted."

The amendment was put and carried.

Clause 2 as amended was put and carried.

Clauses 3 to 17 (inclusive) were separately put and carried.

Clause 18.

THE HON. SRI K. MADHAVA MENON:—"Sir, I move—
'that in clause 18, for sub-clause (i) the following sub-clause be substituted:—

"(i) for section 1, sub-section (2), the following sub-section shall be substituted, namely:—

'(2) It shall come into force on the 29th day of April 1948'."

The amendment was put and carried and clause 18 as amended was put and carried.

SCHEDULE.

SRI T. S. PATTABIRAMIAH:—"Sir, I move—
'that in the Schedule, in Chapter XVI, section 324 "voluntarily causing hurt by dangerous weapon or means" shall be deleted'."

SRI K. BRAHMANANDAM REDDI:—"I second it, Sir."

THE HON. SRI K. MADHAVA MENON:—"Sir, Section 324 of the Indian Penal Code was included because the hurt is to be caused by dangerous weapons. But now as you know, even a pen-knife or a stick is classified as a dangerous weapon. I have therefore no objection in accepting the amendment proposed by the hon. Member."

The amendment was put and carried.

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The Schedule as amended was put and carried.

The Preamble was put and carried.

THE HON. SRI K. MADHAVA MENON:—" Mr. Speaker, Sir, I now move that the Bill be passed into Law. Sir, it is certainly not a pleasant thing to bring in a legislation like this, but circumstances necessitate that we have to take certain preventive measures against certain habitual offenders. However, let me assure the House that only in cases where preventive action is absolutely necessary, that this Act will be used."

MR. SPEAKER:—" The motion before the House is that the Madras Restriction of Habitual Offenders Bill, 1948 be passed into law."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—" I said, Sir, that there was no necessity for this Bill at all and I was wondering at the reply given by the Hon. Minister. He said that no point had been made out and so he was very anxious to lose and he thought that he simply need not care for what I have said or need not take them into consideration at all. (Interruption.) Sir, it is possible for a few of us to take a horse to the water but it is not possible one hundred per cent to make it drink. I have given about 10 points and the Government are not able to understand them. It is not my fault. Sir, it is a pity that the so-called people's Government should come forward with this Bill. Sir, first of all I said that this was wholly unnecessary. Secondly, as any prominent Members have said, it is very loosely worded. It is really regrettable that a people's Government should have provided for such penal and restrictive clauses without providing any money for ameliorative or reformatory purposes. The Hon. Minister has not chosen to explain why this Government have not allotted any money, so that they may be reformed and educated. Yet he says that it is amusing and all that. I said that this popular Government which has promised so much—I am obliged to repeat that—is for the Gods to see. Yet he says what I have said is 'amusement'. He has not taken care to explain why any amount is not been allotted. Again he said that courts have not been provided. Sir, I would request the Hon. Minister to explain clause 1. If it is not barring the powers and jurisdiction of the courts, what is it then? As you read plain English it reads: No court shall question the validity of any notification (other than one under section 3), or order, issued under this Act. The notification itself is a judgment. It is a sentence and a punishment. Therefore, Sir, to say the entire clause is unnecessary. The Hon. Minister has not made out any case for such a Bill at all. Are the Heavens going to fall if this Bill is not passed. They say: We have got to pass this Bill because it is going to be inoperative after the 30th of this month. Is it a valid reason? Simply because they have forgotten to do it before should the Government come forward and hustle us and answer the Hon. Lady Member by saying that this would not go before a Select Committee. The fact that they have accepted the amendment of Mr. Pattabhiraman

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and promised Mr. Vaidyanatha Ayyar that they would do something later on clearly shows that they do not know where they stand. When an expert like Mr. Vaidyanatha Ayyar says like that there may be so many more amendments as the amendment of Mr. Pattabhiraman to be accepted. My only request is that they should not hurry up matters. Yet they say that it is a matter of amusement. The points that I raised are not answered. Nor do they properly understand what is said. What else could it be but amusement. People have congratulated the Government for abrogating certain previous Acts. This Government want to give retrospective effect to this Act and say that although the previous Act has been abrogated all those offenders who have been declared offenders ought to come under this Act. As this Government is famous for giving retrospective effect to pieces of legislation they give retrospective effect to this also. Simply because the Government have no points to give in answer they cannot simply say, they won't answer at all. I have given these points to show that it is usual for this Government to do like this. Powers of courts have been taken away. They are hurrying up the matter and taking away the freedom of the citizens of this place. They should not simply brush aside these matters. I wish the Hon. Minister takes the speeches taken in shorthand by the official reporter, and reads and re-reads them and comes forward with a reply."

SRI V. RAGHAVAYYA:—" Mr. Speaker, now that the Bill is going to be passed into law I would only urge upon the Minister that he may take into consideration the feelings and opinions expressed by the various Members, particularly that voiced by Mr. Vaidyanatha Ayyar. It was not enough for him to have seen Sri Vaidyanatha Ayyar against me and me against Mr. Vaidyanatha Ayyar, and himself trying to escape. I do not want the Hon. Minister to catch hold of all the people nor do I want to let go all the offenders hereafter. Catch hold of as few people from the previous offenders and catch hold of as many from the people who are going to become offenders. It is not proper to give retrospective effect to a criminal offence. They have done enough in the various pieces of legislation passed till now in the matter. I would request the Hon. Minister to rope in as few habitual offenders as possible so that the outside world may not cavil at us and say: 'It is a country of old offenders'. It would be just like the writing 'Beware of thieves' in all the railway compartments as if India is full of thieves everywhere. I hope that the Hon. Minister will see that this old offenders' Act is not put into force and see that what Dr. Subbarayan could not fulfil, this Government will try to.

"The second point is that you could not bring the Act under the jurisdiction of Courts of law in its entirety. That is all right. But what I suggest is that a legal opportunity should be given to the person who is going to be convicted. I am glad that the Hon. Minister has given an assurance as regards clause 5 that the opportunity would be legal. But he has not given any assurance in regard to clause 3. Let the opportunity given to the offender be useful

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to the offender. Finally I would like the Government to have it as a convention that this Act will not be enforced against any individual for more than 2 years. Give them an opportunity to change their mind. Do not hunt them down. They are ignorant people. They might err. The Government might know that crime has been deemed, according to latest researches, to be only a sort of mental aberration. Let us take a humane view of the old offender. At least under the Madras Government's new regime, let us give him a chance to reform himself just as we had so many chances to reform ourselves from the corrupt things of our lives. My recollection is that in 1946 about 75,000 people have been listed to be under Criminal Tribes Act. I request the Government to be liberal-minded and eliminate as much as possible the rigors of this law, which is going to be a blot on the Statute book, a slur on the fair name of our Government. I hope the Hon. Minister will exercise his discretion and influence the glorious shape of things to come."

* SRI A. VAIDYANATHA AYYAR:—"Mr. Speaker, I entirely understand and sympathize with the anxiety of the Government that this Bill should be passed into law before the 29th April. But on certain matters my conscience is still sorely troubled. With regard to section 5, fortunately it could be remedied by means of some rules, because it is said that every notified offender shall intimate such authority and in such manner as may be prescribed. Therefore there is fortunately a chance that the rule may be so framed as to bring out what is intended by 'intended change or intended absence'. Of course, I am assured by my hon. Friend Mr. Pattabhiraman that it will apply only if a change has taken place. I am not so sure about that. I have been a lawyer for the last 36 years. It is not likely that other people might necessarily construe it in the same way. I would therefore request the Government that in framing the rules to definitely put it that the words, by which it might become an offence if you did not intimate that intended change and intended absence should apply in cases where such a change or absence has subsequently taken place. The intended change does become an offence for not communicating it. If I have an idea to-day and started in the evening it is an intended change and therefore automatically it might be an offence. The rules should so fix it as to make clear these things that the intended change or absence should necessarily be a change or absence that subsequently comes into being, that the interval is sufficiently long between the intention and the change and thirdly that the intended change could be so construed in a law Court as to show clearly and properly that he entertained that intention. I hope that in making the rules the Government will try to make these things clear so as not to let any unfortunately doubtful persons to be subjected to penalties."

"With regard to clause 15 the Government have promised to consider. Whether it would be possible to put it in the rules I have my own grave doubts. In some Acts it is held that resort to

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courts will be provided by the rules. Assuming it is possible I hope the rule will also be passed specifying the courts where you can challenge it.

"Then about 16 (1) I am afraid I still feel guilty, because under clause 10 there are two classes of persons who are sought to be brought under it. Clause 10 (2) refers to cases of habitual offenders who have already been notified under the Habitual Offenders Act, 1943. Then there is a notification. I agree with the Government that in cases where you want that notification to be continued, while repealing the Act, it automatically comes under the General Clauses Act or this Act under clause 10 (2). I do not quarrel with that, because every notification issued in respect of any person under section 3 of the Madras Restriction of Habitual Offenders Act and in force at the commencement of this Act shall be deemed to have been issued under clause 3 (1). That is a perfectly proper one. I do not quarrel with that. It is section 16 (1) where I do not think my conscience can forgive me at all. I feel as if I am guilty of sanctioning automatically in respect of any person who is to be hereafter treated as a notified offender. Under clause 3 you require three convictions after this Act. This opportunity is going to be afforded to him. But the effect of clause 16 (1) is, provided the man was one who was registered under the provisions of the Criminal Tribes Act, 1924, and secondly within that period of five years the man has been directed to give security for good behaviour under section 110, automatically he will be deemed to be a notified man under clause 5 similarly if he had been convicted of an offence under section 24. I am afraid then it would be somewhat harsh."

"No man under the previous Criminal Tribes Act, whether he is sleeping or walking on the roads, could be deemed guilty. Now, within five years if he had been sentenced of an offence, he should be deemed to be a notified man. It is a great hardship, particularly in the case of a person convicted of a non-bailable offence. What I wanted to point out was that it would be sufficient for the Government to see that that man could be deemed to be a man who could be notified. Of course the Hon. Minister in charge of the Bill says 'we are going to have a complete review of the whole lot.' I do not know whether there is any register of these persons. Because, Government do not have a register of all persons who, within five years, have been convicted under section 110 to give security, convicted of non-bailable offences or convicted under section 24. Even if the Government should give directions in the matter, it will take five or six months before they get a list. In the meanwhile, he has to become automatically subject to the notification. No doubt the Government may be perfectly *bona fide*, I believe, in saying that all these cases will be reviewed, but I say, Sir, that the reviewing of five thousand cases is more likely to give difficulty in trying to remove them rather than having a few of them alone as persons

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whom the Police think as persons fit to be notified. You will get a smaller number in which case you can apply your mind much more easily.

"One other danger which I wish to point out to Government is this. Government have now removed the Criminal Tribes Act. But if Government say that there are about 5,000 men coming in automatically, the Collector—I know—generally cannot make an enquiry into all the 5,000 cases. He should ask the District Superintendent of Police, and the District Superintendent of Police should ask the Circle Inspector of Police, and so on it will go to the police constable in that place and each removal from the notification would mean considerable expenditure. Otherwise, I know, a simple report that certain men are people whom it is better to notify, will place the liberties of nearly five thousand people at stake, and will subject them to great hardship. I am still suggesting to the Government to see whether in the rules they make it would not be possible for them to waive this notification. If, the Hon. Minister proposes to bring in an amendment, I would wish that he brings it on the first day after the passing of this Bill. Otherwise, there is the danger of doing injustice to a large number of people. I know a number of friends who are hon. Members in this House, in whose tracts there are these persons previously convicted under the Criminal Tribes Act. What is given by the right hand is taken away by the left hand. In the old Criminal Tribes Act, there was provision for representation. My conscience does not forgive me to be a party to this automatic notification of persons. I hope Government will take note of this."

* SRI T. VISWANATHAM:—"Sir, I also wish to add my voice of protest with regard to clauses 3, 15 and 16. (Muslim League Benches: 'Hear, hear.') The explanation sought to be offered by the Hon. Minister is with regard to clause 16, that some habitual offenders will be let off, there will be a sort of interregnum, and if retrospective effect is not given in the manner proposed in clause 16, there will be several mosquitoes escaping out of the net. That seems to be the substance of his argument, but it is not right, and in point of fact that kind of argument is not right. The punishments imposed or the orders issued under previous legislation will never be exhausted simply because Government repeal that Act. That is the proposition of law which, I suppose, the Hon. Minister in charge of this Bill understands as much as I do. A reference to the Madras General Clauses Act or the Indian General Clauses Act gives him . . . (Interruption.) I see from his whisper into my ear that he is also aware of it, and therefore he need not persist in that argument. Now having done that, when the other point was raised with regard to clause 3, he said that reasonable opportunity will be given to show reasons against any notification under that section 3; but I want the Hon. Minister to reconcile the giving of reasonable opportunity with this automatic declaration of people as offenders under section 16. If under

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clause 16 about 5,000 or 10,000 persons are declared to be offenders *ipso facto* on April 29th, I ask where is the assurance of the Government under section 3 gone? Therefore, I say it is a sort of inner contradiction between clause 3 and clause 16. They do not agree with each other. They must have been drafted at different times or on different dates or by different hands.

"Recently we have been seeing the anxiety of Government to oust the jurisdiction of courts. Minister after Minister is running a race almost as to who shall introduce the greatest number of provisions barring the jurisdiction of courts. Whoever the Minister may be or whatever the Bill may be, provision is made that no court shall question the validity of the 'notification', etc. In clause 3 it is stated that a reasonable opportunity shall be given to show cause against such issue or modification. Before whom is he to show cause, and who is the authority? If the Government wish to notify, they proceed to do so on the information which they get from their officers. That means that that gentleman (I can claim him as a gentleman even though he is termed as a habitual offender) should show a reasonable cause why such notification should not be issued. Therefore, if at all, an opportunity is given, it must be to show cause before a judicial authority. That judicial authority is not mentioned here. If it is suggested that the Government will take note of this lacuna while making rules under this Bill, I am afraid, Sir, that the rules cannot go beyond what the Act says. Somebody may come and say that they do not have the power because the Act does not authorize the Government. Unless the Act says that it is a judicial authority, under the rules you cannot impose somebody else. Therefore, I say, that the provision 'other than under section 3' in clause 15 is really of no use.

"Clause 3 is a very drastic one. It says—

'3. (1) *The Government may by notification—*

(a) *if they are satisfied that any person is a habitual offender, declare that he shall be subject to the provisions of this Act to such extent and subject to such restrictions, if any, as may be specified in the notification;*

(b) *cancel or modify any such declaration.*

(2) *Before any notification is issued in respect of any person under sub-section (1), clause (a), or modified to his disadvantage under sub-section (1), clause (b), a reasonable opportunity shall be given to him to show cause against such issue or modification.'*

"The man will not have either an opportunity or a reasonable opportunity to question . . . (At this stage Mr. Speaker rang the bell.)

"I was only saying that the explanations offered by the Minister are not correct explanations. This tendency to oust the jurisdiction of courts must cease from to-day. If they cannot amend it

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to-day off-hand by accepting any amendment, because it would affect the prestige of the Government, let them bring some amendment very soon hereafter. Let not the Government come forward hereafter with Bills which say that no court shall question the order of the Provincial Government."

THE HON. SRI K. MADHAVA MENON:—"Sir, I have not much to say at the third reading stage of the Bill. Mr. Salam complained that there are some horses that can be taken to the water but cannot be made to drink. Sometimes, there are horses which would suspect the persons who take them and the water to which they are taken and would not drink water. That is all I can say. Mr. Raghavayya was very persistent upon using the word 'old offender'. There is no mention of 'old offender' in the Act. The Act only defines the habitual offender. With regard to Mr. Vaidyanatha Ayyar, as I said at the second reading stage of the Bill, the difficulty which he pointed out, the number of people coming under the provisions of the Bill, will be examined. The question is not whether the number comes to 5,000 or less. I shall see what can be done even before this session is over. About the utterances of Mr. Viswanatham as to what the Government should do, I shall take his lesson for future guidance. His advice will receive as much consideration as it deserves."

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

Mr. SPEAKER:—"I now adjourn the House till tomorrow 11 a.m."

The House then adjourned.

V. PAPERS LAID ON THE TABLE.

1. G.O. No. 276, Finance, dated the 30th March 1948, relating to the Schedule of the Third Supplementary Statement of authorized further expenditure for 1947-8 as authenticated by His Excellency the Governor.

2. G.O. No. 308, Finance, dated the 31st March 1948, relating to the Schedule of authorized expenditure for 1948-9 as authenticated by His Excellency the Governor.

3. Notification appended to G.O. No. 428, L.A., dated the 8th March 1948, regarding the constitution of the Chirala (Guntur) Municipality.

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APPENDIX I.

[Vide answer to clauses (a) and (b) of starred question No. 271, asked by Sri A. Devanavaga Iyah at the meeting of the Legislative Assembly held on the 19th April 1948, page 17 supra.]

Statement showing the rates of discount allowed to stamp-vendors in this Province.

Description of stamps.	Rates of discount.		
	In Madras and other towns with a population of over 50,000 at the last census.	At other places within three miles of which stamps are sold by the Government.	At other places.
	PER CENT.	PER CENT.	PER CENT.
<i>Non judicial stamps.</i>			
	RS. A. P.	RS. A. P.	RS. A. P.
Adhesive—			
Stamps not exceeding in value annas 8 each other than one anna revenue labels ..	3 2 0	3 2 0	6 4 0
Exceeding annas 8 but not exceeding Rs. 5 each	1 9 0	1 9 0	3 2 0
Exceeding Rs. 5 but not exceeding Rs. 50 each	1 9 0	1 9 0	1 9 0
Exceeding Rs. 50 but not exceeding Rs. 100 each	0 6 3	0 6 3	0 6 3
Hundi stamps	2 1 4	4 11 0	6 4 0
Impressed stamp papers of values not exceeding Rs. 50 each	2 1 4	4 11 0	6 4 0
Exceeding Rs. 50 but not exceeding Rs. 100	1 9 0	1 9 0	1 9 0
Non-judicial adhesive stamps exceeding Rs. 100 but not exceeding Rs. 200 ..	0 4 2	0 4 2	0 4 2
Non-judicial impressed stamp papers of value exceeding Rs. 100 but not exceeding Rs. 200	0 12 6	0 12 6	0 12 6
Non-judicial adhesive stamps exceeding Rs. 200 but not exceeding Rs. 400 ..	0 2 1	0 2 1	0 2 1
Non-judicial impressed stamp papers of value exceeding Rs. 200 but not exceeding Rs. 400	0 6 3	0 6 3	0 6 3
<i>Court-fee stamps.</i>			
Stamps of the value of Re. 1 or less ..	1 0 8	1 0 8	1 0 8
Stamps of values not exceeding Rs. 50 each	0 12 6	0 12 6	0 12 6
Stamps of values exceeding Rs. 50 but not exceeding Rs. 100 each	0 6 3	0 6 3	0 6 3
Copy stamped papers	1 0 8	3 2 0	4 11 0
Court-fee stamps of value exceeding Rs. 100 but not exceeding Rs. 200	0 4 2	0 4 2	0 4 2
Court-fee stamps of value exceeding Rs. 200 but not exceeding Rs. 400 ..	0 2 1	0 2 1	0 2 1

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APPENDIX II.

[Vide item IV (1) on page 21 supra.]

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Joint Select Committee appointed to consider the Madras Re-enacting and Repealing (No. I) Bill, 194 (L.A. Bill No. 3 of 1948), has the honour to make the following report:—

The Madras Re-enacting and Repealing (No. I) Bill, 194 was published in the *Fort St. George Gazette*, dated the 9th December 1947.

The Joint Select Committee was appointed on the 24th February 1948.

The Joint Select Committee met in the Council Chamber, Fort St. George, at 3 p.m. on Wednesday, the 10th March 1948, at 5 p.m. on Thursday, the 18th March 1948 and at 5 p.m. on Saturday, the 20th March 1948, and concluded the consideration of the provisions of the Bill.

The only change introduced in the Bill by the Joint Select Committee is that the following enactments which the Committee considered to be of a controversial nature should have their life extended by one year from 30th April 1948 instead of being re-enacted permanently, so that the Government might have time to bring in suitable amendments:—

The Madras Motor Vehicles Taxation (Amendment) Act, 1940.	Act IX of 1940.
The Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1941.	Act VIII of 1941.
The Madras Elementary Education (Amendment) Act, 1941.	Act XV of 1941.
The Madras City Police and Towns Nuisances (Amendment) Act, 1941.	Act XXIII of 1941.
The Madras City Police, Towns Nuisances and Prevention of Cruelty to Animals (Amendment) Act, 1942.	Act XX of 1942.
The Madras City Police (Amendment) Act, 1942.	Act XXXI of 1942.
The Madras City Improvement Trust Act, 1945.	Act XVI of 1945.
The Madras Elementary Education (Amendment) Act, 1946.	Act VIII of 1946.

The Joint Select Committee considered that as the change effected in the Bill was of a minor character it was not necessary to republish the Bill.

A copy of the Bill as amended by the Joint Select Committee is annexed.

FORT ST. GEORGE,
23rd March 1948.

P. SUBBARAYAN,
Chairman.

[Annexure]

[9th April 1948]

ANNEXURE.

[Note.—The changes made by the Joint Select Committee are shown in clarendon type and the portions omitted are shown by dots.]

L.A. BILL No. 3 OF 1948.

A Bill to re-enact certain enactments and to repeal certain other enactments.

WHEREAS the Governor of Madras, by a Proclamation made under section 93 of the Government of India Act, 1935, on the 30th day of October 1939, assumed to himself all powers vested by or under that Act in the Provincial Legislature and in either Chamber of the Provincial Legislature, subject to the provisions contained in the Proclamation;

AND WHEREAS in pursuance of those powers many laws have been enacted;

AND WHEREAS the said Proclamation was revoked by the Governor on the 30th day of April 1946;

AND WHEREAS sub-section (4) of the said section 93 had provided that the laws so enacted should, subject to the terms thereof, continue to have effect until two years elapsed from the date on which the Proclamation ceased to have effect, unless sooner repealed or re-enacted by Act of the appropriate Legislature;

AND WHEREAS notwithstanding the omission of section 93 from the Government of India Act, 1935, by the India (Provisional Constitution) Order, 1947, the laws aforesaid continue, by virtue of paragraph 6 of the said Order, to have effect as described in the foregoing paragraph;

AND WHEREAS it is expedient to re-enact, with suitable modifications some of the laws aforesaid . . . permanently and some of the other laws for a period of one year, and to repeal certain of the remaining laws;

It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Re-enacting and Repealing (No. I) Act, 1948.

(2) It shall come into force on the 29th day of April 1948.

2. The Acts specified in the First Schedule are hereby re-enacted permanently, with the modification specified in section 5.

3. The Acts specified in the Second Schedule are hereby re-enacted permanently, with the modification specified in section 5 and the further modifications specified in the fourth column of that Schedule.

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4. (1) The Acts specified in the Third Schedule, with the modification specified in section 5, shall remain in force up to and inclusive of the 29th day of April 1949.

(2) The Madras Co-operative Societies (Amendment) Act, 1943, with the modification specified in section 5, shall remain in force up to and inclusive of the 29th day of April 1951.

(3) Upon the expiry of the Acts specified in sub-sections (1) and (2)—

(a) section 8 of the Madras General Clauses Act, 1891, shall apply as if the Acts so specified had then been repealed by a Madras Act;

(b) save as provided in clause (a), the Acts, if any, amended by the Acts so specified shall have operation as if the latter Acts had never been enacted.

5. In the preamble to each of the Acts referred to in sections 2, 3, 4 (1) and 4 (2), for the paragraph containing the enacting formula and the paragraph preceding that paragraph, the following words shall be substituted, namely:—

“It is hereby enacted as follows:—

6. The Acts specified in the Fourth Schedule are hereby repealed.

7. The re-enactment of any Act by section 2, 3, 4 (1) or 4 (2) of this Act shall not be deemed to affect the operation of any amendment made in the Act so re-enacted or in any enactment amended by that Act, on or after the 30th day of April 1946 and before the commencement of this Act.

THE FIRST SCHEDULE.

Acts permanently re-enacted.

(See section 2.)

Year.	Number.	Short title.
(1)	(2)	(3)
1940	V	The Prisons (Madras Amendment) Act, 1940.
1940	VII	The Madras City Police (Amendment) Act, 1940.
1940	VIII	The Madras Suppression of Immoral Traffic (Amendment) Act, 1940.
1940	XIV	The Madras District Municipalities and Local Boards (Amendment) Act, 1940.
1940	XVI	The Madras Christian Marriages Validation Act, 1940.
1940	XIX	The Madras Rinderpest Act, 1940.
1940	XX	The Indian Medical Degrees (Madras Amendment) Act, 1940.
1941	IV	The Madras City Municipal (Amendment) Act, 1941.

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Year.	Number.	Short title.
(1)	(2)	(3)
1941	V	The Madras Christian Marriages Validation Act, 1941.
1941	VII	The Madras City Municipal (Second Amendment) Act, 1941.
1941	XI	The Madras Prohibition (Supplementary) Act, 1941.
1941	XIII	The Madras City Police (Amendment) Act, 1941.
1941	XVI	The Madras Nurses and Midwives (Amendment) Act, 1941.
1941	XX	The Canals and Public Ferries (Amendment) Act, 1941.
1941	XXI	The Madras Medical Registration (Amendment) Act, 1941.
1941	XXIV	The Madras Christian Marriages (Second Validation) Act, 1941.
1942	II	The Madras Registration of Births and Deaths (Amendment) Act, 1942.
1942	VIII	The Tanjore Chattram Endowments (Utilization) Act, 1942.
1942	XI	The Rajapalayam Municipal Executive Authority (Functions Validation) Act, 1942.
1942	XII	The Madras District Municipalities and Local Boards (Amendment) Act, 1942.
1942	XIV	The Indian Tolls (Madras Amendment) Act, 1942.
1942	XV	The Madras City Municipal (Amendment) Act, 1942.
1942	XVI	The Periyar Irrigation Tanks (Preservation) (Amendment) Act, 1942.
1942	XVII	The Madras Debt Conciliation (Amendment) Act, 1942.
1942	XVIII	The Madras District Municipalities and Local Boards (Second Amendment) Act, 1942.
1942	XXI	The Madras Rivers Conservancy (Amendment) Act, 1942.
1942	XXIII	The Madras Nurses and Midwives (Amendment) Act, 1942.
1942	XXV	The Madras Probation of Offenders (Amendment) Act, 1942.
1942	XXVII	The Madras City Municipal and District Municipalities (Amendment) Act, 1942.
1942	XXX	The Madras Prohibition (Amendment) Act, 1942.
1942	XXXIV	The Madras Motor Vehicles Taxation (Amendment) Act, 1942.
1942	XXXVI	The Madras City Municipal and District Municipalities (Second Amendment) Act, 1942.

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Year.	Number.	Short title.
(1)	(2)	(3)
1942	XXXVII	The Madras Cotton Control (Amendment) Act, 1942.
1943	I	The Madras Sales of Motor Spirit Taxation (Amendment) Act, 1943.
1943	IV	The Madras Medical Registration (Amendment) Act, 1943.
1943	VII	The Madras Court of Small Causes (Validation of Proceedings) Act, 1943.
1943	IX	The Madras Debt Conciliation (Amendment) Act, 1943.
1943	X	The Annamalai University (Amendment) Act, 1943.
1943	XI	The Madras City Municipal (Amendment) Act, 1943.
1943	XII	The Indian Lunacy (Madras Amendment) Act, 1943.
1943	XV	The Madras Agriculturists Relief (Amendment) Act, 1943.
1943	XXVIII	The Madras Elementary Education (Amendment) Act, 1943.
1943	XXXI	The Madras Debt Conciliation (Second Amendment) Act, 1943.
1944	III	The Madras City Municipal and District Municipalities (Amendment) Act, 1944.
1944	VI	The Madras Local Boards (Amendment) Act, 1944.
1944	VIII	The Madras District Municipalities (Amendment) Act, 1944.
1944	XVIII	The Madras District Municipalities and Local Boards (Second Amendment) Act, 1944.
1945	I	The Madras City Civil Court and Presidency Small Cause Courts (Amendment) Act, 1945.
1945	VIII	The Madras Electricity Duty (Amendment) Act, 1945.
1945	X	The Madras Local Boards (Amendment) Act, 1945.
1945	XII	The Madras Prevention of Couching Act, 1945.
1945	XIII	The Madras Prevention of Begging Act, 1945.
1945	XVII	The Court Fees (Madras Amendment) Act, 1945.
1945	XVIII	The Madras City Municipal (Amendment) Act, 1945.
1945	XX	The Madras District Municipalities and Local Boards (Amendment) Act, 1945.
1945	XXII	The Madras Civil Courts (Amendment) Act, 1945.
1945	XXIII	The Madras District Municipalities (Amendment) Act, 1945.
1945	XXIV	The Malabar Tenancy (Second Amendment) Act, 1945.

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Year.	Number.	Short title.
(1)	(2)	(3)
1946	III	The Madras Legislative Assembly (Railway Employees Removal of Disqualifications) Act, 1946.
1946	V	The Madras Debt Conciliation (Amendment) Act, 1946.
1946	VI	The Madras District Municipalities (Second Amendment) Act, 1946.

THE SECOND SCHEDULE.

Acts permanently re-enacted with specified modifications.

(See section 3.)

Year.	Number.	Short title.	Modifications.
(1)	(2)	(3)	(4)
1940	III	The Madras Commercial Crops Markets (Amendment) Act, 1940.	Sections 2 (a), 3, 4, 5 and 6 (a) shall be omitted.
1941	III	The Madras Electricity Duty (Amendment) Act, 1941.	In section 2, sub-section (2) shall be omitted, and the brackets and figure "(1)" occurring at the beginning of sub-section (1) shall be omitted.
1943	II	The Madras Electricity Duty (Amendment) Act, 1943.	In section 3, for the word "amendments", the word "amendment" shall be substituted.
1943	III	The Legal Practitioners (Madras Amendment) Act, 1943, as	In section 2, for the opening portion beginning with the words and figure "In section 3" and ending with the words "added, namely :—", the following shall be substituted, namely :— "In section 3 of the Madras Electricity Duty Act, 1939 (hereinafter referred to as the said Act), after sub-section (3), the following sub-section and Explanation shall be added, namely :—" In section 3 (c)— (a) in clauses (iv), (v) and (vi) of new sub-section (2B), for the words "may be consulted" the words "shall be consulted" shall be substituted;

[19th April 1948]

Year.	Number.	Short title.	Modifications.
(1)	(2)	(3)	(4)
		amended by Madras Act XIV of 1944.	(b) in clause (vii) of the same sub-section, for the words, brackets and figures "to any Court, Judge, Magistrate or Officer entitled to consult it under clause (iv) or clause (v) or clause (vi), as the case may be", the words, brackets and figures "to any Court which, or any Judge, Magistrate or Officer who, is required to consult it under clause (iv), clause (v) or clause (vi), as the case may be," shall be substituted.
1943	V	The Presidency-towns Insolvency (Madras Amendment) Act, 1943.	In section 16, in new sub-section (2) (b), for the words "in a composition", the words "under a composition or scheme" shall be substituted.
1943	XIII	The Madras Local Boards (Amendment) Act, 1943.	In section 2, clause (i), for the words "The Board of Revenue may, of its own motion, and shall on a direction from the Provincial Government, by notification, resume", the words "The Board of Revenue shall, if so directed by the Provincial Government, by notification resume" shall be substituted.
1943	XXIII	The Madras Pawn-brokers Act, 1943, as amended by section 2 of Madras Act XXVI of 1945.	After section 21, the following section shall be inserted, namely :— "21-A. The Provincial Government may, by general or special order, exempt any company incorporated under the Indian Companies Act, 1913, before the 1st day of November 1944, from any of the provisions of this Act or direct that any such provisions shall apply to such company with such modifications as may be specified in the order."

Central Act VII of 1913.

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Year.	Number.	Short title.	Modifications.
(1)	(2)	(3)	(4)
1945	VI	The Malabar Tenancy (Amendment) Act, 1945.	In section 2, clauses (i) and (iii), for the words "during the continuance of the present war and for such period thereafter," the words "for such period" shall be substituted.
1945	XXI	The Madras Commercial Crops Markets (Amendment) Act, 1945.	1. For section 5, the following section shall be substituted, namely :— "5. For section 6 of the said Act, the following section shall be substituted, namely :— "6. (1) Every market committee shall consist of such number of members, not exceeding twelve, as may be fixed for it by the Provincial Government. (2) The District Agricultural Officer having jurisdiction over the notified area shall <i>ex officio</i> be a member of the market committee established for such area. <i>Explanation.</i> —Where there are two or more District Agricultural Officers having jurisdiction over different portions of a notified area, the Provincial Government shall decide which of such officers shall be the District Agricultural Officer for the purposes of this sub-section. (3) Each of the following electorates shall elect from among the persons comprising it, such number of members as the Provincial Government may determine, to the market committee— (a) growers in the notified area of the commercial crop or of any of the commercial crops, (b) persons licensed under section 5 in the notified area in respect of the commercial crop or any of the commercial crops; and buyers, sellers, and

[19th April 1948]

Year.	Number.	Short title.	Modifications.
(1)	(2)	(3)	(4)
1945— cont.	XXI— cont.	The Madras Commercial Crops Markets (Amend- ment) Act, 1945—cont.	buyers and sellers in such area of the commercial crop or of any such crop, registered as such for a period of not less than one year under the rules prescribed in that behalf. (4) The Provincial Government may appoint to every market committee such number of members as they think fit, not exceeding the number of members to be elected : Provided that where a market committee is established for any notified area for the first time— (i) the Provincial Government shall appoint all the members of such committee for a period of one year ; and (ii) if before the expiry of the period of one year aforesaid, elections of members to the committee could not be held, or if for any reason the Provincial Government consider it desirable that the committee should consist solely of members appointed by them, they may extend the term of office of all or any of the members appointed under clause (i), or appoint new members in their places, for such period or periods not exceeding one year in the aggregate as they may think fit. (5) Every member other than a member appointed under the proviso to sub-section (4), shall hold office for a period of three years from the date of occurrence of the vacancy to which he was elected or appointed, or from the date of his election or appointment, whichever is later :

[19th April 1948]

Year.	Number.	Short title.	Modifications.
(1)	(2)	(3)	(4)
1945— cont.	XXI— cont.	The Madras Commercial Crops Markets (Amend- ment) Act, 1945—cont.	Provided that a member elected under clause (b) of sub-section (3) shall cease to hold his office if he cease to be a member of the electorate by which he was elected : Provided further that a member of the committee shall cease to hold his office if he absents himself from three consecutive meetings of the committee, including meetings which for want of a quorum could not be held. (6) (a) For the purpose of the second proviso to sub-section (5), no meeting of the committee from which a member absents himself shall be counted against him, if due notice of that meeting was not given to him. (b) Where a person ceases to be a member under the proviso aforesaid, the chairman shall at once intimate the fact in writing to such person and report the same to the committee at its next meeting. If such person applies for restoration <i>suo motu</i> to the committee on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, the committee may, at the meeting next after the receipt of such application, restore him to his office of member, provided that a member shall not be so restored more than twice during his term of office.

[19th April 1948]

Year.	Number.	Short title.	Modifications.
(1)	(2)	(3)	(4)
1945— cont.	XXI— cont.	The Madras Commercial Crops Markets (Amendment) Act, 1945—cont.	(7) Any member of a market committee may at any time be removed from office by the Provincial Government for any of the reasons specified in the rules made under this Act. (8) Vacancies arising by efflux of time among elected members of any market committee may be filled at elections which may be fixed by the Collector to take place on such days, not earlier than two months before the date on which the vacancies arise, as he thinks fit. (9) Every market committee shall elect one of its members to be its chairman and another member to be its vice-chairman." 2. In section 12, for clause (i), the following clause shall be substituted, namely :— "(i) for clause (i), the following clause shall be substituted, namely :— "(i) the election, appointment and removal of members of a market committee; the preparation and revision of lists of electors; and the payment of all expenditure in connexion with or incidental to elections ;"
1946	II	The Madras Motor Vehicles Taxation (Amendment) Act, 1946.	1. In section 2 (i) (a), for the words "as may be determined by the Provincial Government in the prescribed manner", the words "as the Provincial Government may, by order, determine" shall be substituted. 2. In section 2 (ii), for the words "as may be prescribed" in both the places where they occur, the words "as the Provincial Government may, by order, determine" shall be substituted.

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THE THIRD SCHEDULE.

Acts temporarily re-enacted for a period of one year.
[See section 4 (1).]

Year.	Number.	Short title.
(1)	(2)	(3)
1940	IX	The Madras Motor Vehicles Taxation (Amendment) Act, 1940.
1941	VIII	The Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1941.
1941	XV	The Madras Elementary Education (Amendment) Act, 1941.
1941	XXIII	The Madras City Police and Towns Nuisances (Amendment) Act, 1941.
1942	XX	The Madras City Police, Towns Nuisances and Prevention of Cruelty to Animals (Amendment) Act, 1942.
1942	XXXI	The Madras City Police (Amendment) Act, 1942.
1945	XVI	The Madras City Improvement Trust Act, 1945.
1946	VIII	The Madras Elementary Education (Amendment) Act, 1946.

THE FOURTH SCHEDULE.

Acts repealed.

(See section 6.)

Year.	Number.	Short title.
(1)	(2)	(3)
1940	II	The Madras Finance Act, 1940.
1940	X	The Madras Payment of Salaries and Removal of Disqualifications (Temporary Repeal) Act, 1940.
1940	XIII	The Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1940.
1941	IX	The Madras Finance Act, 1941.
1941	XVII	The Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1941.

[19th April 1948]

Year.	Number.	Short title.
(1)	(2)	(3)
1942	IV	The Madras Finance Act, 1942.
1942	VI	The Madras City Municipal, District Municipalities and Local Boards (Amendment) Act, 1942.
1942	XXXV	The Madras Prohibition (Second Amendment) Act, 1942.
1943	XXII	The Madras Prohibition (Suspension) Act, 1943.
1944	VII	The Madras Commercial Crops Markets (Amendment) Act, 1944.
1944	XIV	The Legal Practitioners (Madras Amendment) Act, 1944.
1945	XI	The Madras Medical Registration (Amendment) Act, 1945.
1945	XXVI	The Madras Pawnbrokers (Amendment) Act, 1945.

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APPENDIX III.

[Vide item IV (2) on page 33 supra.]

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Joint Select Committee appointed to consider the Madras Re-enacting and Repealing (No. II) Bill, 1948 (L.A. Bill No. 6 of 1948) has the honour to make the following report :—

The Madras Re-enacting and Repealing (No. II) Bill 1948, was published in the *Fort St. George Gazette*, dated 10th February 1948.

The Joint Select Committee was appointed on the 24th February 1948.

The Joint Select Committee met in the Council Chamber, Fort St. George, at 3 p.m. on Wednesday, the 10th March 1948, at 5 p.m. on Thursday, the 18th March 1948 and at 5 p.m. on Saturday, the 20th March 1948 and concluded the consideration of the provisions of the Bill.

The only change introduced in the Bill by the Joint Select Committee is that the following enactments which the Committee considered to be of a controversial nature should have their life extended by one year from 30th April 1948 instead of being re-enacted or repealed permanently so that the Government might have time to bring in suitable amendments :—

The Madras Proprietary Estates Village-service and Hereditary Village-offices (Amendment) Act, 1941. Act XVIII of 1941.

The Madras Public Health (Amendment) Act, 1941. Act XIX of 1941.

The Madras Hereditary Village-offices (Amendment) Act, 1942. Act XXVIII of 1942.

The Madras Hindu Religious Endowments (Amendment) Act, 1944. Act V of 1944.

The Trumalai-Tirupathi Devasthanams (Amendment) Act, 1944. Act XIII of 1944.

The Madras Hindu Religious Endowments (Amendment) Act, 1946. Act X of 1946.

The Madras District Municipalities (Amendment) Act, 1942. Act I of 1942.

The Joint Select Committee considered that as the change effected in the Bill was of a minor character it was not necessary to republish the Bill.

A copy of the Bill as amended by the Joint Select Committee is annexed.

FORT ST. GEORGE,
23rd March 1948.

P. SUBBARAYAN,
Chairman.

[Annexure

[19th April 1948]

ANNEXURE.

[Note.—The changes made by the Joint Select Committee are shown in clarendon type and the portions omitted are shown by dots.]

L.A. BILL NO. 6 OF 1948.

A Bill . . . to re-enact certain enactments . . .

WHEREAS the Governor of Madras, by a Proclamation made ^{26 Geo. 5} under section 93 of the Government of India Act, 1935, on the ^{Ch. 2.} 3rd day of October 1939, assumed to himself all powers vested by or under that Act in the Provincial Legislature and in either Chamber of the Provincial Legislature, subject to the provisions contained in the Proclamation;

AND WHEREAS in pursuance of those powers many laws have been enacted;

AND WHEREAS the said Proclamation was revoked by the Governor on the 30th day of April 1946;

AND WHEREAS sub-section (4) of the said section 93 had provided that the laws so enacted should subject to the terms thereof, continue to have effect until two years elapsed from the date on which the Proclamation ceased to have effect, unless sooner repealed or re-enacted by Act of the appropriate Legislature;

AND WHEREAS not withstanding the omission of section 93 ^{26 Geo. 5} from the Government of India Act, 1935, by the India (Provisional Constitution) Order, 1947, the laws aforesaid continue, ^{Ch. 2.} by virtue of paragraph 6 of the said Order, to have effect as described in the foregoing paragraph;

AND WHEREAS it is expedient to re-enact with suitable modifications some of the laws aforesaid permanently and some of the other laws for a period of one year;

It is hereby enacted as follows:—

1. (1) This Act may be called the Madras re-enacting (No. II) Act, 1948.

(2) It shall come into force on the 29th day of April 1948:

Provided that the re-enactment of Madras Act XIX of 1942 shall be deemed to have come into force on the 31st day of March 1948.

2. The Acts specified in the First Schedule are hereby re-enacted permanently, with the modification specified in section 5.

3. The Acts specified in the Second Schedule are hereby re-enacted permanently, with the modification specified in section 5 and the further modifications specified in the fourth column of that Schedule.

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4. (1) The Acts specified in the Third Schedule, with the modification specified in section 5, shall remain in force up to and inclusive of the 29th day of April 1949. Temporary re-enactment of certain Acts.

(2) Upon the expiry of the Acts specified in sub-section (1)—

(a) section 8 of the Madras General Clauses Act, 1891, shall apply as if the Acts so specified had then been repealed by a Madras Act;

(b) save as provided in clause (a), the Acts, if any, amended by the Acts so specified shall have operation as if the latter Acts had never been enacted.

5. In the preamble to each of the Acts specified in the Schedules, for the paragraph containing the enacting formula and the paragraph preceding that paragraph, the following words shall be substituted, namely:— Modification of preamble to certain Acts.

“It is hereby enacted as follows:—”

6. The re-enactment of any Act by section 2, 3 or 4 (1) of this Act shall not be deemed to affect the operation of any amendment made in the Act so re-enacted or in any enactment amended by that Act, on or after the 30th day of April 1946 and before the commencement of this Act. Re-enactments not to affect operation of certain amending Acts passed before this Act.

THE FIRST SCHEDULE.

Acts permanently re-enacted.

(See section 2.)

Year.	Number.	Short title.
(1)	(2)	(3)
1940	I	The Madras Local Boards (Amendment) Act, 1940.
1940	VI	The Madras Irrigation Cess (Amendment) Act, 1940, as amended by Madras Act III of 1945.
1940	XVII	The Andhra University (Amendment) Act, 1940.
1940	XVIII	The Madras Village Courts (Amendment) Act, 1940.
1941	VI	The Factories (Madras Amendment) Act, 1941.
1941	X	The Madras District Municipalities (Amendment) Act, 1941.
1941	XII	The Madras District Municipalities and Local Boards (Amendment) Act, 1941.
		
1941	XXII	The Madras City Police (Second Amendment) Act, 1941.
1942	III	The Madras University (Amendment) Act, 1942.

[19th April 1948]

Year.	Number.	Short title.
(1)	(2)	(3)
1942	VII	The Madras District Municipalities (Second Amendment) Act, 1942.
1942	XIII	The Madras Irrigation (Voluntary Cess) Act, 1942.
1942	XXXIII	The Madras University (Fifth Amendment) Act, 1942.
1943	XVI	The Madras Stamp (Increase of Duties) Act, 1943.
1943	XXVII	The Madras University (Amendment) Act, 1943.
1944	IX	The Madras Regulation of the Sale of Cloth (Repeal) Act, 1944.
1944	XI	The Andhra University (Amendment) Act, 1944.
1944	XVI	The Andhra University (Third Amendment) Act, 1944.
1944	XIX	The Madras District Municipalities (Second Amendment) Act, 1944.
1945	II	The Madras Estates Land (Amendment) Act, 1945.
1945	III	The Madras Irrigation Cess (Amendment) Act, 1945.
1945	XIV	The Madras Estates Land (Second Amendment) Act, 1945.
1946	IV	The Madras Gaming (Amendment) Act, 1946.

THE SECOND SCHEDULE.

Acts permanently re-enacted with specified modifications.

(See section 3.)

Year.	Number.	Short title.	Modifications.
(1)	(2)	(3)	(4)
1940	XI	The Mettur Township Act, 1940.	In section 3, for sub-section (1), the following sub-section shall be substituted, namely:— “(1) The Township Committee shall consist of nine members who shall be appointed by the Provincial Government or by an authority or officer empowered by them in this behalf. Of the nine members, not less than four shall be non-officials of whom one shall be a representative of industrial interests in the township and two of labour interests therein.”

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Year.	Number.	Short title.	Modifications.
(1)	(2)	(3)	(4)
1940	XV	The Madras Live-stock Improvement Act, 1940.	1. In section 2, clause (c), for the words “Director of Veterinary Services”, the words “Director of Animal Husbandry” shall be substituted. 2. In section 10, clause (a), for the words “officer of the Veterinary Department not below the rank of Veterinary Assistant Surgeon”, the words “officer of the Animal Husbandry Department not below the rank of Assistant Surgeon” shall be substituted. 3. In section 14, for the word “Veterinary”, the words “Animal Husbandry” shall be substituted. 4. Section 21 shall be omitted.
1941	I	The Madras Hackney Carriage (Amendment) Act, 1941.	For the further proviso added by section 2, the following proviso shall be substituted, namely:— “Provided further that the Commissioner shall have power— (i) to limit the number of vehicles of any description which may be registered annually, in which case no vehicle of that description shall be registered in any year in excess of the number so limited; (ii) to refuse to register vehicles of a particular description, in which case no vehicle of that description shall be registered.”

[19th April 1948]

Year.	Number.	Short title.	Modifications.
(1)	(2)	(3)	(4)
1941	II	The Madras State Aid to Industries (Amendment) Act, 1941.	For the words "Board of Revenue" wherever they occur, the words "Director of Industries", and for the words "granted by the Board" the words "granted by the Director", shall be substituted.
1942	XIX	The Andhra University (Temporary Amendment) Act, 1942.	1. In the long title, for the word "temporarily", the word "further" shall be substituted. 2. For the first four paragraphs of the preamble, the following paragraph shall be substituted, namely:— "WHEREAS it is expedient further to amend the Andhra University Act, 1925, for the purpose hereinafter appearing;". 3. In section 1, sub-section (1), for the words "Temporary Amendment", the words "First Amendment" shall be substituted. 4. In the same section, in sub-section (2), the words "and shall be in force until the termination of the present hostilities and for two years thereafter" shall be omitted. 5. For section 2, the following section shall be substituted, namely:— "2. In the Andhra University Repeal of Act, 1925, sub-section (3) of section 6 (3), section 6 shall be omitted." Madras Act II of 1926.

19th April 1948]

Year.	Number.	Short title.	Modifications.
(1)	(2)	(3)	(4)
1942	XXXII	The Andhra University (Second Amendment) Act, 1942.	Sections 26 and 27 and the heading thereto shall be omitted, section 25 shall be renumbered as section 24 and for section 24, the following sections shall be substituted, namely:— "24. For Chapter X of the said Act, the following Chapter shall be substituted, namely:— 'Chapter X—Miscellaneous. 44. If any difficulty arises to the constitution or reconstitution of the Senate, the Syndicate, the Finance Committee or the Academic Council, or otherwise in giving effect to the provisions of this Act, the Provincial Government, on occasion may require, may by order, do anything which appears to them necessary for the purpose of removing the difficulty.' 25. The Schedule to the said Act shall be omitted."
1943	XVIII	The Madras Irrigation Works (Repairs, Improvement and Construction) Act, 1943, as amended by Madras Act IV of 1945.	1. In the preamble, the words "for the purpose of maintaining and increasing the production of food in the present emergency in the Province of Madras" shall be omitted. 2. In section 2, the words "in order to maintain or increase the production of food in the Province" shall be omitted.
1943	XXI	The Madras Proprietary Estates' Village Service and Hereditary Village-offices (Amendment) Act, 1943.	1. Sub-section (2) of section 2 shall be omitted and sub-section (1) of the section shall be renumbered as section 2. 2. In section 2 as so renumbered, in the opening paragraph, for the words "brackets and figure "renders war service as defined in sub-section (2)", the words "has rendered war service," and for the word

[19th April 1948]

Year.	Number.	Short title.	Modifications.
(1)	(2)	(3)	(4)
1943— <i>cont.</i>	XXI— <i>cont.</i>	The Madras Proprietary Estates' Village Service and Hereditary Village-offices (Amendment) Act, 1943— <i>cont.</i>	"has attained or attains majority", the words "attained majority" shall be substituted. 3. In the same section, in the Explanation added by paragraph (b), for the words, figures and brackets "as in sub-section (2) of section 2 of the Madras Proprietary Estates' Village Service and Hereditary Village-offices (Amendment) Act, 1943", the words, figures and brackets "as in the Madras Civil Services (War Service Personnel) Recruitment Rules, 1941, as in force for the time being" shall be substituted.
1943	XXVI	The Andhra University (Second Amendment) Act, 1943.	In section 1, for sub-section (2), the following sub-section shall be substituted, namely:— "(2) This section shall come into force at once and section 2 on the 15th February 1944."
1944	I	The Madras Estates Land (Temporary Amendment) Act, 1944.	1. In the preamble, the words "in the present emergency" shall be omitted. 2. In section 2, in the opening paragraph, the words "at any time during the continuance of the present war or within a period of one year from the termination thereof" shall be omitted.
1944	XV	The Andhra University (Second Amendment) Act, 1944.	1. In section 3 (which alters the constitution of the Syndicate of the University), for the words "five persons nominated by the Chancellor of whom two shall be persons recommended by the Maharaja Saheb of Jeypore", the words "five persons nominated by the Chancellor of whom one shall be a person recommended by the Maharaja Saheb of Jeypore", and for the words "two persons

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Number.	Short title.	Modifications.
(2)	(3)	(4)
XV— <i>cont.</i>	The Andhra University (Second Amendment) Act, 1944— <i>cont.</i>	shall be nominated on the recommendation of the Maharaja Saheb" occurring in the proviso, the words "a person shall be so nominated on the recommendation of the Maharaja Saheb" shall be substituted. 2. In section 4 (which alters the constitution of the Finance Committee of the University), for the words "a member nominated to the Syndicate on the recommendation of the Maharaja Saheb of Jeypore", the words "the member nominated to the Syndicate on the recommendation of the Maharaja Saheb of Jeypore" shall be substituted. 3. After section 4, the following section shall be added, namely:— "5. Notwithstanding any- Term of office of member nominated to the Syndicate and Finance Committee who were nominated to those bodies by the Chancellor on the recommendation of the Maharaja Saheb of Jeypore or his successors and who may be holding office on the date on which the Madras Re-enacting. . . (No. II) Act, 1948, comes into force shall expire on that date; and in their places, the Chancellor shall nominate one person to be a member of the Syndicate of the University on the recommendation of the Maharaja Saheb of Jeypore or his successors, in accordance with the provisions of section 18 of the said Act as amended by this Act, such person being also nominated to be a member of the Finance

[19th April 1948]

Year.	Number.	Short title.	Modifications.
(1)	(2)	(3)	(4)
1944— cont.	XV— cont.	The Andhra University (Second Amendment) Act, 1944—cont.	Committee of the University, in accordance with the provisions of section 19-A of the said Act as so amended. The person so nominated shall, subject to the provisions of the said Act, hold office as a member of the Syndicate and of the Finance Committee until the next reconstitution of those bodies."

1945	XIX	The Madras Registration of Births and Deaths (Amendment) Act, 1945.	Sections 5 to 11 shall be renumbered as sections 6 to 12 respectively, and the following shall be inserted as section 5, namely :— "5. After section 5 of the said Act, the following section shall be inserted, namely :—
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Insertion of new section 5-A in Madras Act III of 1899. Owners of plantations to bear cost of appointment of registrars.

"5-A (1) If any person in the service of the Provincial Government is appointed to be registrar for any plantation or ward thereof, the Collector shall determine every year the cost of such appointment to the Government during the previous year; such cost shall include the salary, allowances and travelling allowances of the registrar, contributions, if any, to his provident fund, contributions necessary to meet his leave allowances and pension, and the contingent and other expenditure incurred by him in performing his functions under this Act and the rules made thereunder in respect of the plantation or ward.

19th April 1948]

Year.	Number.	Short title.	Modifications.
(1)	(2)	(3)	(4)
1945— cont.	XIX— cont.	The Madras Registration of Births and Deaths (Amendment) Act, 1945—cont.	(2) The Collector may, by order, direct that the whole of the cost as determined under section (1) for the plantation or for all the wards therein, as the case may be, or such part of the cost as the Collector may think fit, shall be paid by the owner of the plantation before a date which shall be specified in the order. (3) Any sum ordered to be so paid shall be a charge on the plantation and may be recovered from the owner thereof for the time being, as if it were an arrear of land revenue."

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THE THIRD SCHEDULE.

Acts temporarily re-enacted for a period of one year.
[See section 4 (1).]

Year.	Number.	Short title.
(1)	(2)	(3)
1941	XVIII	The Madras Proprietary Estates' Village-service and Hereditary Village-offices (Amendment) Act, 1941.
1941	XIX	The Madras Public Health (Amendment) Act, 1941.
1942	I	The Madras District Municipalities (Amendment) Act, 1942.
1942	XXVIII	The Madras Hereditary Village-offices (Amendment) Act, 1942.
1944	V	The Madras Hindu Religious Endowments (Amendment) Act, 1944, as amended by Madras Act X of 1946.
1944	XIII	The Tirumalai-Tirupati Devasthanams (Amendment) Act, 1944.
1946	X	The Madras Hindu Religious Endowments (Amendment) Act, 1946.

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, the 20th April 1948.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUKHAM PILLAI) in the Chair.

I.—SWEARING IN OF A NEW MEMBER.

Mr. D. G. Leonard was sworn in.

II.—QUESTIONS AND ANSWERS.

MR. SPEAKER:—“ I have placed before the House twenty questions for to-day.”

STARRED QUESTIONS.

Merger of the Banganapalle State.

* 275 Q.—SRI N. VENKATASUBBAYYA: Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that Banganapalle State in Kurnool district is to merge in Madras Province immediately;

(b) if so, what are the terms of the agreement between the Ruler and the Government; and

(c) what and when arrangements will be made to integrate the State with this Province?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—“ (a) The State was merged with the Province on 20th February 1948.

“ (b) A copy of the agreement^a is laid on the table of the House.

“ (c) The general question regarding the integration of the State with the Province and its administration is under the consideration of the Government who are examining the detailed report submitted in this regard by the First Member of the Board of Revenue.”

SRI N. VENKATASUBBAYYA:—“ What is the allowance granted to the Nawab? It is not stated in the terms of agreement.”

THE HON. SRI B. GOPALA REDDI:—“ It is still under examination.”

SRI V. RAGHAVAYYA:—“ May I know why so much fuss is made about the tiny tot of a State? ”

(No answer.)

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SRI V. M. RAMASWAMI MUDALIYAR:—"In article 2 of the terms of agreement, it is not mentioned how much the Nawab of the State will be entitled to receive annually for his privy purse. Is it because that the Government have not ascertained the matter or whether it is not the desire of the Government to furnish the information?"

THE HON. SRI B. GOPALA REDDI:—"It is still under examination."

SRI S. NAGAPPA:—"May I know whether the administration of the State is at present in the hands of a Tahsildar or a Deputy Tahsildar?"

THE HON. SRI B. GOPALA REDDI:—"It is at present in the hands of the Collector of Kurnool district."

SRI T. VISWANATHAM:—"In article 5 of the agreement, it is said that the Dominion Government guarantees the succession, according to law and custom, to the *gadi* of the State and to the Nawab's personal rights, privileges, dignities and titles. May I ask the Government whether even after the merger the *gadi* still remains?"

THE HON. SRI B. GOPALA REDDI:—"Perhaps the Nawab may be the Controlling Officer of the Banganapalle State and as such, the term *gadi* may remain."

SRI K. BRAHMANANDAM REDDI:—"Inasmuch as the State has been merged by an agreement between two parties, how can the amount of pay and allowances be left as a matter for future consideration and not settled at the time when the agreement was made?"

THE HON. SRI B. GOPALA REDDI:—"It is a matter between the parties; it is a matter for negotiation later."

SRI N. VENKATASUBBAYYA:—"Are the Government aware on account of the despotic and autocratic rule of the Nawab for the last 300 years, the people of the State have been impoverished and are economically backward and the people need immediate relief? If so, what steps the Government propose to take in the matter?"

THE HON. SRI B. GOPALA REDDI:—"The question asks for an opinion. I am not prepared to give the information in the public interest."

Alleged raiding on Nathichagi village by the Nizam's military sepoy.

* 276 Q.—SRI A. RAYAPPA: Will the Hon. the Premier be pleased to state—

(a) whether the Government are aware that on the 26th February morning at 7 a.m., 20 Nizam's military sepoy with arms raided the village Nathichagi, a border village of Adoni taluk in Bellary district;

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(b) what action was taken by the Government to protect the villages in the border against such raids; and

(c) whether any investigation has been made; and if so, whether the Government will be pleased to place on the table the result of it?

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

" (b) The Government in consultation with the District authorities, are taking suitable measures to prevent such incidents and to instil confidence in the villagers.

" (c) The District Magistrate of Bellary has sent a detailed report on the incident but it will not be in the public interest to place a copy of it on the table of the House."

SRI A. RAYAPPA:—"In this connexion, are the Government aware that a prominent merchant's hand was cut off while he was escaping from his house?"

THE HON. SRI B. GOPALA REDDI:—"The Government are aware of that fact. We cannot give more details because it is not in the public interest."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask the Government that in view of the increasing number of incidents in the border villages, whether they have got any proposals to supply arms to the people on our side in the border areas in order that they may defend themselves against dacoits?"

THE HON. SRI B. GOPALA REDDI:—"I cannot disclose the information which is required by the hon. Member but I can assure the hon. Member that we are taking necessary steps in that direction."

SRI S. NAGAPPA:—"May I know from the Government whether they are aware that a teacher was shot by the raiders and may I ask the Government whether they will give any compensation to the family that is affected?"

THE HON. SRI B. GOPALA REDDI:—"There is no such proposal under the consideration of the Government."

SRI V. RAGHAVAYYA:—"In view of the conflicting reports that are published in the Press by the State Congress and the Nizam's Government, may I know whether the Madras Government propose to issue correct and accurate information of these things so far as the villages affected are concerned?"

THE HON. SRI B. GOPALA REDDI:—"No, Sir, I cannot give any further information with regard to this matter. But, I can assure the hon. Member that necessary steps are being taken to create the necessary confidence in the public minds."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask the Government, before considering the question of issue of arms, whether they will consider the issuing of licences for the possession of such arms to prominent people who are in the border land?"

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THE HON. SRI B. GOPALA REDDI:—"I can give no such assurance."

SRI ALLURI SATYANARAYANA RAJU:—"Will the Government consider the advisability of the Premier himself going to the border villages so that he may create more confidence in the people that this Government are also ready to protect their lives and property?"

THE HON. SRI B. GOPALA REDDI:—"On one or two occasions the Premier himself has visited the border villages but it is not possible for the Premier to visit the border villages very often. So, we are considering the proposal of sending some members of the Legislature to those border villages."

SRI T. VISWANATHAM:—"May I ask the Government whether they have got any programme of road construction along the border land in order to help the mobile units of Home Guards and Police people to go about to ensure the protection of the people in those border areas?"

THE HON. SRI B. GOPALA REDDI:—"Even the information with regard to communications is not to be given in public interest."

SRI D. V. RAMASWAMI:—"In view of the pressing demand, will the Government consider the desirability of having a wider scale of recruitment to the Home Guards and Military Police?"

THE HON. SRI B. GOPALA REDDI:—"All that is necessary is being done."

SRI V. RAGHAVAYYA:—"May I know whether the Government are aware that thousands of refugees are pouring into the Telugu districts from the border areas? If so, what steps the Government have taken to provide for them?"

THE HON. SRI B. GOPALA REDDI:—"Yes. Steps are being taken to provide for them. I have recently visited a refugee camp at Bezvada and also in the Agency districts."

SRI V. M. RAMASWAMI MUDALIYAR:—"The best way to prevent these dacoits is to let the world and the Hyderabad Government know that this Government are taking steps for the protection of the inhabitants of the border areas of this Province."

MR. SPEAKER:—"It is a suggestion and not a supplementary question."

THE HON. SRI B. GOPALA REDDI:—"The Hyderabad Government is aware of the fact that we are doing everything to protect the lives of our people. I am not in a position to give any further information with regard to that."

SRI S. NAGAPPA:—"May I ask the Government whether it is a fact that one of the Union subjects, a Police Officer, was responsible for giving news to the people on the other side and sending people to loot the villages and if so, whether the Government has investigated the matter?"

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THE HON. SRI B. GOPALA REDDI:—"I do not accept that any officer of this Government has given information to anybody."

SRI N. VENKATASUBBAYYA:—"Has the attention of the Government been drawn to the speech of one Mr. Razvi, President of the Ittehed-ul-Muslimeen, asking for the return of the Ceded districts to the Nizam's Government and if so, what steps the Government have taken to counter-influence such inflammatory speeches?"

THE HON. SRI B. GOPALA REDDI:—"It is primarily a matter for the Government of India and the Government of India will move in that matter."

Administration of the States that have merged in this Presidency.

* 277 Q.—**SRI S. NAGAPPA:** Will the Hon. the Premier be pleased to state what arrangements the Government have made for the administration of the States that have merged in this Presidency, namely, Pudukottah and Banganapalle?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—"The details of the future administration of the States that have been merged with this Province are under the consideration of the Government who are examining detailed reports on the question submitted by the First Member, Board of Revenue."

SRI S. NAGAPPA:—"May I know how the administration of the Pudukottah State is being run now, whether it is by the Collector or by his Deputies?"

THE HON. SRI B. GOPALA REDDI:—"By the Collector and his Deputies."

SRI S. NAGAPPA:—"May I know whether they have appointed any staff for running the administration and if so, what the amount is that is charged for that purpose?"

THE HON. SRI B. GOPALA REDDI:—"The necessary staff was appointed by the Collector and they are being trained and they are paid by this Government."

The present status of the Raja of Pudukottah.

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

(a) what the status of the Raja of Pudukottah at present is; and whether he gets any pension;

(b) what the area and population of the State which have been added to the Province by this merger are; and

(c) under whose control the administration of the State is now and how it is being carried on?

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THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—“(a) The Government are awaiting further details from the Government of India.

“(b) Area is 1,179 square miles. Population is 450,000.

“(c) The administration of the merged area is under the control of the Government of Madras.”

SRI A. VEDARATNAM PILLAI:—“Will the Hon. the Minister be pleased to state whether there is any proposal to amalgamate the Arantangi taluk with the Pudukottah State?”

THE HON. SRI B. GOPALA REDDI:—“The whole matter is under correspondence with the Government of India.”

SRI M. S. PATTABHIRAMIAH:—“Arising out of the answer to clause (c), has the Government taken note of the fact that the Pudukottah State has been the haven of the big income-tax paying capitalists passing into that State for evading the tax and if so, whether the Government will take steps to bring them to book?”

THE HON. SRI B. GOPALA REDDI:—“All the relevant facts are reported by the First Member of the Board of Revenue and his report is being considered by the Government.”

SRI R. V. SWAMINATHAN:—“What is the idea of the Government in laying down the registration area of the taluks of Ramnad district and some of the taluks of Trichinopoly district under the control of District Registrar, Trichinopoly.”

THE HON. SRI B. GOPALA REDDI:—“The matter is still under the consideration of the Government and no orders have been passed with regard to the registration area.”

SRI R. V. SWAMINATHAN:—“In allocating the registration area, may I ask whether the recommendation of the District Officer will be considered by the Government?”

THE HON. SRI B. GOPALA REDDI:—“I should like to have notice.”

Communal disturbances and rioting in Ullikottai.

* 279 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Home Minister be pleased to state—

(a) whether any communal disturbance and rioting had taken place in Ullikottai, Mannargudi taluk, on the 9th instant;

(b) the number of casualties, if any, and the extent of damages during the incident; and

(c) the steps taken by the Government to prevent further developments?

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

“(b) Twenty-seven persons including eight women sustained injuries in the rioting. The damage is roughly estimated at Rs. 5,000.

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“(c) The police have charged 50 persons for offences under sections 147, 148, 325, 323, 427, 452 and 379 read with section 149, Indian Penal Code. A portion of the property carried away has been recovered. A police party is being stationed in the village till conditions return to normal.”

MR. SPEAKER:—“I wish to know whether this matter is before the court now?”

THE HON. SRI B. GOPALA REDDI:—“They are being charged for various offences.”

MR. SPEAKER:—“If the matter is *sub judice*, I am not going to allow the hon. Member to put supplementary questions.”

THE HON. SRI B. GOPALA REDDI:—“I think it is *sub judice*.”

SRI V. M. RAMASWAMI MUDALIYAR:—“Hon. Members may be allowed to put supplementary questions which have nothing directly to do with the matters pending before the court. For instance, I want to ask for information about the nature of the communal disturbances. The Hon. the Minister has said simply that communal disturbances have taken place.”

MR. SPEAKER:—“If I allow one or two questions, then some members might go into details and put further questions and so it is not possible for me to allow supplementary questions on a matter which is *sub judice*. Under the ordinary rules, if a matter is *sub judice*, supplementary questions are not to be allowed.”

SRI V. M. RAMASWAMI MUDALIYAR:—“Mr. Speaker, Sir, here, I do not want to ask any questions pertaining to the merits of the case. But, what I want to know is between which communities those communal disturbances took place. I do not want to go into the merits of the case.”

THE HON. SRI B. GOPALA REDDI:—“Communal disturbances took place between the Muthuraja community and the major community of Ullikottai, Mannargudi and Tanjore.”

Alleged looting and assault of the Muthuraja community of Ullikottai.

* 280 Q.—SRI N. P. RAMIAH: Will the Hon. the Home Minister be pleased to state—

(a) whether he is aware of the looting and assault of Muthuraja community by the major community of Ullikottai, Mannargudi and Tanjore at the time of the opening of the Muthuraja School recently; and

(b) if so, what action has been taken by the Government?

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

“(b) The police have charged 50 persons for offences under sections 147, 148, 325, 323, 427, 452 and 379 read with

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section 149, Indian Penal Code. A portion of the property carried away has been recovered. A police party is being stationed in the village till conditions return to normal."

MR. SPEAKER:—"This question also is before a court of law. The matter is *sub judice*. No supplementary questions will, therefore, be allowed."

Alleged raiding of the village of Kothalli by the Nizam's police.

11-15 a.m. * 281 Q.—SRI N. VENKATASUBBAYYA: Will the Hon. the Home Minister be pleased to state—

(a) whether it is a fact that the Nizam's police, fully-armed, raided the Union village of Kothalli in Kistna district about the 2nd of March;

(b) whether it is a fact that a fight ensued between the people of the village and the Nizam's police;

(c) whether it is a fact that some of the people of the Union village have been carried away;

(d) if so, how many and whether they have been subsequently returned;

(e) whether a report has been received from the local authorities; and, if so, what the exact facts reported in connexion with the incident are; and

(f) in view of the fact these border incidents have become too common, what definite steps the Government have taken to protect the Union villages?

THE HON. SRI B. GOPALA REDDI:—" (a) On 2nd March 1948 the Nizam's Military and Police came in three lorries to the village of Kothapalli in Kistna district in pursuit of villagers of Bhimavaram village in the State, who had fled in the direction of Kothapalli at the sight of the State Forces.

" (b) It is reported that there was an exchange of fire between the State Forces and the State Congress volunteers in Kothapalli village.

" (c) Yes.

" (d) Ten villagers who were working in the fields near the village were taken away to Bhimavaram village by the State Forces, who, however, released them on learning that they were Indian Union subjects and were not Communists of the State.

" (e) A report on the incident was received from the District Magistrate of Kistna. The facts of the case are as follows: At about noon on 2nd March 1948, the State Military and Police visited the village of Bhimavaram in three lorries. On seeing them, the villagers fled towards Kothapalli village in Kistna district. The State Forces seized some of the villagers at Bhimavaram and then trespassed into Kothapalli

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village, in pursuit of others, and seized ten persons of the village who were working in the fields near by. There was an exchange of fire on either side between the State Forces and certain State Congress volunteers in the village. There were no casualties.

" (f) The Government are taking all possible measures to prevent such incidents and for the security of the villagers of the border villages. It is not, in the public interest to divulge these measures."

SRI N. VENKATASUBBAYYA:—" May I know, Sir, in how many border villages home guards have been organized and adequate supply of arms given? "

THE HON. SRI B. GOPALA REDDI:—" Even that matter is not in the public interest to divulge, Sir."

SRI B. S. MURTHI:—" May I know, Sir, whether any women were included among the ten persons carried away by the Nizam's police? "

THE HON. SRI B. GOPALA REDDI:—" I do not think, Sir."

SRI A. VEDARATNAM PILLAI:—" May I know whether the persons who were taken away have been brought back and if not what steps have been taken to bring them back? "

THE HON. SRI B. GOPALA REDDI:—" They were released when the police learnt that they were Indian Union subjects and not the Communists of the State."

SRI B. S. MURTHI:—" Arising out of the answer of the Leader of the House that there was an exchange of fire may I know whether there were any casualties? "

THE HON. SRI B. GOPALA REDDI:—" My answer was there were no casualties."

DR. M. J. SAMUEL:—" In view of the panic prevailing in the areas bordering Hyderabad, will the Government consider the desirability of giving licences for fire arms to the people of those villages? "

THE HON. SRI B. GOPALA REDDI:—" I cannot give an assurance on the subject."

SRI S. NAGAPPA:—" Will the Government consider the desirability of posting some more police and home guards along the border areas, Sir? "

THE HON. SRI B. GOPALA REDDI:—" All that is necessary is being done. I would repeat that answer again."

SRI V. RAGHAVAYYA:—" May I know, Sir, whether the Deputy Inspector-General of Police of the Madras Government has issued a statement that the Government are proposing to build aerodromes on this side of the border in our Province and if so, is it authorized by the Government? "

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THE HON. SRI B. GOPALA REDDI:—"The hon. Member seems to be knowing more than I do in the matter. I would like a separate question to be put."

SRI B. S. MURTHI:—"May I know, Sir, whether there were any home guards in Kothapalli village at that time and if so what they were doing?"

THE HON. SRI B. GOPALA REDDI:—"No information can be given with regard to the home guards, issue of fire arms licences, stationing of armed units and things like that."

SRI N. VENKATASUBBAYYA:—"Does the Hon. Minister realise, Sir, that the steps they have so far taken have not been satisfactory in the estimation of the people and that this is mainly responsible for the panic that is prevailing there?"

THE HON. SRI B. GOPALA REDDI:—"As far as we are concerned, Sir, all necessary steps are being taken and we think they are satisfactory. But if the people think otherwise, of course, it cannot be helped."

SRI B. S. MURTHI:—"Does the Government realize, Sir, that this alleged indifference on the part of the Government of Madras is responsible for the panicky state in the border villages of the Madras Presidency?"

THE HON. SRI B. GOPALA REDDI:—"I do not accept the premises of the hon. Member."

SRI S. NAGAPPA:—"Sir, in view of the constant raids on the villages of the Indian Union, will the Government consider the desirability of increasing the home guards in the border areas?"

THE HON. SRI B. GOPALA REDDI:—"All that is necessary is being done. I repeat it."

Alleged arson on the houses of Harijans by the caste Hindus of Chindamani village.

* 282 Q.—SRI P. KAKKAN: Will the Hon. the Home Minister be pleased to state—

(a) whether it is a fact that forty houses of the Harijans were set fire by the caste Hindus of Chindamani village, Madura taluk, Madura district;

(b) what the amount of the loss is; and

(c) what action has been taken to punish the caste Hindus and to give relief to the poor Harijans?

THE HON. SRI B. GOPALA REDDI:—" (a) Yes. The number of Harijans' houses involved is 53.

" (b) About Rs. 2,500 excluding movables.

" (c) The police are investigating the incident and as soon as it is over, necessary charge sheets will be filed before the Magistrate. The District Magistrate, Madura, has sanctioned

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Rs. 19 to each of the 51 families involved, as immediate relief, and the question of granting further relief is under his consideration."

SRI P. KAKKAN:—"Is the Hon. Minister aware that the Harijans are socially boycotted by the caste Hindus of this village?"

THE HON. SRI B. GOPALA REDDI:—"I am not aware of any social boycott, Sir. It may be."

SRI B. S. MURTHI:—"May I know, Sir, whether the Hon. Home Minister will be pleased to go to this place and see that the persecution that is going on against the Harijans there is put an end to by persuasion of both the parties?"

THE HON. SRI B. GOPALA REDDI:—"The Home Minister need not go to the place. The District Magistrate is alive to the situation. He is taking the necessary steps to give relief."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"On a point of order, Mr. Speaker, may I know who is the Home Minister now?"

THE HON. SRI B. GOPALA REDDI:—"The Premier is in charge of Home portfolio. With regard to this question the Premier is the Home Minister."

SRI V. I. MUNISWAMI PILLAY:—"Is it a fact that because the Harijans took advantage of the Civil Disabilities Removal Act and entered into the eating houses they are being harassed now?"

THE HON. SRI B. GOPALA REDDI:—"It is so, Sir."

SRI S. NAGAPPA:—"In view of the fact that the feelings between the Harijans and the caste Hindus are getting from bad to worse from day to day especially after the passing of the Civil Disabilities Removal Act, how do the Government propose to promote good feelings between Harijans and non-Harijans, Sir?"

THE HON. SRI B. GOPALA REDDI:—"The Government will request all the Harijan M.L.As. to move among the Harijan communities to promote good feeling. They will request the non-Harijan M.L.As. also."

MUHAMMAD RAZA KHAN SAHIB:—"Whatever may be the condition outside, is it not a fact that at least in this House there is cordial relationship between the Harijan and the non-Harijan Members?"

THE HON. SRI B. GOPALA REDDI:—"Very cordial relations exist among all the communities here."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Is it not a fact, Sir, that between the Harijans and the ever so many other castes and communities there is cordial relationship in this Province?"

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THE HON. SRI B. GOPALA REDDI:—"It is to the good name of the Province that there is cordial relationship among all the communities."

SRI B. S. MURTHI:—"Is the Hon. Home Minister aware that even to-day some of the Harijans of these places are not able to get back to their villages because they are afraid that no sooner they enter the village than they would either be harassed or beaten?"

THE HON. SRI B. GOPALA REDDI:—"I do not think the situation is so alarming as all that."

SRI V. I. MUNISWAMI PILLAY:—"Arising out of the answer of the Hon. Minister, may I know whether it will be possible for the 28 Harijan Members to cover the whole Province and bring some benefit to the people?"

THE HON. SRI B. GOPALA REDDI:—"They have a number of followers in the districts and the taluks."

SRI S. NAGAPPA:—"Have the Government realized their responsibility to the Harijans and how do they propose to discharge their duty of promoting good feelings between the Harijans and the non-Harijans?"

THE HON. SRI B. GOPALA REDDI:—"We have asked the District Magistrates to do all that is necessary to promote good feelings and cordiality between the two communities. We know they are doing it. What else can we do, Sir?"

SRI M. P. PERIYASWAMI:—"பல ஊர்களில் ஹரிஜனங்களை சில Caste Hindus boycott செய்துகொண்டு வருகிறார்கள். அப்படி செய்கிறவர்கள் கவர்ன்மெண்டாரால் குறிப்பாக தண்டிக்கப்படுகிறார்களா?"

THE HON. SRI B. GOPALA REDDI:—"When a major community is boycotting a minor community, it is very difficult for the Government to step in and restore amity between the two communities. It is to be done very carefully and slowly."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"What are the practical steps the Collectors have been asked to take to bring about communal harmony in the Province?"

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

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Sir, this is not so much communalism as castism. May I request the Hon. the Leader of the House to concert necessary measures, in view of the misgivings entertained by the Harijan Members of the House, to see that there will be no more spread of castism in this Province. Will he issue a communiqué to that effect, Sir?"

THE HON. SRI B. GOPALA REDDI:—"We deprecate all communal disunity. We do not want the communities to be quarrelling in the villages and the towns."

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SRI B. S. MURTHI:—"When a major community is angry with and harasses a minor community, do the Government feel its weakness to restore law and order and give security to the minority community?"

THE HON. SRI B. GOPALA REDDI:—"All that is necessary for giving a sense of security will be done. But if it is a case of social boycott, if a man is not employed as a driver or a cartman or a fieldman, what can the Government do?"

SRI M. S. PATTABHIRAMIAH:—"Will the Government consider the desirability of giving adequate protection to the Harijans where they are unfortunately harassed and where the relations between the caste Hindus and the Harijans are strained?"

THE HON. SRI B. GOPALA REDDI:—"If they apprehend any trouble, a report to the Police station will give them all the necessary protection."

Merger of the District Food Committees of Madura, Ramnad and Tinnevely.

* 283 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Food be pleased to state—

(a) whether the District Food Committees of Madura, Ramnad and Tinnevely districts have passed resolutions demanding the merger of the three districts into one unit for purposes of free movement for transport of rice and other food-grains; and

(b) whether the Hon. the Minister for Food agreed for this merger if all the three District Food Committees were willing for this proposal?

THE HON. DR. T. S. S. RAJAN:—" (a) No. The District Food Committee, Ramnad, alone has passed such a resolution. The other two District Committees passed resolutions recommending removal of inter-district ban on the movement of food-grains throughout the Province.

" (b) No."

SRI R. V. SWAMINATHAN:—"In view of the persistent demand from the Members of this House and also from the public may I request the Hon. Minister to permit free movement of food-grains between the three districts as an experimental measure?"

THE HON. DR. T. S. S. RAJAN:—"The answer requires consideration of policy of decontrol in this Province. The Government cannot give an assurance on this subject till the policy of decontrol which has been formulated is seen in its actual working and its results observed. This question of decontrol is going to be considered by the All-India Food Conference next week at Delhi. The future policy of food control will be decided there. Till that time we are not in a position to give an assurance with regard to the removal of control on inter-district movements."

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SRI T. VISWANATHIAM:—"In such a consideration, may I know whether the case of deficit districts like Vizagapatam will be taken into consideration? There is a great agitation over the matter there. Even before all-India matter is taken up, will the Hon. Minister be pleased to relax the rule so far as Vizagapatam is concerned and allow import from East Godavari district?"

THE HON. DR. T. S. S. RAJAN:—"The Government are getting weekly reports of the food situation in the districts regularly. When the Government are informed the food position in Vizagapatam is such, proper steps will be taken to see that Vizagapatam is well provided with food-grains."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Will the Hon. Minister consider a proposition like this—creation of region in which there will be a combination of deficit and surplus districts, so that there may be free movement of food-grains from the surplus to the deficit districts?"

THE HON. DR. T. S. S. RAJAN:—"The hon. Member does not realize the implications of the question. The Government are regulating the flow of food-grains from the surplus to the deficit districts according to certain policy. Wherever there is a deficit, necessary foodstuffs are moved from the surplus districts under Governmental authority. There is no need to pass a general order regarding the movement of food-grains from surplus to deficit districts."

11-30
a.m.]

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I wish to make my position clear, Sir. My hon. Friend has not understood what I said. I wish to find out from the Hon. Minister that since according to governmental accounts the movement of food-grains from what is called surplus districts to deficit districts having failed, whether the Government will consider the desirability of creating a region according to which they can mix both the surplus as well as the deficit districts so that as a result of the merger they will be able to satisfy the free movement of food-grains for the benefit of those who are in need of them?"

THE HON. DR. T. S. S. RAJAN:—"The hon. Member is certainly wrong in his presumption that the movement of food-grains has failed on governmental accounts."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"In view of the announcement of the Hon. the Food Minister that he is now taking stock of the situation with regard to the decontrol of food-grains and that he is going to place his views before the Food Conference at Delhi, may I bring to his notice that the decontrol has caused considerable havoc in my district of North Arcot where the prices have soared so phenomenally high that rice is not available even for Rs. 1-2-0 per seer."

MR. SPEAKER:—"The hon. Member is giving information. It is not a question."

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SRI D. V. RAMASWAMI:—"May I know whether it is not a fact that representations have been made to the Hon. Minister from Vizagapatam district for removal of restrictions on transport of rice from East Godavari to Vizagapatam?"

THE HON. DR. T. S. S. RAJAN:—"There have been very many representations from various districts. But as long as the Government keep watch over the movement of food-grains and regulate it according to the requirements of each district, I do not see how all these interpellations arise?"

SRI M. S. PATTABHIRAMIAH:—"Are not the Government aware, Sir, that in spite of the inter-district ban in the three districts mentioned in the question, all the available food-grains are being drained out to the famine-stricken district of Tinnevely, and to the rich district of Ramnad and poor Madura is now being made into a deficit district?"

THE HON. DR. T. S. S. RAJAN:—"If the statement regarding the movement of food-grains of the hon. Member is true, there is no need for Government to interfere."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know, Sir, whether it is a fact that the Government have received representations from such villages as Pernambut in the North Arcot district stating that they could not obtain rice even at the rate of three-fourths of a measure per rupee?"

THE HON. DR. T. S. S. RAJAN:—"I may inform the hon. Member that an adequate number of relief shops are being located wherever there is need to do so and representations made to the Government are attended to the moment they are received and where there is need for opening of relief shops, they are being opened at those places."

SRI K. T. KOSALRAM:—"இப்பொழுது ஒரு ஜில்லாவை விட்டு மற்றொரு ஜில்லாவுக்கு போகக்கூடாது என்ற கட்டுப்பாட்டை வைத்துக் கொண்டு இருப்பது சிறிய அதிகாரிகள் அதிகமாக லஞ்சம் வாங்கவும் ஏழைகளுக்கு கஷ்டம் உண்டெண்ணுவதாகவும் இருக்கிறது என்பது கனம் மந்திரி அவர்களுடைய கவனத்திற்கு வந்திருக்கிறதா என்றும் ஆகையால் இதை உத்தேசித்தாவது இந்த control-ஐ இந்த inter-district-க்கு போகாமல் இருப்பதை எடுத்து விடுவார்களா என்று கேட்கிறேன்."

THE HON. DR. T. S. S. RAJAN:—"கனம் பெம்பர் அவர்கள் சொல்லிய விஷயம் யாவும் கவர்ன்மெண்டு அறிக்கை மூலமாக அறிந்த மட்டில் அது உண்மையாக புலப்படவில்லை."

SRI G. KUMARASWAMI:—"In view of the fact that the price of paddy has shot up abnormally high in the district of Vizagapatam will the Government consider the desirability of fixing the rates and controlling them?"

THE HON. DR. T. S. S. RAJAN:—"The Government have fixed the ceiling price of paddy and wherever people sell it at higher price it is open to the magistracy and the police to take such actions as they think necessary."

SRI K. T. KOSALRAM:—"கனம் மந்திரி அவர்கள் நான் கேட்ட கேள்வியை மறந்து பதில் சொல்லுகிறார். அவர் ஒரு நாள் என்"

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இரட்டை அந்த ஜில்லாவிற்கு வந்தால் நான் காண்பிக்கிறேன். மந்திரி அவர்களுக்கு நேரடியாக காண்பிக்கிறேன். அங்கே வண்டி வண்டியாகவும், மூட்டை மூட்டையாகவும் நெல்லை வெளியில் கொண்டு போவதைக் கண்முன்னால் காட்டுவதற்கு தயாராக இருக்கிறேன். இந்த சவாலை ஏற்றுக்கொள்வார்களா ?”

(No answer.)

MR. SPEAKER:—“அவர் பதில் சொல்லவில்லை. அவரை பதில் சொல்லும்படி என்னால் கட்டாயப்படுத்த முடியாது.”

SRI M. KANNIYAPPAN:—“தலைவர் அவர்களே, கனம் மந்திரி அவர்கள் சற்றுமுன்பு சொன்ன பதிலைக்கேட்டு திடுக்கிட்டுப்போய் விட்டோம். சென்னைக்குப் பக்கத்தில் இருக்கும் அமிஞ்சிக்கரையில் போய் பார்த்தால் அங்கே இருக்கும் பெரிய அதிகாரிகள் பணம் வாங்குவதைக் கண்முன்னால் காட்டமுடியும் என்பதைத் தெரிவித்துக் கொள்ள விரும்புகிறேன்.”

MR. SPEAKER:—“The hon. Member is making a statement.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Is the Hon. Food Minister aware of the statement made by the Hon. Premier a few days ago that he is not satisfied with the procurement, that it has failed and so he was obliged to cut down 2 ounces of rice?”

THE HON. DR. T. S. S. RAJAN:—“I am aware of the statement made by the Hon. Premier. He has simply stated that procurement was not quite satisfactory according to the information of the Government. That is all.”

DR. M. J. SAMUEL:—“Sir, in view of the acute shortage of food-grains in certain districts of Rayalaseema, namely, Kurnool and Anantapur, will the Government consider the advisability of grouping these Rayalaseema districts into one area for the free movement of food-grains?”

THE HON. DR. T. S. S. RAJAN:—“The Government are aware of the food position in the Rayalaseema districts and they do not see there is any necessity to act on the suggestions made by the hon. Member.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Is it proper for the Hon. Premier to make important announcements in the Health Conference and not in this House first?”

THE HON. DR. T. S. S. RAJAN:—“I am sorry to say that hon. Member believes it to be an announcement. It is not an announcement. He opened the Conference and made a statement on the food situation.”

SRI R. V. SWAMINATHAN:—“The Hon. Premier stated that the procurement in the Province was not satisfactory. I want to know from the Hon. Food Minister whether the failure of procurement was due to the failure of the monsoon or due to the inefficiency of the Procurement department.”

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THE HON. DR. T. S. S. RAJAN:—“It is due to both. Because procurement depends on the quantity of foodgrains available and to the extent to which there is no foodgrains available, procurement necessarily fails.”

[* 284 Q.—

MR. SPEAKER:—“The Hon. Minister for Prohibition requested me to take up this question on Monday. Therefore, it will be taken up on Monday next.”]

Exemption of ‘arishtams’ and ‘asavams’ from licence.

[* 285 Q.—

MR. SPEAKER:—“The hon. Member is not in his place. The answer will be printed in the proceedings.”]

SRI K. ANANDAN NAMBIYAR: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether it is a fact that Dr. M. K. Vaidyar, President, Ayurveda Congress, Tellicherry, has made a representation to the District Collector of Malabar on 30th October 1947, to the effect that the sale of “arishtams” and “asavams” should be exempted from the licence as the same are not prepared out of any alcohol; and, if so, whether the Government will place a copy of the same on the table of the House; and

(b) what action is taken on the representation?

THE HON. MR. DANIEL THOMAS:—“(a) & (b) The question whether asavams and arishtams should be exempted from the provisions of the Madras Prohibition Act subject to suitable conditions, is being examined separately. The Government do not consider it necessary to place a copy of the representation on the table of the House, as the matter is still under consideration.”

Assistant Secretary, Central Road Traffic Board, Madras.

* 286 Q.—SRI P. VENKATARAMA AYYAR: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether there was any enquiry into the conduct of the Assistant Secretary, Central Road Traffic Board, Madras;

(b) if so, what the nature of the enquiry was;

(c) whether it is a fact that this officer has been serving in the Transport department for over four years now;

(d) if so, what the special reasons are for retaining this officer in that department so long; and

(e) whether the Regional Transport Officers are also of the same cadre as the Assistant Secretary of the Central Road Traffic Board?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. the Minister for Prohibition):—“(a) The answer is in the negative. (Please refer to the answer to clause (f) of

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question No. 484 given on the floor of the House on 28th November 1947.) There is, however, an enquiry, at present, against the officer on a petition received by the Government.

“(b) Does not arise.

“(c) The answer is in the affirmative.

“(d) He has been retained because he was found useful and competent. He has been granted leave and will be relieved shortly.

“(e) The answer is in the negative.”

SRI G. KUMARASWAMI:—“ May I know whether the Assistant Secretary has got independent powers or he carries out orders from the Central Road Traffic Board? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ I would like to have separate notice.”

SRI B. S. MURTHI:—“ I wish to know the name of the officer, Sir? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ I would like to have notice, Sir.”

SRI B. S. MURTHI:—“ May I know whether the enquiry has been conducted without knowing the name of the officer, Sir? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ This answer refers to a previous answer which contains the name of the officer.”

Adjudicator's award regarding the beedi and cigar factory, Cannanore.

[* 287 Q.—

MR. SPEAKER:—“ The hon. Member, Sri K. Anandan Nambiyar, is not in his place and the answer will be printed in the proceedings.”]

SRI K. ANANDAN NAMBIYAR: Will the Hon. the Minister for Industries be pleased to state—

(a) whether it is a fact that the beedi and cigar factory owners in Cannanore (Malabar) have not yet implemented the award given by the adjudicator; and

(b) whether the Government have taken any action on the factory owners to implement the same without any further delay?

THE HON. SRI H. SITARAMA REDDI:—“ (a) Some of the beedi and cigar factory owners have not yet implemented the award.

“(b) Yes, Sir. The factory owners have been prosecuted.”

* 288 Q.—[The Hon. Sri K. Chandramouli began to read the answer.]

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MR. SPEAKER:—“ I have no objection to take up the question to-morrow, if the Hon. Minister agrees to it. In the meanwhile I shall have the answer placed on the table of the House.”

Allocation of seats in local boards and municipalities.

* 289 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether there is any proposal with the Government to abolish allocation of seats in local boards and municipalities, on communal basis;

(b) if the answer is in the affirmative, when it is likely to be given effect to; and

(c) if the answer is in the negative, when the proposal is likely to be considered?

THE HON. SRI K. CHANDRAMOULI:—“ (a) The hon. Member is presumably referring to the present scheme of reserving seats for minority communities on local boards and municipal councils. If so, there is no proposal to abolish the scheme.

“(b) Does not arise.

“(c) There is no prospect of the present scheme of reserving seats for minority communities on local boards being given up in the near future.”

Utilization of the services of instructors trained at Wardha.

* 290 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Education be pleased to state—

(a) how the Government are utilizing the services of instructors trained at Wardha at present; and

(b) what is the scale of pay and other allowances of these teachers?

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

“(a) Out of the twelve teachers trained at Sevagram, Wardha, eleven are working in the Basic Training Schools in the Province, and the twelfth is on the staff of the Government Muslim College, Madras.

“(b) No separate scales of pay and allowances are given to them.”

SRI S. NAGAPPA:—“ May I know, Sir, what was the duration of time that was taken by these instructors to get themselves trained at Wardha? ”

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

“ I think it was six months.”

SRI D. V. RAMASWAMI:—“ May I know, Sir, among those trained how many are men and how many are women? ”

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

“ I am not able to say about it because I have no information.”

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SRI M. BAPINEEDU :—“ May I know how many of the instructors are Harijans from excluded areas? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ I do not have the statistics, Sir.”

SRI S. NAGAPPA :—“ May I know, Sir, whether these instructors are given any stipend by the Government? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ Yes. They are given their pay as well as stipend.”

SRI A. VEDARATNAM PILLAI :—“ May I know whether the Government propose to send more L.T.'s for training at Wardha and who is the selecting authority? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“ About 8 people were sent last financial year and about 8 will be sent this financial year also and the selecting authority will be the Director of Public Instruction.”

Plantation of trees along the Hagari banks in the Bellary district.

* 291 Q.—**SRI T. VISWANATHAM** : Will the Hon. the Minister for Agriculture be pleased to state—

(a) the total expenditure up to date, incurred by the Forest department in making a plantation of a few lines of trees along the Hagari banks in Bellary district;

(b) the total number of trees now surviving;

(c) whether any trees fit as timber, fruit, or fodder were ever tried for planting;

(d) whether the exotic tree ‘ mesquite ’ is fit for any purpose except as firewood;

(e) whether the Conservator, Bellary, recently inspected the plantations and found that there had been a large waste of money or incorrect accounting;

(f) whether the Conservator ordered the recovery of a large sum of money from the officer responsible;

(g) whether the recovery was made and if so, what amount; and

(h) what steps the Government propose to make to see that money is not wastefully expended?

THE HON. SRI K. MADHAVA MENON :—“ (a) The total expenditure incurred up to date by the Forest department in raising a plantation (of 1,810 acres) along the Hagari banks in Bellary district is Rs. 63,236.

“ (b) 313,800 seedlings have survived out of 543,000 planted.

“ (c) The object was to stop sand drift as quickly as possible to save the agricultural lands, roads, etc. So mesquite bean of Tasus (U.S.A.) which was very successfully raised in the Punjab for the above purpose was selected as it is very adoptable to dry sandy soil and the dry climate of Bellary.

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Besides this, tamarind, neem, *Albizia lebbeck*, etc., which are timber species were also planted.

“ (d) Yes. It is good fuel. It will also be useful for hutting materials, agricultural implements, etc. The pods are eaten by cattle.

“ (e), (f) & (g) The Conservator inspected the office and found certain payments in excess of sanctioned rates. The matter is under examination.

“ (h) Careful scrutiny is exercised by the officers concerned to avoid any wasteful expenditure of Government money.”

SRI B. PARAMESWARAN :—“ May I know whether there was any waste of money at all.”

THE HON. SRI K. MADHAVA MENON :—“ There has not been any waste of money at all but the plantations have been found satisfactory generally in the localities concerned.”

Malaria in the villages of Palni and Kodaikanal Hills.

* 292 Q.—**SRI K. P. KAMAKSHI CHETTIYAR** : Will the Hon. the Minister for Public Health be pleased to state—

(a) the number of deaths due to malaria in the villages of Palni and Kodaikanal Hills from 1940–1947;

(b) whether it is a fact that there is severe type of malaria in all these hill villages;

(c) the number of villages inspected and the work done in this area by the anti-malarial unit;

(d) what precautionary measures were adopted to prevent malaria;

(e) whether the Government propose to open more dispensaries to give medical aid to these hill villages; and

(f) what steps the Government are going to take to completely eradicate malaria?

THE HON. SRI A. B. SHETTY :—“ (a) No information is available.

“ (b) Yes, malaria is endemic in varying degrees in the villages.

“ (c) Malaria surveys were conducted in 15 villages. The villages are being inspected periodically.

“ (d) Anti-malarial drugs are being distributed. As the surveys showed no evidence of transmission of malaria in the villages no other anti-malaria measures have been taken at present.

“ (e) The question of opening more dispensaries in the villages of Palni and Kodaikanal Hills will be considered in due course when the taluks of Palni and Kodaikanal are taken up for the expansion of medical relief under Post-war Scheme No. 99.

“ (f) Proposals for the control of malaria in these villages are under the consideration of Government.”

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11-45 a.m. SRI K. P. KAMAKSHI CHETTIYAR:—"Sir, may I know whether the Hon. Minister has called for a report as to the exact number of deaths from malaria as recorded by the village officers of those villages?"

THE HON. SRI A. B. SHETTY:—"Sir, deaths due to malaria are not separately classified. The reports show only so many deaths are due to fever."

SRI S. NAGAPPA:—"Sir, may I know whether the Government are at least in a position to supply enough quantities of quinine to those villages in time?"

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

SRI V. I. MUNISWAMI PILLAY:—"Arising out of the answer given by the Hon. Minister to (f), may I know, Sir, when the Post-war Reconstruction Schemes will be applied to these areas?"

THE HON. SRI A. B. SHETTY:—"The hon. Member may put a separate question, Sir."

SRI P. KAKKAN:—"Sir, in Kodaikanal Harijans are attacked by malaria. What special steps are taken to give more grants for drinking wells and housing?"

THE HON. SRI A. B. SHETTY:—"That is a separate question, Sir."

Water-works in the Erode Municipality.

* 293 Q.—SRI M. A. EASWARAN: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Erode Municipality has sent a memorandum some months back for the extension of water-works; and whether it has also waited on deputation;

(b) whether the municipality has asked for any grant from the Government or for permission to carry on the extension of water-works;

(c) whether the Government have granted permission; and

(d) if not, when the Government will grant permission for the extension of water-works?

THE HON. SRI A. B. SHETTY:—" (a) Yes.

" (b) The municipal council only asked for sanction for the construction of an additional reservoir.

" (c) No.

" (d) The matter is under correspondence with the Chief Engineer."

The Labour department in the Tanjore district.

* 294 Q.—SRI M. MARIMUTHU: Will the Hon. the Minister for Rural Development be pleased to state—

(a) the reasons for still keeping the Labour department of Tanjore district as a temporary one; and

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(b) whether there is any proposal before the Government to make it a permanent one during this year itself?

THE HON. SRI V. KURMAYYA:—" (a) & (b) It is not quite clear whether the hon. Member refers to the District Harijan Welfare Officer and staff or the Labour School Teachers. Fifty per cent of the teachers have already been made permanent. The question of placing the remaining staff on a permanent basis will be considered after orders are passed on the recommendation of the Retrenchment and Reorganization Committee."

SRI S. NAGAPPA:—"Sir, may I know whether the Government will consider the desirability of enlarging the present staff as it is found inadequate in practice especially in the districts of Rayalaseema . . ."

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

SRI V. I. MUNISWAMI PILLAY:—"Sir, arising out of the answer given by the Hon. Minister to (b), will the Government consider the desirability of placing the Retrenchment Committee proposals before this House, before they are given effect to by the Cabinet?"

THE HON. SRI V. KURMAYYA:—"Sir, they will be placed before the Harijan Members of this House."

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

III.—ADJOURNMENT MOTION *RE* SAFETY OF THE PEOPLE IN THE HYDERABAD BORDER VILLAGES.

MR. SPEAKER:—"The hon. Member Mr. Raghavayya has given notice of an adjournment motion under Rule 36 to discuss a matter of urgent public importance, namely—

'the inadequacy of the arrangements made by the Madras Government to safeguard the interests, welfare and safety of the people of this Province residing in the Hyderabad border villages of our Province.'

I wish to know from the Hon. the Leader of the House what he has to say."

THE HON. SRI B. GOPALA REDDI:—"Sir, apart from the political significance of the resolution, I would like to know whether it is in order, first of all, for I feel that is not a specific matter of recent occurrence. It is a vague suggestion that the Government have not made proper arrangements with regard to the border villages. So, Sir, I feel that it is not a specific matter of recent occurrence. There is nothing recent about it. We have been hearing about the Hyderabad incidents ever since August 15th and very many times we answered questions on the subject and I feel, Sir, that is not a specific matter of recent occurrence. That is my main objection and politically also, Sir, I feel that very delicate negotiations are being carried on."

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MR. SPEAKER:—"I must give a ruling on this because he has raised almost a point of order.

"I wish to bring to the notice of the Hon. Leader of the House that the House only commenced sitting yesterday and all along we were not having a session. There was a ruling in the Central Assembly to the effect that a discussion of this nature might cover occurrences which might have taken place some time before the House actually commenced its sitting the reason being that the hon. Members had not at the time the occurrence took place an opportunity to bring the matter for discussion in the House. Yesterday the hon. Member brought it to my notice; there is no harm in it. When this question was brought before the House last, the Hon. Leader of the House gave some reply and on that the hon. Member has withdrawn it. It is a specific matter."

THE HON. SRI B. GOPALA REDDI:—"The House was in session from the 19th February to the 25th March, for nearly forty days and the hon. Member wants to raise a discussion regarding the inadequacy of arrangements made by the Madras Government, perhaps from the 15th August and this is a general matter which is raised, namely, that the arrangements have not been adequate."

MR. SPEAKER:—"At that time, we were having our Budget session and, if I remember aright, it was Mr. Venkatasubbayya who brought in the motion and the Leader of the House at that time gave a reply and Mr. Venkatasubbayya withdrew it. During the last few weeks, we had no meeting of the Assembly and so having regard to the fact that opportunities were not open to members to raise the debate in the House then, it is still a fresh matter and it is an urgent matter even now."

* DR. P. SUBBARAYAN:—"Mr. Speaker, the appeal I made then is that the matter is very delicate and as the Government of India are principally concerned with it, it will not be in the public interest to discuss the matter as hon. Members wanted to do. As I said, all of us here are interested in the well-being of the Indian Union as a whole and the States Member of the Union knows the purpose with which this matter is being tackled. As far as I am aware, the Government of Madras have done whatever they could to instil confidence into the public and an open discussion of this kind wherein many things will be said will not be in the interests of the Indian Union as a whole and I would, therefore, appeal to the hon. Member in the interests of the Indian Union in which we are all interested not to press this motion. A discussion of this kind on the floor of the House will only lead to more panic and what we want to do is to stand up with courage and I know what is happening in Hyderabad from the report I had had; panic prevails and unless some courage could be instilled, things are going to be more difficult there; in the interests of the administration, in the interests of the steps the Provincial Government would take and in the interests

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of the negotiations the Indian Union Government will carry on, I would really ask the hon. Member not to press this motion because it is not going to make matters any better than what it is to-day."

MR. SPEAKER:—"Apart from the reply given by Dr. Subbarayan, I wish to know from the Hon. Leader of the House what he has to say."

THE HON. SRI B. GOPALA REDDI:—"Supplementing what my hon. Friend Dr. Subbarayan has said, I wish to say that after the receipt of notice, I had a discussion with the Chief Secretary and with the Hon. Premier himself because they are directly concerned with the matter; they tell me that very delicate negotiations are being carried on just now both by this Government and Government of India and it will not be in public interests to reveal any of the measures that are being taken by the Government to meet the situation. Every word of what is said is likely to be scrutinized at Hyderabad by the people concerned and they will be certainly watching the proceedings of the House. I do not think any useful purpose will be served by having a discussion on this matter and I, therefore, request the hon. Member not to press his motion."

* SRI V. RAGHAVAYYA:—"Mr. Speaker, kindly allow me to say a few words by way of personal explanation. My idea in raising the question is not to embarrass the Government. The Government need not be very touchy about the discussion because in the Central Legislature, the Government not only allowed the matter to be discussed threadbare though on a mere press report but also the Hon. Prime Minister of India took the opportunity by the forelock and did not try to shirk or burke the matter which anybody would have done and he has given an assurance to the country with which the people were very much satisfied. My point in the matter is that the Government of Madras would do well not only to do things they have been doing but also make the people feel that they are doing things to safeguard their position. Every day, we come across with speeches and incidents across and about the Hyderabad boundary and of course we get contradictions whatever it may be, about the number of people dead, but it is admitted by both. Some time ago, when I raised the question, I asked the Government: 'Between these two, where are you and why do you not issue a statement on behalf of the Madras Government concerning the correct position regarding the incidents that happened in your area'. I would plead for such a statement. In view of the statement of the Hon. Leader of the House and my hon. Friend Dr. Subbarayan I am not pressing the motion and I only request the Government to assuage the feelings of the people by giving a correct and accurate and timely statement from time to time instead of leaving things to be imagined as they like which is very harmful to the country. In view of what the ex-Home Minister and Leader has done of taking upon himself the role of explaining the position as a matter of aid to the present junior

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Leader of the House, I thank both of them for having given us some idea of what they wish to do and I congratulate them on the concord with which they have dealt with this matter and I hope they will continue it in future also. I am not pressing the motion."

* Dr. P. SUBBARAYAN:—"A personal explanation, Mr. Speaker. I am only interested in the public welfare and the interests of the Indian Union and there is no question of going to the aid of anybody at all. I am sure my hon. Friend the Leader of the House is very well able to take care of himself. All that I wanted to point out was that members of the House should have the interest of the Union as the primary concern in any matter that they may wish to be debated. Even in this matter, the position is very delicate and what has been done by the Government of India is one that ought to be appreciated by the public as a whole. Unfortunately Sardar Patel is not well but while he was in charge, he had done all that he could to this end and that is the reason why . . ."

Mr. SPEAKER:—"The Hon. Member is making a speech."

Dr. P. SUBBARAYAN:—"I am only explaining; it is not a speech and for my personal explanation these points are necessary. All that I want hon. Members to do is to see that the interests of the Indian Union should be supreme in every effort they make to bring things to a better condition."

SRI B. S. MURTHI:—"Mr. Speaker, apart from this question being a very important concern of the Union Government and also a delicate matter, I wish to know some facts from Government. We have also got some stake about this and I am going to give information to the House that has not reached the Government . . ."

Mr. SPEAKER:—"Order, order. The hon. Member has expressed that he is not pressing the motion and so I take the next item in the Agenda, namely, the Madras Re-enacting (No. III) Bill."

IV.—GOVERNMENT BILLS.

(1) THE MADRAS RE-ENACTING (NO. III) BILL, 1948.

12 noon. THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, I beg to introduce the Madras Re-enacting (No. III) Bill 1948, and move—

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

The objects and reasons of this Bill are the same as those of the two Bills which were approved by the House yesterday. This Bill provides for the re-enactment of four Acts relating to District Municipalities and Local Boards, which will lapse on the 30th April 1948.

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unsatisfactory, were supersession or dissolution of the panchayat and the removal of its president. There were however many cases where these drastic remedies were not called for, for instance, where deterioration in the administration was due to want of experience on the part of the president. The Government considered that the appointment of an executive officer for the panchayat might suffice to improve the administration in such cases and the Act was accordingly passed.

"The second Act relates to the Madras Corporation.

"The third Act was passed to remove certain difficulties encountered in administering the Madras District Municipalities Act, 1920. The Government want to re-enact the above Act and place it permanently on the Statute Book. The only change is that the amount of petty contingent expenditure which an executive authority can incur without the previous sanction of the Council has been raised from Rs. 25 to Rs. 50. But he should inform the Council about such expenditure at its next meeting, if he had no time to take the Council's permission beforehand.

"The fourth Act relates to Highways. A Highways department has been established and the Highways have been taken over by the Government. The Act provides for the district boards to contribute towards the cost incurred by the Provincial Government on account of the staff of the Highways department.

"These are the four Acts which the Bill seeks to re-enact, and the Bill is non-controversial. So I move that it be taken into consideration at once."

SRI T. VISWANATHAM:—"Mr. Speaker, Sir, though it is true that this Bill was published in the *Fort St. George Gazette* earlier, copies of the Bill were circulated to the members of this House only to-day. It is very difficult for the members to discuss it at this stage without going into the implications of the various Acts that are sought to be re-enacted. I would like to know from the Hon. Leader of the House whether he would agree to refer the Bill to a Select Committee or wants to proceed with it. If it is referred to a Select Committee, the members will have time to study the several Acts. This is not merely a re-enacting Bill; certain substantive new provisions have also been added. Though the motion is that the Bill be taken into consideration at once, without going into the merits of the Bill, I appeal to the Hon. Leader of the House to agree to refer it to a Select Committee."

THE HON. SRI B. GOPALA REDDI:—"I may just inform the hon. Member that the Bill has to receive the assent of the Governor-General before the 29th April. That is our difficulty. Otherwise we would agree to refer it to a Select Committee."

SRI T. VISWANATHAM:—"If that is so, the Government can include only such provisions as require re-enactment and the assent of the Governor-General before a particular date. My contention is that this is not merely a re-enacting Bill. Certain substantive new provisions have also been added. For instance, I may draw the attention of the Hon. Leader of the House to

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section 27 on page 22 of the Bill which deals with the preparation of the agenda. Already the Commissioner has a fairly good deal of authority over the Chairman. This section adds to his authority and puts him over the head of the Chairman. It substantially curtails the powers of the Chairman or, at any rate, sows more seeds of discord between the Commissioner and the Chairman. Where is the need for obtaining the assent of the Governor-General to this section before a particular date?

"I have not had time to go through the other provisions. It bristles with difficulties. The Bill was circulated only this morning as we were following the questions and the supplementary questions and it has come up immediately. I enter my emphatic protest against the way in which this Bill is being rushed through. I request the Hon. Leader of the House not to be so adamant as some other Ministers, and I once more appeal to him to get the Bill referred to a Select Committee."

SRI K. BHASHYAM:—"I do not see the reason why in respect of this Bill the procedure that has been adopted in respect of the two similar Bills that were passed yesterday is not followed. If the Government had brought forward this Bill along with the other Bills, it would have been easier to go through Act by Act and find out which Acts were necessary and which were not. That is one thing that I would like to point out.

"The second thing is that this is not a Bill which merely re-enacts certain Advisers' Acts which expire by the 30th April 1948. Substantial amendments have been made. You find from the schedule on page 3 of the Bill that the sum of Rs. 25 which an executive officer can incur by way of petty contingent expenditure has been increased to Rs. 50. We do not know for what purpose this is done. The reason is not given even in the Statement of Objects and Reasons. Coming lower down on the page, you will see that after section 73-B, certain new provisions are added. This Bill thus not merely re-enacts but re-enacts with certain additions and by raising the financial limit in certain cases. I would like to know whether the Hon. Leader of the House would agree to refer the Bill to a Select Committee, if necessary with instructions to make the report available day after to-morrow. After all, there are only four Acts and the report can easily be got ready by then. If this cannot be done in view of the urgency involved, at least let the Bill be taken up to-morrow so that members who are interested in the administration of district municipalities may have their say or propose amendments. I should like to reiterate what was said by the hon. Sri T. Viswanatham. The Bill was published in the gazette on the 13th, and the mufassal members would have got copies of it only on the 14th or 15th. In studying this Bill, reference is necessary not only to the Advisers' Acts, but also to the original Acts which they amend. I do not know whether the members have had the necessary time. I appeal that this Bill may be taken up at least to-morrow so that members may get to know something."

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SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, I also support the proposal made by the hon. Friends Mr. Viswanatham and Mr. Bhashyam that some more time should be given to the members to study the provisions and propose suitable amendments which the Government may consider. It is really taking us by surprise that the Government should ask us to consider all these Acts and pass them into law to-day. Nothing will be lost by appointing a small Select Committee with instructions to submit its report before we meet again on the 26th April. It is not democratic that even a Congress Government should take the members unawares by forcing upon them certain Bills without allowing sufficient time. I think the Hon. Leader of the House will be quite within his limits if he will kindly consent to have the Bill examined by a Select Committee or give some time for the members to propose amendments."

* SRI B. S. MURTHI:—"Mr. Speaker, Sir, I also would like to appeal to the Hon. Leader of the House to give us some time because this is not merely a re-enacting Bill. So many new provisions, which cut at the very root of democratic principles, are added. Now-a-days the position of Harijan members in the municipalities, district boards and panchayat boards is unenviable. Therefore all the Harijan members in this Assembly must be given a chance to express their views on a Bill which is going to change the rural atmosphere of our province. There is no use in rushing through this Bill. We must be given sufficient time and scope to express our mind. If this Bill had been sent to us earlier and if we were allowed at least 10 or 15 days' time, we would have been in a position to discuss it to-day. I appeal to the Hon. Leader of the House to give us sufficient time so that we can express our views and make the Bill as perfect as possible."

BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, when the Government referred the other two Bills of a similar nature to a Select Committee, I cannot understand the reason why the same procedure is not adopted in regard to this Bill and why the Government want to rush through the Bill in the manner they desire. I think it is very necessary that opportunity should be given to the members to go through Bills especially those dealing with local self-government and propose necessary amendments. I feel that a very strong point has been made by the hon. Mr. Bhashyam that some more time should be given to the members to study the Bill and propose amendment. I think that a Select Committee may be appointed to go into this Bill urgently, even within a day if necessary, and then we can take up the Bill. We have requested the Government time and again not to rush through legislation, and time and again they have declared that they will not do so. But we still see that they bring forward Bills and move that they be taken into consideration at once. I request the Hon. Minister to be amenable to reason and not to hustle through this important piece of legislation."

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SRI T. VISWANATHAM:—"Sir, previously I made some remarks only to elicit information. But now, I beg to move an amendment that the Bill be referred to a Select Committee."

"Within the short time, we have not been able to study all the implications of the Bill. Just because I have not been able to study the whole thing, I might have made a misstatement that some of the provisions had been newly introduced by the present Ministry, though as a matter of fact they might have been there even before. The Hon. Minister for Local Administration is thinking of a comprehensive measure relating to district municipalities and local boards. Therefore I say: 'Do not re-enact these Acts in view of the Bill that is going to be introduced.' By allowing the Act to lapse, no harm will be done. The treasury would not lose anything, the Madras Government would not lose anything and peace and order would not be endangered. I am not asking for any long time. I am only moving for reference to a Select Committee and the Select Committee may be asked to report by to-morrow or the day after. Then we can consider the Bill."

BEGUM SULTAN MIR AMIRUDDIN:—"I second the amendment."

12-15 p.m. THE HON. SRI K. CHANDRAMOULI:—"Sir, I am very glad my hon. Friend Mr. T. Viswanatham has found out at least one defect in the Bill. There may be several mistakes no doubt. Still as he has said we are going to introduce new Bills regarding the municipalities and the local bodies and I hope that the House will accept these things as a temporary measure. These things were not made by us at all. They were made during the time of the Advisers and they have to be continued for some time as a stopgap. I therefore appeal to my hon. Friends to have some patience and wait for the proposed new Bill, so that we can do the several things which we are not doing at present."

THE HON. SRI K. MADHAVA MENON:—"I am sorry, Sir. I cannot accept the amendment. Mr. Viswanatham when he first spoke without moving the amendment for a select committee made certain remarks that it was an absolute modification. Evidently he has corrected himself latterly. The modification that we propose to make in the Bill is at page 3. Only two modifications have been suggested and they are minor modifications. In all other respects this is re-enacting the provisions of the Act XXXVII of 1942 passed in 1942 during the Advisers' regime. Then we were asked why we should fight shy of a Select Committee by the hon. Lady Member, Begum Sultan Mir Amiruddin, and other hon. Members, when we have referred the bigger repealing and re-enacting Bill to a Select Committee. That is exactly my answer also. Why should we fight shy of a Select Committee at all? When there was time at our disposal we offered to refer the Bill, not only to a Select Committee but a Joint Select Committee for consideration. The Joint Select Committee had reported and the Bill was examined here. Then there was sufficient time. Though this present Bill was passed during the section 93 regime

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it has been examined in detail section by section. I may also claim to know something about the municipalities and the amendments that are proposed in the particular Bill referred to by Mr. Viswanatham are only those which would help the working of the municipalities and not hinder their working at all. May I take one point which was mentioned by him . . ."

MR. SPEAKER:—"The Hon. Minister will please resume his seat. The amendment as well as the main motion are before the House for discussion. I don't know why so soon the Hon. Minister has begun to reply to the debate. I have not yet called on other Members to have their say on the matter."

THE HON. SRI K. MADHAVA MENON:—"I am not accepting the amendment, Sir."

MR. SPEAKER:—"When I have allowed other Members the Hon. Minister will have his opportunity to reply."

* SRI A. VAIDYANATHA AYYAR:—"Sir, I join to support the amendment, because there are certain portions where I have not been able to understand what is the nature of the new amendment that is being sought to be made. You find at page 3 of the Re-enacting Bill, 1946, Madras District Municipalities and Local Boards (Amendment) Act, 1946, the modification which runs thus: In section 2, for clause (a) of new section 61-A of the Madras District Municipalities Act, 1920, the following clause shall be substituted, namely: '(a) for the lighting, watering, scavenging and drainage of such street.' If you will kindly turn to page 27 where you have got that Act, I find that clause (a) is exactly in the same words: 'for the lighting, watering, scavenging and drainage of such street.' I have read it about half a dozen times and I am not able to see why instead of that clause (a) this clause (a) comes in it all."

THE HON. SRI K. MADHAVA MENON:—"I may submit, Sir, that what is found in page 27 is the clause as carried out by the amendment in schedule at page 3."

* SRI A. VAIDYANATHA AYYAR:—"In section 2 of new section 61-A that is what you have given. What is sought to be substituted, why it is sought to be substituted, what is the nature of the amendment, all these are somewhat difficult to follow. After all we are trying to have a perpetuation of an amending Act itself and again some more amendments are being sought to be brought in. If it is as the hon. Mr. Viswanatham pointed out a case of merely extending the Act because it is only for a limited duration, one can understand. If there are also new provisions that are sought to be made the hon. House should have an opportunity of seeing as to why or in what way it may be used."

"One more matter I may place before the House. In giving a permanent duration for some of these Acts, it may be just as the Government think that there are certain things that may be amended. The House may also think that there are certain other things that may be amended. When you are giving a permanent

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tenure to an Act why refuse the House the right to register its verdict, by adopting the whole Act and giving it a permanent duration, by compelling subsequently further amendments which may be found necessary to be brought in because the Government found that some amendment was necessary before it was permanently placed on the statute book? It may be the House may have a number of more amendments. Now we are getting a verdict on the whole Act from the House without giving it an opportunity of amending the Act after it had been once brought before by the Advisers' regime. Therefore, I would request that the amendment moved by my hon. Friend Mr. Viswanatham be accepted."

* SRI K. BRAHMANANDAM REDDI:—"Sir, I have heard the hon. Mr. A. Vaidyanatha Ayyar and the other hon. Friends who moved the amendment and supported the amendment. Of course, while conceding the right of every Member here to propose amendments and specially requesting the Government to refer the Bill to a Select Committee is a mere waste of time. I do concede that certain enactments have to be referred to Select Committees because they involve some wide propositions, the principles of which should be accepted by the House. But if only the hon. Members of the House who have specially moved the amendment and supported the amendment have gone into the Statement of Objects and Reasons given at the end of each proposed Bill, they will clearly and at once see that these amendments once agreed to are not controversial at all. For instance, in these three or four small enactments, one proposes the inclusion of the words 'executive authority of panchayat' where 'president' occurs and the last one states that if any particular road is taken over by a Highways department, it shall be the duty of the municipality to water, scavenge and do all such other sanitary arrangements that may be necessary to the particular highway. It shall not be open to the municipal council to say that because the particular road is taken over by the Highways department, the scavenging, drainage and other things which are necessary for the proper sanitation of the road should be left over to the Highways department. I certainly consider that reference to Select Committees of such minor matters is not in the interests of proper legislation."

SRI G. RAJAMANNAR CHETTI:—"Mr. Speaker, Sir, having heard the Hon. Minister and the hon. Member Mr. T. Viswanatham and other hon. Friends, I am constrained to think that a matter of this fundamental nature must be considered more deeply and due respect must be paid to the hon. Members of this House. They have the right and capacity to consider such motions before the House. It is not the monopoly of any Minister or a group of Ministers to take things before the Assembly and compel us to vote for them. It is a fundamental and legitimate right of the hon. Members of this House to go through such motions deeply and consider them in the manner in which they ought to be considered. The representative capacity of every Member is being questioned if he is to be compelled to blindly record his vote without question. On that score, Mr. Speaker, I request the Hon. Minister to concede the reasonable request of

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hon. Members who have spoken and who have requested that the Bill be referred to a Select Committee and give proper time for consideration."

* SRI V. RAGHAVAYYA:—"Mr. Speaker, Sir, somehow the Hon. Minister in charge of the Bill seems to be under the impression or rather a wrong notion that the more intransigent he is in yielding to some of these suggestions made bona fide and with a real grievance, the stronger the position of the Government will be. It is certainly not so. Questions are put to us in our constituencies as to what is the subject-matter of a particular Bill. Here legislation is being rushed and only yesterday so many Bills were put into our hands. This Bill was handed over to us a few hours back and before we could get ready with this, side by side with this, the new leader has given us another important work, the discussion about the new constitution to be rushed through within one and a half days. What the Constituent Assembly took one and a half years to consider we have to finish in one and a half days. The idea of the Government seems to be: What is the good of our working with these things. Some other Legislature is there to think about this matter. I wish to request the Government to be fair to the Members and to the constituencies they come from. This is not the proper way—to rush through legislation. Even yesterday we had occasion to note that the Hon. Minister was rushing through a Bill which I was assured just four months back would not be introduced. I have got in writing a letter from the Government stating: 'We will not have this Habitual Offenders Act. It has been dropped.' But to-day it has been sprung upon us although I mentioned to the Hon. Minister that in view of the assurance given it should not be put into the Statute Book. Similarly, Bills come up like this. Where is the harm, I ask, of a delay of three or four days? Generally the House is adjourned for somebody's convenience or other and we are asked to go home and return again. Sir, I wish to lodge my protest against this summary way of disposing of legislation. These Bills are important relating to municipal administration. They may say these are all small things. It may be a small thing to us. But when they are being operated in the municipalities and local boards much hardship is created. I, therefore, suggest that the Treasury Benches would do well to ponder over the difficulties that are being created by such things and not be in this indecent haste in rushing through the Bill. I would appeal to the Hon. Mr. Pedda Ramaswami Reddiar to take some interest and interfere and put a stop to this kind of rushing of legislation."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. 12-30 p.m.
Speaker, Sir, it is true that the proposal before us to re-enact certain measures passed during the Adviser's regime does not contemplate the passing of Bills which were passed by any Legislature in the past. These Bills were certainly not scrutinized by any legislature, much less by a Select Committee. I believe it is necessary that Government should recognize the

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fundamental difference between a legislation which is passed by the Advisers' Government and a legislation which goes through a legislature, and is examined thoroughly by a Select Committee. If they recognize this distinction, I am sure that they will not oppose the motion of my hon. Friend Mr. Viswanatham that this Bill should be referred to a Select Committee. Of course there may not be very much difference between what is said in the Acts passed during the Advisers' regime and what we are going to do now. But the very fact that the legislations which we are now re-enacting are not the production of any legislature should suffice for the Government to refer these Acts to a Select Committee. We do recognize that the Government want that these enactments should be re-enacted before the end of this month. For that my hon. Friend Mr. Viswanatham has suggested that the Select Committee might sit in a day or two and give a report so that the House could meet and pass this measure later. Not much will be lost by the Government by giving an opportunity to Members to examine this measure thoroughly. Of course, it is admitted that measures which are not referred to Select Committee are not examined in the same manner as measures that are referred to it. Members in the Select Committee are expected to examine the provisions of the Bill thoroughly themselves. Hon. Members who have experience of parliamentary work do realize that there is so much difference between the attention paid to a measure like this in this House and that paid in a Select Committee. Members certainly give much more attention, and the whole atmosphere in a Select Committee is different from that in this House. Therefore, I think it is much better that Hon. Ministers of the Government do recognize the fact that they ought not to give up reference to Select Committees of measures of far-reaching nature as this, unless there are very important considerations. We know that these measures should be re-enacted before the end of this month. My friend Mr. Viswanatham said that nothing will be lost if it is re-enacted to-day or before the end of this month. After all, if the re-enactment does not take place immediately much will not be lost in view of the fact that the Minister for Local Administration himself said that Government are going to come forward shortly with measures which will affect local administration in a far-reaching manner. Therefore, I hope, Sir, that this Bill will be referred to a Select Committee as proposed by my hon. Friend Mr. Viswanatham and supported by some other Members of this House, for it is only then we will be giving the attention that is needed to this re-enacting measure."

SRI GUNTUR NARASIMHA RAO:—"Mr. Speaker, Sir, I oppose the amendment and press for the passing of the Bill. Though the Bills have been passed during the Advisers' Government, ample opportunity was given to Members during the course of these years to suggest modifications. If there are any objectionable features in the Bill, they could have brought forward amendments. If the Bill is to be referred to a Select Committee, it will require some time for discussions, and we have to attend

[Sri Guntur Narasimha Rao]

to very important work lying ahead. I wish, Sir, that the Bill be taken into consideration at once without any reference to the Select Committee."

THE HON. SRI K. MADHAVA MENON:—"Sir, except the general criticism that the fundamental rights of democracy have been attacked and Bills are being rushed through, on the merits of the Bill not one Member has spoken. The amendments made during the Advisers' regime, Mr. Hameed Khan said, may not all have been examined. I say it took a little time for us to examine them. One Member was rather kind enough to lay the flattering function 'your examination is the best examination'. We were not able to complete the examination to bring this measure sufficiently early before the House. The Bill was published on the 13th April in the *Fort St. George Gazette*. It cannot be said that it has been published only recently. During these three or four years, the municipalities have been working these amendments and none of them has objected to any of these amendments. On the other hand most of the municipalities have conceded that the amendments are in the interests of good administration of the municipalities. It is not at all the desire of Government to by-pass this House by avoiding a Select Committee. All the Bills that were passed before were placed before a Joint Select Committee. If this Bill could not be placed before a Select Committee, it was because there was no time to do so.

"Now, one or two words about the merits of the Bill. No tangible objection was raised with regard to any of the provisions of the Bill. Mr. Viswanatham took objection to one section. That is not a new section. It was there in the Advisers' Act. We only say that that may be made permanent. The section is—

'27. (3) In municipalities in which there is a commissioner, the agenda for the meeting shall be prepared by the commissioner in consultation with the chairman. The commissioner may include in the agenda any subject which in his opinion should be considered by the council and shall include therein any subject specified by the chairman. On any subject included in the agenda, the chairman as well as the commissioner shall have the right of recording his views in a note and such note shall be circulated to the councillors or placed before the council before or at the time of the consideration of such subject by the council.'

There have been cases where the chairman refused to put in the agenda subjects which the commissioner wanted that the council should consider. Though the final authority is the council, the commissioner in ordinary cases has to consult the chairman. In certain cases where they do not agree, the commissioner has the liberty to put it before the council. This will save the friction between the chairman and the commissioner.

"The hon. Sri K. Bhashyam spoke about the power of the commissioner to spend up to Rs. 25. When the amount is sanctioned by the council and is provided for in the budget, to save delay power is given to the commissioner to spend up to Rs. 25. Under the new section 3 the amount is increased from Rs. 25 to Rs. 50. When the amount is sanctioned by the council and is provided for in the Budget, the commissioner may spend that amount, and report the fact to the council at its next meeting.

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"Mr. Vaidyanatha Ayyar referred to section 60-A. Certain roads in municipalities have been handed over to the Highways Department. He asked who should provide for lighting and other sanitary arrangements in those streets. The streets have been taken over by the Highways Department from the municipalities and they would attend to their maintenance. As regards lighting and other sanitary arrangements, they shall be looked after only by the municipalities.

"Similarly almost every other Bill is only for administrative convenience. We are not trenching upon the powers of the House. It is not undemocratic nor is it going behind the people's representatives. These amendments have all been worked by the municipalities during the course of three or four years. As the Hon. Minister for Local Administration said, the whole District Municipalities Act is being examined. He is preparing a Bill to increase the powers of the councils and the elected representatives. So, this is only a temporary and tentative measure, which will be drowned in the main Bill, when that is introduced. Till then as a working arrangement this Bill is necessary, and that is the reason for bringing forward this Bill now. There was no idea of by-passing the House at all. I therefore request the hon. Mr. Viswanatham not to press his amendment but to agree to the Bill being passed now."

SRI T. VISWANATHAM:—"I press my amendment that the Bill be referred to a Select Committee."

The amendment was put and lost.

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

Clauses 1 to 5, the Schedule and the Preamble were separately put and carried.

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

'that the Bill be passed into law'."

12-45
p.m.

SRI T. VISWANATHAM:—"Sir, I wish to enter my emphatic protest against the way in which Bills are being rushed through in this House. The request made by member after member to refer the Bill to a Select Committee and to give more time, has not been accepted. There is no urgency at all with regard to this measure. The Statement of Objects and Reasons will itself show that there is no particular urgency for this legislation. Moreover, there are so many rules of this Assembly which are only intended to put some sort of a restriction against the rushing of measures like this. For instance, there are rules with regard to amendment, etc. These are intended to enable members to have some time to consider the Bill in detail. But in spite of request and persuasion made by member after member, the Government are bent upon rushing through this very important legislation. I only rise to enter my strong protest, which I am sure, is shared, by most of the members present here."

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"I did not want to speak at this stage of the Bill but to point out how hard-hearted the Government is, particularly to their own members. Possibly, if the amendment had come from the Opposition, it might have been treated with greater respect because there is some sort of honour which the Government bestow on the Opposition which they do not show to their own members. Sir, I have from time to time drawn the attention of the Government to one fundamental fact that measures of far-reaching nature should not be rushed through. Many important Acts we are re-enacting to-day and they are brought before the House for consideration and therefore, it is much better if sufficient time is given to members to meet in a Select Committee so that they may examine these measures more thoroughly than is possible at present. Sir, courts have already made many complaints that they find very many defects in the legislations that have been passed in this House."

THE HON. SRI B. GOPALA REDDI:—"Many of them have passed through the Select Committee."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"The Hon. the Leader of the House has rightly supported my argument by saying that many of the measures pass through the Select Committee. If defects are found by the courts even in Bills which have passed through the Select Committee, the defects will be much more in the case of Bills which do not pass through the Select Committee. Therefore, I hope the Hon. the Leader of the House will understand the importance of referring Bills to the Select Committee and giving time to the Members. At least in future, Government should take care to see that important measures are not rushed through in the manner in which they are being done to-day and to give an opportunity to members of the Select Committee to examine the provisions thoroughly so that this House will not become the laughing-stock of the courts."

SRI A. KALESWARA RAO:—"Sir, I also rise to enter my voice of protest against the way in which this important Bill has been rushed through by the Government. The Advisers' Government which was reactionary passed many amendments to the Local Administration Act. They did it in a spirit of reactionism. They superseded all the Congress municipal councils and filled those seats by nominated councillors. They did all those things by a stroke of the pen. But this Government, which is a popular Government, should not follow the way in which Bills were passed by the Advisers' Government to suit their purposes but should give sufficient time to members to examine the measures and to move amendments. This procedure of rushing through Bills without giving any time or opportunity to members to move amendments is a procedure which is unheard of and unknown in any democratic institution. This is most undemocratic. In fact, I got the Bill in my hands only just now and I even did not know whether I could move any amendments

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or not. The Hon. the Leader of the House should have give us some time for moving amendments which he has not done. We do not know where we are and whether we are under a democratic Government. Therefore, with these words, I enter in strong protest against the passing of this measure in this way.

BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir I wish to join in the emphatic protest that has been entered by my hon. Friend who moved the amendment, Mr. Viswanatham. Sir, it does not at all redound to the credit of this Government that member after member from their own side, should have been calling the attention to the rather autocratic method in which Government are rushing through legislations in this House at that they do not conform to democratic principles. For instance, Sir, I may point out the way in which the Habitual Offenders Act was passed in this House yesterday. Similarly, we find this Bill to-day being rushed through. Yet, the Government come forward and say that they are acting differently from the old bureaucratic regime, namely, the Advisers' Government. I think this Government is actually acting in the same manner as the old bureaucratic regime. The Advisers have promulgated certain laws to suit their own purposes in an undemocratic way and this Government is falling in line with them in re-enacting those measures. Therefore, I also wish to enter my emphatic protest and to join my hon. Friend, Mr. Viswanatham, with regard to this matter. I hope Government will revise their attitude at least in future and see that they do not rush through these important legislations but that when they come forward with important measures, they will refer them to a Select Committee and give time to the members for considering the provisions and moving amendments."

SINNA KAZIAR HAJI MOULVI S. A. F. IBRAHIM SAHIB BAHADUR:—"Mr. Speaker, Sir, I also enter my emphatic protest with Mr. Viswanatham. Certainly, Sir, now you will find that I am the fittest man to speak on this subject. (Laughter.) Sir, with regard to these municipal councils, powers were originally vested in the chairmen of the municipal councils but later a lot of muddle and confusion took place and commissioners were appointed. So far as the Madura Municipal Council was concerned. It is here the first commissioner was appointed and other commissioners were appointed afterwards. The Advisers passed some administrative Acts and issued some orders to clarify the position as to in whom the power should be vested, in the municipal commissioner or the chairman. This Government did not also clarify the position with regard to the powers of the chairman or the commissioner by an enactment. Again, Sir, I do not know why the Hon. Minister is so very persistent as not to take notice of the several requests made by hon. Members of their own side for referring this Bill to a Select Committee and allowing time for the members. Mr. Speaker, Sir, you may know that I have got twenty-nine years of experience in the Madura Municipal Council. But, I am sorry to say that the municipal councils are becoming worse

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day by day. In the papers, you will see that every day one chairman or the other of these municipal councils is sent out. Therefore, I wanted to move an amendment with regard to these municipal councils, because Government should take precaution in these matters. In fact they should be over-cautious. But, Sir, the Government have brought in this Bill all on a sudden. Therefore, if this Bill becomes law, you may rest assured that you will find it necessary to appoint many more magistrates for settling disputes in these municipal councils and local boards. I do not want to say anything more except this. With these words, I oppose the passing of the Bill."

SRI D. V. RAMASWAMI:—"అధ్యక్షా, ఈ బిల్లుపై జరుగుచున్న చర్చ చూచినప్పుడు చాలా విచిత్రముగా కనపించుచున్నది. ఇదివరలో మన Legislative Assembly సమావేశములు ఏ 2, 3 నెలలకో ఒక రుక్కాయము జరుగుచుండేవి కాని ఈ మధ్యను మనము ప్రతి నెలకూడా ఇక్కడ సమావేశమై ప్రజాపకరమైన అనేక శాసనములు చేయుచున్నాము. ఈ శాసనములు చాలామట్టుకు బిల్లులను Select Committee లకు పంపి అవి సవరింపబడిన తరువాతనే చేయుచున్నాము. కాని Select Committee కి refer చేయుటకు ప్రభుత్వమువారు ఎందు ఈ బిల్లును మాత్రము Select Committee కి refer చేయుటకు ప్రభుత్వమువారు ఎందు చేత అంగీకరించుటలేదో తెలియుటలేదు. మన రెండు దినములు ఆలశ్యమైతే కొంప మునగే దేమిలేదే ప్రభుత్వమువారు ఇటువంటి విధానమును అవలంబించుటయు గౌరవ నీయులగు మున్సిల్ లిగు సభ్యులు, కాంగ్రెస్ సభ్యులకూడా ఆక్షేపించినను ప్రభుత్వం వారు వారి ఉద్దేశములను మార్చుకొనకుండుటయు అనేకమంది సభ్యులలోకలను తోసి వుచ్చుటయు నాకు చాలా ఆశ్చర్యముగా నున్నది. కాబట్టి నవర్ష మంటువారు కేవలం తాము పట్టి పట్టును సమర్థించుకొనుటకే ప్రయత్నముచేయక సభ్యులు తెలియజేసిన సవరణలను అంగీకరించిన వారియొక్క ప్రతిభ ఎక్కువగునని మనవిచేస్తున్నాను."

THE HON. SRI K. MADHAVA MENON:—"Sir, as I said already, there was nothing by way of constructive criticism but much of abuse. Abuse *ad nauseum* is no argument and abusing one's opponent is no substitute for argument. I have not heard anything from anybody as regards the provisions of the Bill. But, there was undiluted opposition by way of protest from several channels. Advice was given by the hon. Lady Member that, at least in future, Government should revise their attitude with regard to important measures and that they should be referred to the Select Committee. But, not one member said one word about the merits of the Bill. The Bill has been before the members for a long time, and therefore the argument used with regard to the time allowed is wrong and it is merely kicking up an imaginary ghost. As I said already, as no hon. Member has touched on the merits of the measure, I need not enter into the merits of this Bill at this stage and I therefore move that the Bill be passed into law."

MR. SPEAKER:—"The motion is that the Madras Re-enacting (No. III) Bill, 1948, be passed into law."

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

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(2) THE MADRAS LAPSED ACTS (REMOVAL OF DOUBTS) BILL, 1948.

1 p.m. THE HON. SRI K. MADHAVA MENON:—"Sir, I move—
'that the Bill, the Madras Lapsed Acts (Removal of Doubts) Bill, 1948, be taken into consideration at once.'

I hope, Sir, that at least in this Bill, there will be no controversy, no charge against us that we are rushing through Bills without referring to a Select Committee. In the last two days we have either repealed or re-enacted various Bills. About twenty Bills we have not re-enacted and repealed but which lapse on the 30th of April. Out of that twenty, about ten are of no consequence and the other ten as scheduled in the Bill also will lapse and when they lapse, it is considered necessary that section 8 of the Madras General Clauses Act, 1891, shall apply to them. This is being done by way of abundant caution so that doubts may not be raised about action pending or taken under the Acts whenever they lapse."

The motion was put and carried.

Clause 1.

THE HON. SRI K. MADHAVA MENON:—"Sir, I move—
'that in sub-clause (2) of clause 1, the words "be deemed to have" shall be omitted.'

As amended, it will read, 'It shall come into force on the 29th day of April 1948', since there is no question of this being deemed to come into effect on that date but actually comes into effect on that date. Therefore, the amendment may be accepted."

The amendment was put and carried.

Clause 1 as amended was put and carried.

Clause 2.

* SRI A. VAIDYANATHA AYYAR:—"Sir, may I have an explanation as to clause 2 (b). Clause 2 (b) says 'Save as provided in clause (a), the Acts, if any, amended by the Acts so specified shall have operation as if the latter Acts had never been enacted.' It is supposed by this that the Acts which have been amended are being restored to their original position. No explanation at all is given as to what the exact effect of the amendment was and what is the effect of going back upon that and restoring them to their original position. The Assembly is merely asked to vote on mere verbal alterations. If I followed the Hon. Minister's last argument, I suppose the Government was conscious of these Acts, that had been existing and why it became necessary for discontinuing them and not merely leaving them at that stage but reviving those things which had been amended. I do not think the Hon. Minister has stated anything by way of explanation in introducing the Bill. We are asked to register our verdict and may I request the Hon. Speaker to ask the member in charge to enlighten the House as

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to what the exact effect of the amendment was and what is the effect of going back upon that and restoring them to their original position."

THE HON. SRI K. MADHAVA MENON:—"Sir, doubts have been raised whether when the amended Acts lapse, the original Act remains as it is and to clear those doubts the original Act would be considered as if the amendments have never been enacted, and that is the only object of the Bill."

* SRI A. VAIDYANATHA AYYAR:—"Sir, what was the original position and how is it now better. I have not been very much edified by what the Hon. Minister said. The meaning of the words used is plain English. But what I really want to know is, what was the original position and how the present removal renders it desirable. I want to know this so that I may know exactly whether I am justified in voting for the motion or not."

THE HON. SRI K. MADHAVA MENON:—"Sir, I would like my hon. Friend to refer to section 8 (a) of the Madras General Clauses Act, 1891. Section 8 (a) says: 'Where any Act to which this chapter applies, repeals any enactment by which the text of any previous enactment was amended by the express omission, insertion or substitution of any matter, then, unless, a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal. It is to remove doubts under that section, that this clause has been put in. I may also mention that similar clauses have been accepted in the re-enacting Bills Nos. I and II.'

* SRI A. VAIDYANATHA AYYAR:—"Sir, I have not been enlightened at all by what the Hon. Minister has said. I understand the Government wants to reverse the process. It goes against the General Clauses Act. I understand that quite well. But what I wanted to know was, what is the merit of passing this legislation and why I am asked to go back upon the General Clauses Act. I want to know why this is to be done."

THE HON. SRI K. MADHAVA MENON:—"Sir, clause 2 (a) is to save from the provision of section 8 of the General Clauses Act and clause 2 (b) is to save from section 8-A of the General Clauses Act, so that the repeal does not affect the continuance of the amendments made before unless the contrary intention appears. To save both and to avoid doubts, the Bill has been brought in, to leave the matter beyond doubt and that is the reason for this Bill."

* SRI A. VAIDYANATHA AYYAR:—"Sir, if the General Clauses Act itself covers this, I do not see any necessity for it. Either General Clauses Act applies in which case I do not see the necessity for a new Act or if the General Clauses Act does not apply or there is doubt about it why these things are sought to be done."

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SRI T. VISWANATHAM:—"Sir, what is troubling us is really the schedule. Is it suggested by legislation that the original sections as they stood before this particular schedule came into force, are again revived. There are these Acts in the schedule. These Acts are lapsing on the 30th of April. Is it suggested by this legislation that the law as existed in 1941 is restored by this legislation. If that is so, my submission is that it is a wrong method of enactment that you are proceeding with."

SRI K. BHASHYAM:—"Mr. Speaker, it is common ground and everybody knows about it that the repeal of a Repealing Act does not revive the old Act and therefore it is necessary to have some provision made so that the old Act as it was prior to the amendments should have operation. That is the real object of this Act and there is no doubt about it. What is asked for in this Bill, is not only to say that it is not so but to say that the old Act is to be re-enacted in this manner and therefore some information is necessary from the Hon. Minister as to the provisions of the old Act which was amended and now subsequently to those amendments being withdrawn. If the Member in charge will place before the House information as to what was the original Bill, how it is amended by the Advisers' Government and why he really did not want it, it would help matters and it would also help Members voting for the Re-enacting Bill."

THE HON. SRI K. MADHAVA MENON:—"Sir, my hon. Friend Mr. Bhashyam wants to bring all those Advisers' Acts. I am sorry I cannot do it now and I would only refer hon. Members to the Library wherefrom they can get the information. So far as the object of this Bill is concerned, it was for purposes of removing doubts and as a matter of abundant caution to avoid any difficulty that might arise."

Clause 2 was put and carried.

The schedule was put and carried.

The preamble was put and carried.

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

* SRI A. VAIDYANATHA AYYAR:—"Sir, when any Act is repealed or amended and that subsequent Act is itself repealed, the general law as enunciated by the General Clauses Act, is that the original amendment or repeal has not been restored and the old Act does not exist, unless there is a positive provision to that effect. Supposing we had an Act. It was amended by some later law and that is repealed, the original Act is not restored by it. That is the general law. It is also embodied in the General Clauses Act. Now what the Government have done is, so far as section 2 (a) is concerned, it says, 'save as provided in clause (a), the Acts, if any, amended by the Acts so specified shall have operation as if the latter Acts had never been enacted. Government say that there are certain

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doubts. I have persistently put the question, what is the doubt, so that we may know that. We are now passing a legislation to remove certain doubts and we are entitled to ask Government, what are your views and what is your difficulty that you seek to clear so that we may be intelligently a party to that, instead of merely saying, the English meaning of that is to remove doubts and therefore this Act is a very harmless and innocuous measure.

"With regard to clause 2 (a) it reproduces the General Clauses Act, but sub-clause 2 (b) flies in the teeth of that Act. There are ten enactments included in the schedule and the Government want to restore a number of things which existed before these Acts were passed. Now a modest and honest request is made to the Government. They are told: 'This is against the General Clauses Act, against the general law. You are asking that these Bills which had been amended should be restored to their previous position.' Even the Hon. Minister did not really grasp the thing. When a popular Government ask us to restore to life some laws by merely enumerating them in a schedule, which is against the General Clauses Act and the general law, are we not entitled to ask the Hon. Minister in charge of the Bill to explain to us what are the amendments which are now sought to be restored by this Act? I have been crying myself hoarse on this. The hon. Member Mr. Bhashyam also has made a similar request. The Hon. Minister remarked with reference to the last Bill that no one spoke against the merits of the Bill. But here we want the Hon. Minister to tell us what are the merits of the Bill and what are the things he is seeking to restore. I am not an authority on law, but the Hon. Minister himself was saying that these were complicated matters. I do not exactly know the result of this. The Hon. Minister simply says, 'I have got the Bill here. It is very necessary. I have got a solid majority for it.' It may be that I may be constrained to vote for the Bill, but I am perfectly certain that it will not be approved by any law-making body or by any constitution which creates law-making bodies. I would request the Hon. Minister not to rush the thing through. A number of things were done from 1941 to 1946 during the Advisers' regime. Are we to assume that all these things are wrong? If so, why did the Government re-enact so many Bills? The Government have accepted these Bills for the last two years and never moved towards restoring the old position. Now the Government are asking us not merely to repeal these enactments but also to restore the previous position. Are we to blindly accept this? Even the Hon. Minister in charge of the Bill does not know the results or the consequences. Yet the District Magistrate or whosoever is to administer the law is expected to go through the Bill and understand it. Perhaps the legal draftsmen in the Legal Department may know something about these Bills. Here, Sir, we are introducing a Bill and we are going through all its stages without knowing the consequences and we are going to have it passed. I cannot say more about the responsibility that rests on us as legislators."

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* SRI V. RAGHAVAYYA:—"Sir, the whole thing appears to me to be a case of the blind leading the blind. (Interruption by Hon. Sri Kala Venkata Rao.) Except the Hon. Minister for Revenue who is omniscient and omnipotent—he is a good friend of mine and I am only paying him a compliment, because even without studying law he seems to know all the law—except for the complacency of people like him, when one hears the hoarse cry of Mr. Vaidyanatha Ayyar, no one will think of moving the road roller over the opinions of the public. When an hon. Member says in an honest way that he does not know what the original Act says and asks to be enlightened, Members on the Treasury Benches sit tight and all the tighter they sit the more plaintive the appeal. I ask, Sir, in all humility, with bated breath and on bended knees if these are all wanted by the Treasury Benches, why they are in such haste. Are they abdicating to-morrow evening? Luckily or unluckily they are continuing for some more time. They may take ample and due care to know what these things are. They have got ten more days to have these Bills discussed, if the Members of the Legislature who are in the All-India Congress Committee are not too anxious to go there leaving their legitimate work to go to dogs. I fail to see any reason for rushing through a Bill like this without our knowing its legal import. Probably one gentleman who is sitting within the four corners of this Chamber and busily taking notes may know about it, because he may be the author or the originator of this Bill. He may be the only man who knows anything about it. All congratulations to him. But I fail to see why we should reduce our deliberations to something which lacks reality. I do not want to wound the soft and tender susceptibilities of the Hon. Minister in charge of the Bill. He had a lot of trouble yesterday and to-day with the hon. Members of the House asking him, "Why are you so intransigent, so stubborn, unyielding and unbending? Why have you changed all of a sudden?" Some real difficulties have been pointed out by the hon. Member Mr. Vaidyanatha Ayyar, but the Treasury Benches simply say: "The road roller will go on". Of course party and party discipline are there, but they should not be twisted. I do not use the word in an offensive sense. I mean that they should not be over-worked to such an extent as to tire the patience of even intelligent members of the party. I do not know about the rest. I do not know how long this Government, with all the advantages and the facilities it has, how long it will be able to run the ship of State.

"People have been referring to leaky boats. Each leak added to the boat makes it unsafe for travel. Laws made without knowing their import and the consequences will make this unhappy land more unhappy. I therefore appeal to the Hon. Minister to change his mind at least now and adjourn the discussion till to-morrow, consult a few lawyer friends who may know things better, if not equally well and remove the offensive portions. (Interruption.) By offensive I do not mean 'giving offence'. I mean it in the legal sense. Unfortunately there seems to be no place for

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humour but only for rude shocks. I am only referring to things which are illegal. I therefore request the Hon. Minister to take time and smoothen the rough edges and round the corners."

MUHAMMAD RAZA KHAN SAHIB:—"Mr. Speaker, Sir, I would not like to make many observations on this Bill except to make a request to the Hon. the Leader of the House. Very important points have been raised by our lawyer friends Mr. Vaidyanatha Ayyar and Mr. Raghavayya. I entirely sympathise with the difficulty and the awkward position in which the Hon. Minister Mr. Madhava Menon is placed. Dr. Subbarayan who was Law Member was in charge of these Bills and he could probably have given a better account of them to-day. Since his resignation the Legal portfolio was transferred to Hon. Mr. Daniel Thomas who ought to have piloted this Bill. But it has been suddenly shoved on to Hon. Mr. Madhava Menon and he is facing a very difficult task. Of course not being myself a lawyer, I do not catch the intricacies of it. But I want you to consider what will be the effect of the proceedings of to-day on the general public in this Province. A very important charge was made by Mr. Vaidyanatha Ayyar and it was followed up by Mr. Raghavayya, namely, that the Members of the Assembly were asked to pass legislation without knowing its full implications. There may be a feeling in the public mind outside that we the Members of the Legislature are giving our votes without knowing what legislation we are passing, and that we are doing things in a hasty and hurried manner without having an opportunity of considering them fully. Sir, on other Bills, I know we have bestowed our thoughts and gone very deep into the matter and given our votes only after mature consideration. But in regard to this Bill a definite charge has been made that the Minister has come forward with the Bill without knowing all the consequences. It is not only to-day, Sir. Even yesterday when some difficulties were pointed out by some hon. Members and when it was suggested that these things could have been gone into by a Select Committee, the only reply of the Hon. Mr. Madhava Menon was: "We cannot help it; we have to finish these by the 30th April. Otherwise these things will lapse." That cannot be a valid argument, Sir. The Government should give more time to the Members of the House, at least to the lawyer Members who have got an interest in the matter to go through it. But if the Government relies simply on its good majority, it will have a bad effect on the general public."

THE HON. SRI K. MADHAVA MENON:—"Sir, I do not plead guilty to the charge of Mr. Raza Khan that I have not understood what I am speaking about. The remarks of Mr. Raghavayya are absolutely irrelevant for the consideration of this Bill. He has evidently not understood what this Bill is when he said that the offensive portions should go. I cannot understand any offensive thing in it. Mr. Vaidyanatha Ayyar, I am sure, if he has read section 8 (a) of the General Clauses Act more calmly and then read this Bill he would not have made the charge that

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I have not understood the thing. Mr. Vaidyanatha Ayyar's object is not to find fault with the Bill, but to answer my remarks with regard to the previous Bill, namely, that nobody attacked the merits of the Bill. He now says, 'Here it is. I am attacking the merits of the Bill.' That is the only argument, I find. Nothing more. I refer to clause 4 (b) of the Re-enacting Bill No. 1 which was passed yesterday. It says—

"(b) Save as provided in clause (a), the Acts, if any, amended by the Acts so specified shall have operation as if the latter Acts had never been enacted."

It is only that clause that we find in 2 (b) here. Nothing more. Past actions are made valid by clause (a) and future actions are covered by clause (b). But unfortunately confusion has been created by mixing past and future. The Bill is merely intended to remove certain doubts, because people may argue that section 8 (a) of the General Clauses Act would apply if such an amendment was not brought forward. To avoid that doubt, clause (b) has been enacted. Nothing more. I request that the Bill may be passed."

The motion that the Madras Lapsed Acts (Removal of Doubts) Act, 1948, be passed into law was put and carried and the Bill was passed into law.

(After lunch—2-30 p.m.)

V.—GOVERNMENT MOTIONS.

(1) AMENDMENT TO SCHEDULES III AND IV TO THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920 (MADRAS ACT V OF 1920).

THE HON. SRI K. CHANDRAMOULI:—Mr. Speaker, Sir, I beg to move—

"that the draft amendments to the Madras District Municipalities Act, 1920 (Madras Act V of 1920) which it is proposed to make in exercise of the powers conferred by section 305-A of the District Municipalities Act, 1920 (Madras Act V of 1920) be approved."

"These are only slight amendments proposed in the interests of the administrative convenience in respect of financial and taxation rules. These are found necessary because of certain administrative difficulties that have been experienced in the actual working of the Act during the Advisers' regime. After further examination and consideration some of them have been eliminated and certain items have been modified. The amendments are now to be made permanent. I therefore request the House to accept those amendments."

SRI T. VISWANATHAM:—"Sir, may I request the hon. Minister just to give the purpose of the various rules that are proposed, so that we may tune ourselves to the discussion."

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THE HON. SRI K. CHANDRAMOULI:—Rule I deals with amendments to rules 29 and 30 of the Act. These rules are proposed to be redrafted in order to make clear that the taxation due under the Act could be recovered by civil suits. Rule II provides for contribution towards the cost of training Municipal Commissioners. Rule III makes it clear for the presentation of an appeal within the prescribed time. According to this amendment the appeal need not necessarily be presented at the Municipal office. Rule IV provides that the Municipal Council shall provide such sums as may be fixed by the Government for expenditure on roads, bridges and the like and that it shall not divert them for other purposes without the express sanction of the Government. Under Rule V specific provision is made for payment of travelling allowances for Municipal Commissioners for their journey on transfer. Under Rule VI the classification of profession tax assesses and the maximum half-yearly tax leviable on each class have been revised by the amendment with reference to the limitation of the maximum rate of profession tax to Rs. 50 per annum by the Profession Tax Limitation Act, 1941 (India Act XX of 1941). The amendment to Rule VII enables the executive authority to effect transfers of registry of ownership of properties in the property tax assessment registers and empowers the Provincial Government to issue rules regulating such transfers. Rules regarding transfers of registry of ownership of properties have been issued separately by the Government. The amendment also empowers the executive authority to amend the assessment books with retrospective effect with reference to fair rent fixed by Rent Controlling authorities. Rule VIII is merely a verbal amendment. Rule IX—The object is to lay down specifically that the Committees of the Council should meet in the Municipal office. Rule X—The object of the amendment is to dispense with the publication of the proceedings of the Municipal Councils in the District Gazettes in the interests of paper economy and to provide for sending copies thereof to Heads of Departments and the Deputy Inspectors of Municipal Councils and Local Boards. Rule XI enables surcharges being issued against all persons responsible for any deficiency, loss, etc., caused to a Municipal Council by the negligence or misconduct of such persons."

SRI T. VISWANATHAM:—"There is only one point and that is with regard to the last item, viz., 'it shall not be open to any person whose negligence or misconduct has caused or contributed to any such deficiency or loss, to contend that notwithstanding his negligence or misconduct the deficiency or loss would not have occurred but for the negligence or misconduct of some other person.' I think the contention open to a person who has got to defend himself under the common law must be reserved to him. Otherwise this would cut away his rights to bring forward his own defence for any charge of negligence or misconduct,

150 AMENDMENT TO SCHEDULES III AND IV TO THE MADRAS
DISTRICT MUNICIPALITIES ACT, 1920 (MADRAS
ACT V OF 1920)

[Sri T. Viswanatham] [20th April 1948]

for deficiency or loss arising out of negligence, etc. The common law rights of an individual should be preserved rather than circumscribed because this will affect not only the rights of servants but it will also affect the elected members of the Council. I, therefore, submit that this particular rule might be dropped and the rest of the provisions, I think, may go in."

MR. SPEAKER:—"Nobody has seconded it."

SRI T. VISWANATHAM:—"I only made a suggestion and not an amendment."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"With reference to Rule III, the object of the amendment is to lay down that those persons who desire a reduction of their property tax should put in their petitions not earlier than 60 days and not later than 30 days before the close of the half-year in which such petitions are presented. From my experience I have found that it is not always that a tax payer or an assessee of a tax is aware of this rule. It may be that he is reminded about it from time to time, but a man who is rather ignorant or unwary is not always conversant with this rule. Therefore, it is likely he may lose the right of appeal for reduction of the assessment. I would rather that instead of fixing 60 days maximum and 30 days minimum this restriction is removed and that the assessee is allowed to present his petition at any time during the half-year. This will enable all assessees, whether literate or illiterate, and especially those who are not residing in the city, to exercise their rights during any part of the year. Therefore, I would suggest the removal of this restriction."

THE HON. SRI K. CHANDRAMOULI:—"My friend, Mr. Viswanatham, has raised the question that rule II would interfere with common law. But I do not think there will be any sort of interference with common law by making this rule elaborate and explanatory. The original intention of the rule is that any person whether he is a member or one directly concerned with the management is liable for surcharge and action will be taken against such a person. The intention of the amendment is not to cause any undue influence."

"As for Rule III, the amendment is simple. It enables a person to send his application to the municipal office within a prescribed time but he need not go there directly to do so. He can simply send it by post or any other means to reach the municipal office within the prescribed time. I would like to refer my hon. Friend to Rule III. In sub-rule (a) of Rule 26 of the said schedule, for the words 'unless it be presented at the municipal office', the words 'unless it reaches the municipal office' shall be substituted. The idea is that instead of presenting directly

AMENDMENT TO SCHEDULES III AND IV TO THE MADRAS DISTRICT 151
MUNICIPALITIES ACT, 1920 (MADRAS ACT V OF 1920)

20th April 1948] [Sri K. Chandramouli]

in person, he can send it to the office. That is all that is mentioned in the rule. I hope the explanation is sufficient and the House will accept the amendment."

The motion was put and carried.

(2) AMENDMENT TO SCHEDULES II, IV, V AND VII TO THE MADRAS
LOCAL BOARDS ACT, 1920 (ACT XIV OF 1920)

THE HON. SRI K. CHANDRAMOULI:—"I beg to move—
that the draft amendment^a to the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), which it is proposed to make in exercise of the powers conferred by section 201-A of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920) be approved."

"The purpose of this is similar to the one that has been mentioned with regard to municipalities. It is purely with a view to financial and other administrative conveniences that these amendments have been proposed and I request the House to accept them."

The motion was put and carried.

(3) AMENDMENT TO SCHEDULES IV, V AND VI TO THE MADRAS
CITY MUNICIPAL ACT, 1919 (MADRAS ACT IV OF 1919)

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

'that the draft amendment^b to the Madras City Municipal Act, 1919 (Madras Act IV of 1919) which it is proposed to make in exercise of the powers conferred by section 347 (5) of the Madras City Municipal Act, 1919 (Madras Act IV of 1919) be approved.'" 2.45 p.m.

The motion was put and carried.

IV.—GOVERNMENT BILLS—cont.

(3) THE MADRAS SALES OF MOTOR SPIRIT TAXATION (AMENDMENT)
BILL, 1948.

THE HON. SRI B. GOPALA REDDI:—"Mr. Speaker, I beg to introduce the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1948 and move—

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

"This is not a taxation measure and I am not imposing any further taxation on petroleum, it is only to bring it on a par with the Madras General Sales Tax which the House has already approved and it is a very non-contentious measure and I am sure the House will give its approval to it immediately."

The motion was put and carried.

Clauses 1 to 3 and Preamble were put separately and carried.

^a Printed as Appendix III on pages 166-172 infra.

^b Printed as Appendix IV on pages 173-183 infra.

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THE HON. SRI B. GOPALA REDDI:—“ Mr. Speaker, I beg to move—

‘ that the Bill be passed into law ’.”

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

(4) THE MADRAS CIVIL COURTS (AMENDMENT) BILL, 1948.

THE HON. SRI K. MADHAVA MENON:—“ Mr. Speaker, I beg to introduce the Madras Civil Courts (Amendment) Bill, 1948 and move—

‘ that the Bill be taken into consideration at once. ’

The Bar Association in the Ceded districts suggested the sanction of a permanent itinerant sub-court for the Ceded districts and the Hon. Judges of the High Court entirely agreed with it. The position is that there is no permanent sub-court in the Ceded districts. As and when there is accumulation of work in any of the district courts, it is met by the establishment of a temporary sub-court for a short period. The procedure is a bit cumbersome and the High Court has recommended the establishment of a permanent sub-court for the Ceded districts as a whole it being left to the High Court to determine from time to time in which of the districts and for what period the court would sit. The object of the Bill is to amend the Madras Civil Courts Act, 1873, so as to permit the appointment of one Sub-Judge for two or more districts. He will hold his court in each district for such period as may be fixed by the High Court and try such cases as may be transferred to him by the District Judge concerned. The advantage is that wherever accumulation of work happens, a Sub-Judge could be appointed without regard to territorial jurisdiction, to whom appeals and cases might be transferred by the District Court which is the entertaining court. It will enable the appointment of Sub-Judge for more districts than one and the litigant public will be helped to a large extent. I request the House to approve the measure.”

SRI V. RAGHAVAYYA:—“ On a point of information, Mr. Speaker. The Bill seems to provide for a itinerant sub-court. Before we discuss the Bill, I think it would be better if the Hon. Minister gives us an idea if he is in possession of it, of what is the pendency of suits in the various districts. Itinerant courts are proposed to be appointed quite contrary to the existing practice. I wish to know whether a central place could not be thought of where the litigants from the various places might muster.”

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—“ Mr. Speaker, so far as I can gather the intention of the Bill is to appoint a Sub-Judge and invest him with certain jurisdiction not only within the district but also some other districts. If that is so, my fear is that the Sub-Judge may come into conflict with the District Judge concerned with regard to supervision and other

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[M. A. Muhammad Ibrahim Sahib Bahadur]

administrative matters as the District Judge is the head of the Judicial Administration within the district and he has supervision over the subordinate officers. If a Sub-Judge is appointed, in so far as the territory lies within the district, he is under the supervision of the District Judge. If the Sub-Judge is to exercise jurisdiction not only in one district but in the other districts there will arise some sort of confusion. I wish to know whether the Government have considered these matters of administration and difficulties that may arise and whether they have come forward with the Bill after considering them. I wish to have an explanation from the Hon. Minister on the points.”

SRI T. VISWANATHAM:—“ Mr. Speaker, the question of an itinerant court is a very novel thing so far as civil justice is concerned. The trial of civil suits does not proceed with the same pace as in the criminal sessions court. For instance what is the time which will be taken up by the Sub-Judge at Kurnool and when will he get witnesses and documents ready and how can he foresee at what time the cases could be taken up and what will be the interval which he can foresee before he goes away to another district. These are all very novel things and I do not know whether all the implications have been studied. I will also join with Mr. Raghavayya in asking for details of the pendency of suits accumulation in the various courts and whether it would be possible for these gentlemen to finish all the cases pending, say in Kurnool and then only go to Cuddapah or some other place and where is the certainty that in civil litigation—the Hon. Minister knows it as well as any lawyer—the case can go with the same expedition as in sessions cases and I wish to have some enlightenment on these points.”

THE HON. SRI K. MADHAVA MENON:—“ I am sorry I unwittingly used the word itinerant sub-courts in my opening remarks. There is no reference to itinerant judges in the Bill. The Bar Association of Bellary and other districts were for the appointing of itinerant judges and what is proposed to do by means of this Bill, is not the appointment of itinerant judges. Clause 2 provides for the appointment of Subordinate Judges for the area comprised within the local limits of the jurisdiction of two or more District Courts, so that it is not a case where the Sub-Court sits for some time in one place and after a few months runs off into another district. The second sub-clause prescribes where the court shall be held which is within the jurisdiction of each of the District Courts and for such periods as the High Court may determine. The local limits of jurisdiction of the Subordinate Judge shall be the same as those of the District Court concerned and they are not to entertain any original suits or proceedings and they can only try and dispose of such suit as may be transferred by the District Court under this Act or any other law. Mr. Raghavayya and Mr. Viswanatham wanted me to give figures of pendency and I am sorry they are not available with me at such

[Sri K. Madhava Menon] [20th April 1948]

short notice. Further it is not necessary for the purpose of the Bill. Supposing in Kurnool or Cuddapah there is a large number of suits in the District Court to be disposed of; under the Bill, it is left to the High Court to determine from time to time in which of the districts and for what time the Court should sit. It is not the receiving court, that being the District Court concerned and the District Court only transfers so many suits for trial by the Sub-Court. Until that is disposed of or the period is finished, the court sits in Kurnool and subsequently, the High Court orders the transfer to Cuddapah and the remaining suits will automatically go back to the Kurnool District Court for trial and the court will start sitting in Cuddapah on the date from which it was so ordered by the High Court. Therefore, the question of witnesses and documents being ready does not arise at all. It is not as if the court sits *suo motu* at one place for a few months and then goes to another place. The High Court is being given the power to transfer it to a particular district where there are arrears so that there may be no necessity for them to ask Government in every case for sanction. The question of territorial jurisdiction does not also arise because the Sub-Court does not entertain any suits and it has got the jurisdiction of the district to which it is transferred and it tries cases transferred by the District Court. The idea is instead of establishing a Sub-Court for one district in one particular place, one permanent court is established for the Ceded Districts as a whole. Figures of pendency was asked for but it is not particularly necessary in this case and also the question of the difficulty of witnesses envisaged by Mr. Viswanatham need not arise; if the witnesses had already been summoned by the District Court, they will be informed to go to the Sub-Court for trial and if a Sub-Court moves off into another district, information will certainly be passed on to them to go to the District Court of the district. There is no difficulty."

3 p.m. SRI T. VISWANATHAM:—"Sir, according to clause 2 of the Bill I presume that the High Court will appoint the Subordinate Judge. Am I right?"

THE HON. SRI K. MADHAVA MENON:—"The Government will make the appointment on the recommendation of the High Court."

* SRI A. VAIDYANATHA AYYAR:—"Mr. Speaker, Sir, I would make only one submission to the Government in this matter. According to the amendment proposed in clause 2 of the Bill, new section 24-A (1) reads: 'a Subordinate Judge may be appointed for the area comprised within the local limits of the jurisdiction of two or more District Courts.' Section 24-A (3) reads: 'The local limits of the jurisdiction of the Subordinate Judge's Court, when it is held at any such place, shall be the same as those of the District Court concerned; but the Subordinate Judge's Court shall not entertain any original suit or proceeding and shall try to dispose of only such suits, appeals and other proceedings as may be transferred to it by the District Court under this Act or any other law.' There is a provision in the Civil Procedure Code

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which says: 'Every suit shall be instituted in the court of the lowest grade.' Therefore there might possibly be a conflict between the All-India Act and the present Bill. It is better to reserve this Bill for the assent of the Governor-General so that there may not be any legal difficulty in the matter."

* SRI V. RAGHAVAYYA:—"I rise to oppose the Bill. Like the Hon. Minister I am also not in a position to know the necessity or otherwise for providing the people of the Ceded Districts with an additional Sub-Court. We do not know the number of cases pending in those districts. Anyway the convenience of the people should be the paramount consideration."

"The Hon. Minister was at pains to explain that I was wrong in saying that the Sub-Court would be an itinerant one. But in effect, it is so. The Government appoint the Sub-Judge and power is given to the High Court to shift his court from place to place according to the exigencies of the situation. It is expected that this Sub-Judge will sit in a district, dispose of all suits, appeals and other proceedings—God knows how long he will take to finish the work; he may take even two years—and shift to some other district at the instance of the High Court. The Sub-Court is intended to cover five districts, and it will shift itself from place to place. If this is not itinerant, I do not know what else it is. My suggestion is that, instead of doing this, it is better to have two permanent stationary Sub-Courts in those places in the Ceded Districts where there is heavy pendency of cases to entertain original suits like any other Sub-Court. Their jurisdiction may be two districts or three districts as the High Court may fix. This is a salutary way of dealing with the matter. The only advantage of an itinerant court—itinerant not in the strict sense of the word but in the meaning of it—is that, where two courts are not necessary for five districts, one court can sit in different places. Pendency of cases is the only criterion for judging the need for an additional court. Government should not grudge to spend money if people's convenience demands it and I think it does demand in this case. Why should not the Government establish two permanent Sub-Courts for the five districts as I have desired?"

"My second point is that instead of leaving it to the High Court to fix the jurisdiction of the Sub-Court, the Government themselves should take power to fix it under this Bill. To know the pendency of cases from time to time and decide the matter will waste much of the time of the High Court. If the High Court wants to hurry up cases, the Sub-Judge may rush through trials. This is not very salutary. Why should not the Government give the Sub-Judge greater freedom to dispose of cases leisurely and efficiently instead of rushing through?"

"Therefore I suggest that instead of appointing one permanent moving court—I do not use the word 'itinerant'—two permanent stationary courts may be established and their jurisdiction fixed by the Government and not by the High Court. This will be a more helpful and useful procedure."

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SRI T. VISWANATHAM:—"Sir, I asked the question as to who appointed the Subordinate Judge because the language used gives room for doubt. 'A Subordinate Judge may, where the Provincial Government so direct, be appointed.' I thought that the Government would direct and somebody else would appoint. If the intention is that the Government themselves should be the appointing authority according to the provision in the Government of India Act, the language may be changed as follows: 'a Subordinate Judge may, where the Provincial Government think it necessary, be appointed' instead of giving a direction. The language is misleading."

THE HON. SRI K. MADHAVA MENON:—"Sir, I am unable to see any sort of misleading in the language used. The question of the authority to appoint the Subordinate Judge does not arise here. The Subordinate Judge will be appointed in the same manner as any other Subordinate Judge. The Government sanction the establishment of a court and the Subordinate Judge is appointed by them on the recommendation of the High Court."

"As regards Mr. Vaidyanatha Ayyar's suggestion, it may be possible that this Bill will come in conflict with the Civil Procedure Code in regard to territorial jurisdiction. We will examine the point and if there is any doubt, we shall certainly reserve the Bill for the Governor-General's assent so that there may not arise any legal difficulty."

"I am not able to follow Mr. Raghavayya's contention at all. In this Bill, the Government are only seeking power to establish a Sub-Court for more than one district by amending the Madras Civil Courts Act, 1873. It is not as if the Government are going to establish Sub-Courts forthwith. The establishment of courts will be sanctioned and the Subordinate Judges appointed only when there are sufficient number of pending cases and the High Court thinks that such Courts are necessary. Even now Government are sanctioning additional Sub-Courts for six months, one year and so on, to dispose of pending cases. The Additional Subordinate Judge in such courts has power to dispose of only such suits, appeals and other proceedings as are transferred to him by the District Court. That is what is provided for in this Bill also."

The motion was put and carried.

Clauses 1 and 2 and the Preamble were separately put and carried.

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

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

THE HON. SRI B. GOPALA REDDI:—"The reports of the Select Committee on the Police (Madras Amendment) Bill, 1947, and the Madras Aided Institutions (Prohibition of Transfers of Property) Bill, 1948, are the only two items relating to Bills pending before this House. I move that the House now be adjourned to

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to-morrow to consider these two items. The Draft Constitution may be taken up for discussion on the 26th and 27th and, if necessary, on the 28th of April. Meanwhile, the Council will be sitting on the 22nd, 23rd and 24th. 25th is Sunday.

"I once again move that the House now be adjourned if that is the consensus of opinion in the House."

MR. SPEAKER:—"I consulted the floor Leader, Mr. Abdul Hameed Khan, and he is also of the same opinion."

SRI B. S. MURTHI:—"Mr. Speaker, Sir, on the 27th and 28th of April, the All-India Depressed Class League is meeting in conference in Bezwada. Most of the All-India Harijan leaders will be attending that conference. Most of the Harijan members of this august Assembly will be participating in that conference. As the meeting of the Assembly is postponed to make it convenient for some of the members to attend the session of the All-India Congress Committee, I request the Hon. Leader of the House to see whether the dates of the meeting cannot be so adjusted as to make it convenient for the Harijan Members of this Assembly to attend the conference at Bezwada on the 27th and 28th April."

THE HON. SRI B. GOPALA REDDI:—"We are not accommodating the members of the All-India Congress Committee at all. The Legislative Council is meeting on the 22nd, 23rd and 24th. Since we have not got Reporters to report the proceedings of the Council and the Assembly if they sit simultaneously, the Assembly is going to be adjourned to 26th. The discussion on the Draft Constitution will commence on the 26th. The Harijan Members can speak on that day and leave for Bezwada the same night to attend the conference."

MR. SPEAKER:—"The motion before the House is that the House be now adjourned."

The motion was put and carried.

The House then adjourned to meet again at 11 a.m. the next day.

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

1. G.O. No 27, Finance, dated the 30th March 1948, relating to the Schedule of the Third Supplementary Statement of authorized further expenditure for 1947-8 as authenticated by His Excellency the Governor.

2. G.O. No. 308, Finance, dated the 31st March 1948, relating to the Schedule of authorized expenditure for 1948-9 as authenticated by His Excellency the Governor.

3. Notification appended to G.O. No 428, L.A., dated the 8th March 1948, re. the constitution of the Chirala (Guntur) Municipality.

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APPENDIX 1.

[Vide answer to starred question No. 275 asked by Sri Venkata Subbayya at the meeting of the Legislative Assembly held on the 20th April 1948, page 103 supra.]

AGREEMENT made this eighteenth day of February 1948 between the Governor-General of India and the Nawab of Banganapalle.

WHEREAS in the immediate interests of the State and its people, the Nawab of Banganapalle is desirous that the administration of the State should be integrated as early as possible with that of the Province of Madras in such manner as the Government of the Dominion of India may think fit.

It is hereby agreed as follows:—

Article 1.

The Nawab of Banganapalle hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the 20th day of February 1948 (hereinafter referred to as "the said day").

As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

Article 2.

The Nawab shall with effect from the said day be entitled to receive from the revenues of the State annually for his privy purse the sum of rupees free of taxes. This amount is intended to cover all the expenses of the Ruler and his family, including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc., and will neither be increased nor reduced for any reason whatsoever.

The said sum may be drawn by the Nawab in four equal instalments in advance at the beginning of each quarter by presenting bills at the State Treasury or at such other Treasury as may be specified by the Dominion Government.

Article 3.

The Nawab shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

The Nawab will furnish to the Dominion Government before the day of 1948 an inventory of all the immovable property, securities and cash balances held by him as such private property.

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If any dispute arises as to whether any item of property is the private property of the Nawab or State property, it shall be referred to such officer with judicial experience as the Dominion Government may nominate and the decision of that officer shall be final and binding on both parties.

Article 4.

The Nawab, the Begum, the Nawab's mother, the heir apparent and the wife of heir-apparent shall be entitled to all personal privileges enjoyed by them whether within or outside the territories of the State, immediate before the 10th day of August 1947.

Article 5.

The Dominion Government guarantees the succession, according to law and custom, to the *gadi* of the State and to the Nawab's personal rights, privileges, dignities and titles.

In confirmation whereof Mr. Vapal Pangunni Menon, Secretary to the Government of India in the Ministry of States, has appended his signature on behalf and with the authority of the Governor-General of India and His Highness Nawab Sayid Fazli-Ali Khan Bahadur, Nawab of Banganapalle State, has appended his signature on behalf of himself, his heirs and successors.

APPENDIX II.

[Vide item V (1) on page 148 supra.]

Draft Amendments.

Whereas certain rules amending Schedules III and IV to the Madras District Municipalities Act, 1920 (Madras Act V of 1920), were made by His Excellency the Governor of Madras in exercise of the powers conferred by section 305 (1) of that Act, for the reasons mentioned in the Annexure when the Proclamation under Section 93 of the Government of India Act, 1935, was in force in this Province;

And whereas the said rules will cease to be in force on the 30th April 1948;

And whereas it is expedient to re-enact these rules permanently subject to a modification in one respect;

Now, therefore, in pursuance of section 305-A of the Madras District Municipalities Act aforesaid, this Assembly is hereby pleased to approve the following draft rule proposed to be made by the Government of Madras:—

DRAFT RULE.

The rules published with the notifications of the Local Administration Department reproduced below are hereby re-enacted permanently, subject to the modification that in the rule published with Local Administration Department Notification No. 243, dated the 10th March 1942, in item (ii), for the words and figures

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"Controller under the Madras House Rent Control Order, 1941," the words, brackets and figures "Controller under the Madras Buildings (Lease and Rent Control) Act, 1946" shall be substituted:—

I. Local Administration Department Notification No. 735, dated the 25th June 1940, published at page 432 of Part I-A of the Fort St. George Gazette, dated the 2nd July 1940.

In exercise of the powers conferred by sub-section (1) of section 305 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule IV to the said Act:—

RULE.

In the said schedule—

(i) in rule 29—

(a) in sub-rule (3), for the words "shall not be demanded," the words and figures "shall not be recovered in the manner laid down in rule 30" shall be substituted; and

(b) after sub-rule (3), the following sub-rule shall be added, namely:—

"(4) Nothing contained in this rule or in rule 30 shall preclude the council from suing in a civil court for any tax due to it under this Act"; and

(ii) sub-rule (3) of rule 30 shall be omitted.

II. Local Administration Department Notification No. 985, dated the 28th August 1940, published at page 634 of Part I-A of the Fort St. George Gazette, dated the 3rd September 1940.

In exercise of the powers conferred by sub-section (1) of section 305 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), His Excellency the Governor of Madras is pleased to make the following rule altering Schedule IV to the said Act:—

RULE.

In sub-rule (1) of rule 43 of the said schedule, clause (o) shall be relettered as clause (p) and the following shall be inserted as clause (o), namely:—

"(o) payment of such contribution towards the cost of training commissioners of municipalities as may be fixed by the Provincial Government.

Explanation.—The cost of training commissioners may include the whole, or such part as the Government deem equitable, of the pay, pensionary or provident fund contributions and leave and other allowances, if any, of the officers and servants of the Crown or of any other authority employed, and other incidental expenses incurred in connexion with such training."

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III. Local Administration Department Notification No. 539, dated the 10th May 1941, published at page 346 of Part I-A of the Fort St. George Gazette, dated the 20th May 1941.

In exercise of the powers conferred by sub-section (1) of section 305 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule IV to the said Act:—

RULE.

In sub-rule (a) of rule 26 of the said schedule, for the words "unless it be presented at the municipal office," the words "unless it reaches the municipal office" shall be substituted.

IV. Local Administration Department Notification No. 542, dated the 12th May 1941, published at page 348 of Part I-A of the Fort St. George Gazette, dated the 20th May 1941.

In exercise of the powers conferred by sub-section (1) of section 305 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule IV to the said Act:—

RULE.

In the said schedule under the heading "Obligatory expenditure," the following rule shall be inserted before rule 43, namely:—

"42-A. The municipal council

(1) shall make provision for the construction, maintenance, diversion and improvement of streets, bridges, causeways, culverts and the like to such extent as the Provincial Government consider necessary and practicable; and

(2) shall not divert such provision to other purposes without the express sanction of the Provincial Government."

V. Local Administration Department Notification No. 1165, dated the 11th November 1941, published at page 866 of Part I-A of the Fort St. George Gazette, dated the 25th November 1941.

In exercise of the powers conferred by sub-section (1) of section 305 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule IV to the said Act:—

RULE.

In sub-rule (1) of rule 43 of the said schedule, clause (p) shall be relettered as clause (q) and the following shall be inserted as clause (p), namely:—

"(p) payment of travelling allowance of a person appointed as the commissioner of the municipality in respect of his journey to join the appointment."

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VI. Local Administration Department Notification No. 151, dated the 18th February 1942, published at page 158 of Part I-A of the Fort St. George Gazette, dated the 3rd March 1942.

In exercise of the powers conferred by sub-section (1) of section 305 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), His Excellency the Governor of Madras is hereby pleased to make, with effect on and from the 1st April 1942, the following rule altering Schedule IV to the said Act:—

RULE.

For sub-rule (1) of rule 16 of the said schedule, the following sub-rule shall be substituted, namely:—

“(1) The classes into which companies and persons shall, for the purposes of assessment to the profession tax, be divided and the maximum half-yearly tax leviable on each class shall be as follows:—

Class.	Half-yearly income.	Maximum half-yearly tax.
		RS. A.
I. More than Rs. 9,600		25 0
II. Do. 7 800 but not more than Rs. 9,600.		18 0
III. Do. 6,000	do. 7,800.	13 0
IV. Do. 4,200	do. 6,000.	9 0
V. Do. 3,000	do. 4,200.	6 0
VI. Do. 1,800	do. 3,000.	3 0
VII. Do. 1,200	do. 1,800.	2 0
VIII. Do. 600	do. 1,200.	1 0
IX. Do. 300	do. 600.	0 8

VII. Local Administration Department Notification No. 243, dated the 10th March 1942, published at page 234 of Part I-A of the Fort St. George Gazette, dated the 31st March 1942.

In exercise of the powers conferred by sub-section (1) of section 305 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule IV to the said Act:—

RULE.

In sub-rule (2) of rule 8 of the said schedule—

(i) at the end of the first sentence, the following words shall be added, namely:—

“or subject to any rules which the Provincial Government may make in this behalf, by substituting therein for the name of the owner of any property the name of any other person who has succeeded by transfer or otherwise to the ownership of the property;”

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(ii) at the end of the proviso, the following words shall be added, namely:—

“except where the fair rent of a building together with land appurtenant to it has been determined by the Controller under the Madras House Rent Control Order, 1941,” and

(iii) after the same proviso, the following further proviso shall be added, namely:—

“Provided further that the decision of the executive authority in any disputed case of transfer of ownership of a property shall not give the transferee a legal title to the property.”

VIII. Local Administration Department Notification No. 630, dated the 18th August 1942, published at page 680 of Part I-A of the Fort St. George Gazette, dated the 8th September 1942.

In exercise of the powers conferred by sub-section (1) of section 305 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule IV to the said Act:—

RULE.

In sub-clause (ii) of clause (a) of rule 26 of the said schedule, for the expression “under rule 15”, the expression “under rule 13 or 15” shall be substituted.

IX. Local Administration Department Notification No. 775, dated the 16th October 1942, published at page 800 of Part I-A of the Fort St. George Gazette, dated the 3rd November 1942.

In exercise of the powers conferred by sub-section (1) of section 305 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule III to the said Act:—

RULE.

After rule 11 of the said schedule, the following rule shall be inserted, namely:—

“11-A. The committees constituted by the council under section 23 as well as the committees constituted under the proviso to section 68 (1) and under section 73 shall meet in the office provided by the municipal council under rule 1.”

[20th April 1949]

X. *Local Administration Department Notification No. 308, dated the 12th April 1943, published at page 164 of Part I-A of the Fort St. George Gazette, dated the 27th April 1943.*

In exercise of the powers conferred by sub-section (1) of section 305 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule III to the said Act :—

RULE.

For rule 10 of the said schedule, the following rule shall be substituted, namely :—

“ 10. Within three days of the date of the meeting, a copy of the minutes of the proceedings at such meeting in English and in the language of the district, shall be forwarded by the Chairman to the Collector of the District, and another copy to the Deputy Inspector of the Municipal Councils and Local Boards of the range, in which the municipality is situated. An authenticated copy of the said minutes shall also be affixed to the notice board of the municipal office and relevant extracts of the said minutes shall be sent to the Heads of Departments of the Provincial Government and to the Superintending Officers appointed under sub-section (1) of section 38 for information and necessary action. The chairman shall also immediately submit to the said Collector any minute of dissent that may be forwarded to him within forty-eight hours of the meeting by any Councillor.”

XI. *Local Administration Department Notification No. 427, dated the 22nd June 1943, published at page 242 of Part I-A of the Fort St. George Gazette, dated the 6th July 1943.*

In exercise of the powers conferred by sub-section (1) of section 305 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule IV to the said Act :—

RULE.

To sub-rule (1) of rule 60 of the said schedule, the following explanation shall be added, namely :—

“ *Explanation.*—It shall not be open to any person whose negligence or misconduct has caused or contributed to any such deficiency or loss, to contend that notwithstanding his negligence or misconduct the deficiency or loss would not have occurred but for the negligence or misconduct of some other person.”

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ANNEXURE.

Serial number of the item containing the relevant notification.

Reasons for the rules (vide preamble to the motion).

- I By the amendments, rules 29 and 30 have been redrafted, so as to make it clear that the taxes due under the Act can be recovered by civil suits.
- II Provision has been made for the recovery of contributions from municipal councils towards the cost of training of municipal commissioners.
- III It is made clear that it is enough if an appeal reaches the municipal office within the prescribed time and that the appeal need not necessarily be presented at the municipal office.
- IV The amendment provides that the municipal council shall provide such sums as may be fixed by the Government, for expenditure on roads, bridges and the like and that it shall not divert them for other purposes without the sanction of the Government.
- V Specific provision is made for the payment of travelling allowance to municipal commissioners for their journey on transfer.
- VI The classification of profession tax assesses and the maximum half-yearly tax leviable on each class have been revised by the amendment with reference to the limitation of the maximum rate of profession tax to Rs. 50 per annum by the Profession Tax Limitation Act, 1941 (India Act XX of 1941).
- VII The amendment enables the executive authority to effect transfers of registry of ownership of properties in the property tax assessment registers and empowers the Provincial Government to issue rules regulating such transfers. Rules regarding transfers of registry of ownership of properties have been issued separately by the Government. The amendment also empowers the executive authority to amend the assessment books with retrospective effect with reference to fair rent fixed by Rent Controlling authorities.
- VIII This is a verbal amendment.
- IX The object is to lay down specifically that the Committees of the Council should meet in the municipal office.
- X The object of the amendment is to dispense with the publication of the proceedings of municipal councils in the District Gazettes in the interests of paper economy and to provide for sending copies thereof to Heads of Departments and the Deputy Inspectors of Municipal Councils and Local Boards.
- XI The amendment is intended to enable surcharges being issued against all persons responsible for any deficiency, loss, etc., caused to a municipal council by the negligence or misconduct of such persons.

[20th April 1948]

APPENDIX III.

[Vide item V (2) at page 151 supra.]

Draft Amendments.

Whereas certain rules amending Schedules II, IV, V and VII to the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), were made by His Excellency the Governor of Madras in exercise of the powers conferred by section 201 (1) of that Act for the reasons mentioned in the Appendix when the Proclamation under section 93 of the Government of India Act, 1935, was in force in this Province;

And whereas the said rules will cease to be in force on the 30th April 1948;

And where it is expedient to re-enact these rules permanently subject to modifications in two respects;

Now, therefore, in pursuance of section 201-A of the Madras Local Boards Act aforesaid, this Assembly is hereby pleased to approve the following draft rule proposed to be made by the Government of Madras:—

DRAFT RULE.

The rules published with the notifications of the Local Administration Department reproduced below are hereby re-enacted permanently, subject to the modifications that—

(1) in the rule published with Local Administration Department Notification No. 216, dated the 11th February 1941, for the words "India or the Empire," the words "or the Dominion of India" shall be substituted; and

(2) in the rules published with Local Administration Department Notification No. 400, dated the 21st September 1945, in item (ii) of rule 1, for the words and figures "Controller under the Madras House Rent Control Order, 1941," the words, brackets and figures "Controller under the Madras Buildings (Lease and Rent Control) Act, 1946" shall be substituted.

I. Local Administration Department Notification No. 736, dated the 25th June 1940, published at page 432 of Part I-A of the Fort St. George Gazette, dated the 2nd July 1940.

In exercise of the powers conferred by sub-section (1) of section 201 of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule IV to the said Act:—

RULE.

In the said schedule—

(i) in rule 32—

(a) in sub-rule (3), for the words "shall be payable by any person," the words and figures "shall be recovered from any person in the manner laid down in rule 33" shall be substituted;

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(b) after sub-rule (3), the following sub-rule shall be added, namely:—

"(4) Nothing contained in this rule or in rule 33 shall preclude the local board from suing in a civil court for any tax due to it under this Act"; and

(ii) sub-rule (3) of rule 33 shall be omitted.

II. Local Administration Department Notification No. 216, dated the 11th February 1941, published at page 142 of Part I-A of the Fort St. George Gazette, dated the 25th February 1941.

In exercise of the powers conferred by sub-section (1) of section 201 of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule V to the said Act:—

RULE.

In clause (2) of rule 4 of the said schedule, the following words shall be inserted between the words "charitable fund" and "or", namely:—

"or to a fund for the defence of the local area within its jurisdiction, India or the Empire."

III. Local Administration Department Notification No. 541, dated the 12th May 1941, published at page 348 of Part I-A of the Fort St. George Gazette, dated the 20th May 1941.

In exercise of the powers conferred by sub-section (1) of section 201 of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule V to the said Act:—

RULE.

In rule I-B of the said schedule—

(1) Sub-rules (1) and (2) shall be renumbered as sub-rules (2) and (3) respectively, and the following shall be inserted as sub-rule (1), namely:—

"(1) A district board—

(a) shall make provision for the construction, diversion, improvement and maintenance of the different classes of roads in its charge and of all bridges, culverts, road dams and causeways on such roads to such extent as the Provincial Government consider necessary and practicable; and

(b) shall not divert such provision to other purposes without the express sanction of the Provincial Government";

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(2) clause (a) of sub-rule (2) as so renumbered shall be omitted; and

(3) in clause (e) of sub-rule (3) as so renumbered, for the expression "sub-rule (1)," the expression "sub-rules (1) and (2)" shall be substituted.

IV. Local Administration Department Notification No. 596, dated the 9th June 1941, published at page 402 of Part I-A of the Fort St. George Gazette, dated the 10th June 1941.

In exercise of the powers conferred by sub-section (1) of section 201 of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule V to the said Act:—

RULE.

In sub-rule (1) of rule 9 of the said schedule, after sub-clause (ii) of clause (b), the following word and clause shall be inserted, namely:—

"or

(c) subject to such control as may be prescribed by such person as may be appointed by the Provincial Government in that behalf."

V. Local Administration Department Notification No. 153, dated the 18th February 1942, published at page 158 of Part I-A of the Fort St. George Gazette, dated the 3rd March 1942.

In exercise of the powers conferred by sub-section (1) of section 201 of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), His Excellency the Governor of Madras is hereby pleased to make, with effect on and from the 1st April 1942, the following rule altering Schedule IV to the said Act:—

RULE.

For sub-rule (1) of rule 9 of the said schedule, the following sub-rule shall be substituted, namely:—

"(1) The classes into which companies and persons shall, for the purposes of assessment to the profession tax, be divided and the maximum half-yearly tax leviable on each class shall be as follows:—

Class.	Half-yearly income.		Maximum half-yearly tax.	
			RS. A.	
I	More than Rs. 9,600		25	0
II	Do.	7,800 but not more than Rs. 9,600	18	0
III	Do.	6,000 do. 7,800	13	0
IV	Do.	4,200 do. 6,000	9	0
V	Do.	3,000 do. 4,200	6	0
VI	Do.	1,800 do. 3,000	3	0
VII	Do.	1,200 do. 1,800	2	0
VIII	Do.	600 do. 1,200	1	0
IX	Do.	300 do. 600	0	8 "

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VI. Local Administration Department Notification No. 188, dated the 5th February 1943, published at page 88 of Part I-A of the Fort St. George Gazette, dated the 9th March 1943.

In exercise of the powers conferred by sub-section (1) of section 201 of the Madras Local Boards Act, 1929 (Madras Act XIV of 1920), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule VII to the said Act:—

RULE.

In Schedule VII to the said Act—

(i) In clause (a), after the word "boiling," the words "paddy or" shall be inserted.

(ii) For clause (m), the following clause shall be substituted, namely:—

"(m) selling or storing timber, firewood, thatching materials, hay, grass, straw, fibre, coal or charcoal."

(iii) For the proviso at the end, the following proviso shall be substituted, namely:—

"Provided that no licence shall be required for boiling paddy or for the storage of timber, firewood, thatching materials, hay, grass, straw, fibre, coal or charcoal when such boiling or storage is for private use or is in a place not situated among inhabited houses."

VII. Local Administration Department Notification No. 309, dated the 12th April 1943, published at page 164 of Part I-A of the Fort St. George Gazette, dated the 27th April 1943.

In exercise of the powers conferred by sub-section (1) of section 201 of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule II to the said Act:—

RULE.

For sub-rule (1) of rule 11 of the said schedule, the following sub-rule shall be substituted, namely:—

"(1) Within three days of the date of the meeting of a district board a copy of the minutes of the proceedings at such meeting in English and in the language of the district shall be forwarded to the Collector of the district and another copy to the Deputy Inspector of Municipal Councils and Local Boards of the range in which the district board is situated. An authenticated copy of the said minutes shall also be affixed to the notice board of the office of the district board and relevant extracts of the said minutes shall be sent to the Heads of Departments of the Provincial Government and to the Superintending Officers appointed under sub-section (1) of section 37 for information and necessary action."

[20th April 1948]

VIII. Local Administration Department Notification No. 477, dated the 29th July 1943, published at page 272 of Part I-A of the Fort St. George Gazette, dated the 3rd August 1943.

In exercise of the powers conferred by sub-section (1) of section 201 of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule VII to the said Act:—

RULE.

In clause (h) of Schedule VII to the said Act, for the words "manufacturing sugarcandy," the words "manufacturing jaggery or sugarcandy" shall be substituted.

IX. Local Administration Department Notification No. 207, dated the 4th May 1944, published at page 132 of Part I-A of the Fort St. George Gazette, dated the 23rd May 1944.

In exercise of the powers conferred by sub-section (1) of section 201 of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule V to the said Act:—

RULE.

In rule 1 of the said schedule; after sub-rule (a), the following sub-rule shall be inserted, namely:—

"(aa) It shall be the duty of every panchayat to provide for the payment of transit pay and travelling allowance of a person appointed as its executive officer in respect of his journey to join the appointment."

X. Local Administration Department Notification No. 400, dated the 21st September 1945, published at page 250 of Part I-A of the Fort St. George Gazette, dated the 23rd October 1945.

In exercise of the powers conferred by sub-section (1) of section 201 of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), His Excellency the Governor of Madras hereby makes the following rules altering Schedule IV to the said Act:—

RULES.

1. In rule 24 of the said schedule—

(i) in sub-rule (1), the words "and notice of every such amendment shall be given to the person or persons interested therein" shall be omitted and the following words shall be added, namely:—

"or subject to any rules which the Provincial Government may make in this behalf, by substituting therein for the name of the owner of any property the name of any other person who has succeeded by transfer or otherwise to the ownership of the property";

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(ii) at the end of the proviso to sub-rule (2), the following shall be added, namely:—

"except where the fair rent of a building has been determined by the Controller under the Madras House Rent Control Order, 1941";

(iii) after the same proviso, the following further proviso shall be added, namely:—

"Provided further that the decision of the executive authority in any disputed case of transfer of ownership of a property shall not give the transferee a legal title to the property"; and

(iv) after sub-rule (2), the following sub-rule shall be added, namely:—

"(3) in every case in which, between one general revision and another, the executive authority assesses any property for the first time, or increases the assessment on any property otherwise than in consequence of a general enhancement of the rate at which the house-tax is leviable, the executive authority shall intimate by a special notice to the owner or occupier of such property that a petition for revising the assessment will be considered if it reaches the panchayat office within 60 days from the date of service of such notice in the case of the Government, a railway administration or a company and within 30 days from the date of service of such notice in other cases."

2. Rule 24-A of the said schedule shall be renumbered as sub-rule (1) of that rule and the following shall be added as sub-rule (2), namely:—

"(2) Immediately after the disposal of a revision petition under sub-rule (1) or rule 24 (3) the executive authority shall inform the petitioner or his authorized agent, either orally or in writing, of the orders passed thereon, shall direct him to pay the amount fixed on revision within 15 days after the date of receipt of such intimation, or, if the amount is not yet due, within 15 days from the date on which it becomes due, and shall, if necessary, cause the assessment books to be corrected."

3. In rule 27 of the said schedule—

(i) in clause (a) the figures "24" shall be omitted; and

(ii) in clause (b), for the expression "24-A" the expression "24-A (2)" shall be substituted.

4. In sub-rule (1) of rule 33 of the said schedule, after the words "notice or bill," the following shall be inserted, namely:—

"or the giving of the direction referred to in rule (24-A 2)."

[20th April 1948]

ANNEXURE.

Reasons for making the rules.

Serial number of the item containing the relevant notification.

- I By the amendments, rules 32 and 33 have been modified so as to make it clear that the taxes due under the Act can be recovered by civil suits.
- II The amendment provides for payment of contributions to a fund for purposes of defence.
- III The amendment provides that the district board shall provide such sums as may be fixed by the Government, for roads, bridges, culverts and the like and that it shall not divert them for other purposes without the sanction of the Government.
- IV Provision is made for signing of cheques of district boards by persons appointed by the Government.
- V The classification of profession tax assesses and the maximum half-yearly tax leviable on each class have been revised by the amendment with reference to the limitation of the maximum rate of profession tax to Rs. 5 per annum by the Profession Tax Limitation Act, 1941 (India Act XX of 1941).
- VI and VIII Schedule VII which specifies the purposes for which premises may not be used without a licence under section 193 of the Act has been amended for administrative reasons.
- VII The intention of the amendment is to dispense with the publication of the proceedings of district boards in the District Gazettes with a view to observe paper economy and to provide for sending copies thereof to Heads of Departments and the Deputy Inspector of Municipal Councils and Local Boards.
- IX Provision is made for the payment of transit pay and travelling allowance of executive officers of the panchayat boards in respect of their journey to join the appointment.
- X The amendment enables the executive authority to effect transfers of registry of ownership of property in the house tax assessment registers and empowers the Provincial Government to issue rules regulating such transfers. Rules regarding transfers of registry of ownership of properties have been issued separately by the Government. The amendment also empowers the executive authority to amend the assessment books with retrospective effect with reference to fair rent fixed by the Rent Controlling authorities. The amendment further requires the executive authority to intimate to the assessee by a special notice the amendment of assessment made by him between one general revision and another and inviting revision petitions, if necessary.

20th April 1948]

APPENDIX IV.

[Vide item V (3) at page 151 supra.]

Draft Amendments.

Whereas certain rules amending Schedules IV, V and VI to the Madras City Municipal Act, 1919 (Madras Act IV of 1919), were made by His Excellency the Governor of Madras under section 347 (3) of that Act for the reasons mentioned in the annexure, when the proclamation under section 93 of the Government of India Act, 1935, was in force in this Province;

And whereas the said rules will cease to be in force on the 30th April 1948;

And whereas it is expedient to re-enact these rules permanently subject to modifications in two respects;

Now, therefore, in pursuance of section 347 (5) of the Madras City Municipal Act aforesaid, this Assembly is hereby pleased to approve the following draft rule proposed to be made by the Government of Madras:—

RULE.

“The rules published with the Notifications of the Local Administration Department reproduced below are hereby re-enacted permanently subject to the modifications that—

- (1) in the rules published with Local Administration Department Notification No. 523, dated the 20th July 1942, rule 2 shall be omitted; and
- (2) in the rules published with Local Administration Department Notification No. 387, dated the 13th September 1945, rule 2 shall be omitted:—”

1. Local Administration Department Notification No. 943, dated the 13th August 1940, published at page 593 of Part I-A of the Fort St. George Gazette, dated the 20th August 1940.

In exercise of the powers conferred by sub-section (3) of section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule V to the said Act:—

[20th April

ANNEXURE.

Reasons for making the rules.

By the amendments, rules 32 and 33 have been modified so as to make it clear that the taxes due under the Act can be recovered by civil suits.

The amendment provides for payment of contributions to fund for purposes of defence.

The amendment provides that the district board shall provide such sums as may be fixed by the Government for roads, bridges, culverts and the like and that it shall not divert them for other purposes without the sanction of the Government.

Provision is made for signing of cheques of district boards by persons appointed by the Government.

The classification of profession tax assesses and the maximum half-yearly tax leviable on each class have been revised by the amendment with reference to the limitation of the maximum rate of profession tax to Rs. 5 per annum by the Profession Tax Limitation Act, 1941 (India Act XX of 1941).

Schedule VII which specifies the purposes for which premises may not be used without a licence under section 193 of the Act has been amended for administrative reasons.

The intention of the amendment is to dispense with the publication of the proceedings of district boards in the District Gazettes with a view to conserve paper economy and to provide for sending copies thereof to Heads of Departments and the Deputy Inspector of Municipal Councils and Local Boards.

Provision is made for the payment of transit pay and travelling allowance of executive officers of the panchayat boards in respect of their journey to join the appointment.

The amendment enables the executive authority to effect transfers of registry of ownership of property in the house tax assessment registers and empowers the Provincial Government to issue rules regulating such transfers. Rules regarding transfer of registry of ownership of properties have been issued separately by the Government. The amendment also empowers the executive authority to amend the assessment books with retrospective effect with reference to fair rent fixed by the Rent Controlling authorities. The amendment further requires the executive authority to intimate to the assessee by a special notice the amendment of assessment made by him between one general revision and another and inviting revision petitions, if necessary.

20th April 1948]

APPENDIX IV.

[Vide item V (3) at page 151 supra.]

Draft Amendments.

Whereas certain rules amending Schedules IV, V and VI to the Madras City Municipal Act, 1919 (Madras Act IV of 1919), were made by His Excellency the Governor of Madras under section 347 (3) of that Act for the reasons mentioned in the annexure, when the proclamation under section 93 of the Government of India Act, 1935, was in force in this Province;

And whereas the said rules will cease to be in force on the 30th April 1948;

And whereas it is expedient to re-enact these rules permanently subject to modifications in two respects;

Now, therefore, in pursuance of section 347 (5) of the Madras City Municipal Act aforesaid, this Assembly is hereby pleased to approve the following draft rule proposed to be made by the Government of Madras:—

RULE.

“The rules published with the Notifications of the Local Administration Department reproduced below are hereby re-enacted permanently subject to the modifications that—

- (1) in the rules published with Local Administration Department Notification No. 523, dated the 20th July 1942, rule 2 shall be omitted; and
- (2) in the rules published with Local Administration Department Notification No. 387, dated the 13th September 1945, rule 2 shall be omitted:—”

I. Local Administration Department Notification No. 943, dated the 13th August 1940, published at page 598 of Part I-A of the Fort St. George Gazette, dated the 20th August 1940.

In exercise of the powers conferred by sub-section (3) of section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule V to the said Act:—

RULE.

After rule 20 of Schedule V to the Madras City Municipal Act, 1919, the following rule shall be inserted, namely:—

“20-A. Copies of all correspondence addressed to or by the standing committee or its chairman—

- (a) on all matters falling within the scope of rules 19 and 20; and

[20th April 1948]

ANNEXURE.

Reasons for making the rules.

Serial number of the item containing the relevant notification.

- I By the amendments, rules 32 and 33 have been modified so as to make it clear that the taxes due under the Act can be recovered by civil suits.
- II The amendment provides for payment of contributions to a fund for purposes of defence.
- III The amendment provides that the district board shall provide such sums as may be fixed by the Government, for roads, bridges, culverts and the like and that it shall not divert them for other purposes without the sanction of the Government.
- IV Provision is made for signing of cheques of district boards by persons appointed by the Government.
- V The classification of profession tax assesses and the maximum half-yearly tax leviable on each class have been revised by the amendment with reference to the limitation of the maximum rate of profession tax to Rs. 5 per annum by the Profession Tax Limitation Act, 1941 (India Act XX of 1941).
- VI and VIII Schedule VII which specifies the purposes for which premises may not be used without a licence under section 193 of the Act has been amended for administrative reasons.
- VII The intention of the amendment is to dispense with the publication of the proceedings of district boards in the District Gazettes with a view to observe paper economy and to provide for sending copies thereof to Heads of Departments and the Deputy Inspector of Municipal Councils and Local Boards.
- IX Provision is made for the payment of transit pay and travelling allowance of executive officers of the panchayat boards in respect of their journey to join the appointment.
- X The amendment enables the executive authority to effect transfers of registry of ownership of property in the house tax assessment registers and empowers the Provincial Government to issue rules regulating such transfers. Rules regarding transfers of registry of ownership of properties have been issued separately by the Government. The amendment also empowers the executive authority to amend the assessment books with retrospective effect with reference to fair rent fixed by the Rent Controlling authorities. The amendment further requires the executive authority to intimate to the assessee by a special notice the amendment of assessment made by him between one general revision and another and inviting revision petitions, if necessary.

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APPENDIX IV.

[Vide item V (3) at page 151 supra.]

Draft Amendments.

Whereas certain rules amending Schedules IV, V and VI to the Madras City Municipal Act, 1919 (Madras Act IV of 1919), were made by His Excellency the Governor of Madras under section 347 (3) of that Act for the reasons mentioned in the annexure, when the proclamation under section 93 of the Government of India Act, 1935, was in force in this Province;

And whereas the said rules will cease to be in force on the 30th April 1948;

And whereas it is expedient to re-enact these rules permanently subject to modifications in two respects;

Now, therefore, in pursuance of section 347 (5) of the Madras City Municipal Act aforesaid, this Assembly is hereby pleased to approve the following draft rule proposed to be made by the Government of Madras:—

RULE.

“The rules published with the Notifications of the Local Administration Department reproduced below are hereby re-enacted permanently subject to the modifications that—

- (1) in the rules published with Local Administration Department Notification No. 523, dated the 20th July 1942, rule 2 shall be omitted; and
- (2) in the rules published with Local Administration Department Notification No. 387, dated the 13th September 1945, rule 2 shall be omitted:—”

I. Local Administration Department Notification No. 943, dated the 13th August 1940, published at page 598 of Part I-A of the Fort St. George Gazette, dated the 20th August 1940.

In exercise of the powers conferred by sub-section (3) of section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule V to the said Act:—

RULE.

After rule 20 of Schedule V to the Madras City Municipal Act, 1919, the following rule shall be inserted, namely:—

“20-A. Copies of all correspondence addressed to or by the standing committee or its chairman—

- (a) on all matters falling within the scope of rules 19 and 20; and

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(b) on such other matters of importance as the Commissioner may from time to time determine, shall be sent simultaneously to the Commissioner, by the auditors or by the chairman of the standing committee, as the case may be."

II. Local Administration Department Notification No. 1411, dated the 7th November 1940, published at page 956 of Part I-A of the Fort St. George Gazette, dated the 17th December 1940.

In exercise of the powers conferred by sub-section (3) of section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule V to the said Act:—

RULE.

For sub-rule (1) of rule 20 of Schedule V to the Madras City Municipal Act, 1919, the following sub-rule shall be substituted, namely:—

"(1) The Commissioner shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and send a report of the same to the standing committee which shall forward the report to the Council."

III. Local Administration Department Notification No. 1204, dated the 27th November 1941, published at page 912 of Part I-A of the Fort St. George Gazette, dated the 9th December 1941.

In exercise of the powers conferred by sub-section (3) of section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), His Excellency the Governor of Madras is hereby pleased to make the following rules altering Schedule IV to the said Act:—

RULES.

In the said schedule—

(1) In rule 4, for the words "not being less than thirty days" the words "not being less than thirty or more than sixty days" shall be substituted.

(2) After rule 4, the following rule shall be inserted, namely:—

"4-A. The preferring or pendency of an application for the revision of the assessment of any tax under rules 2, 3-A or 4 shall not—

(a) bar the collection thereof, or

(b) operate as a stay of proceedings to enforce payment of the same."

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(3) In rule 6, the words "shall direct him to pay the amount fixed on revision within fifteen days after the date of receipt of such intimation or if the amount is not already due, within fifteen days from the date on which it becomes due" shall be omitted.

(4) In rule 6-B, the words and figure "save as provided in rule 6" shall be omitted.

(5) In rule 20—

(i) in sub-rule (1), the words and figure "or a direction has to be given under rule 6" shall be omitted; and

(ii) in sub-rule (3), for the words "bill or direction", the words "or bill" shall be substituted.

(6) In sub-rule (i) of rule 21, the words "or the giving of the direction" and the words and figure "or rule 6" shall be omitted.

IV. Local Administration Department Notification No. 151, dated the 4th February 1942, published at page 158 of Part I-A of the Fort St. George Gazette, dated the 3rd March 1942.

In exercise of the powers conferred by sub-section (3) of section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule VI to the said Act:—

RULE.

In Schedule VI to the said Act, for the item "Machinery—Using for any industrial purpose," the item "Machinery other than such machinery as may by notification be exempted by the Provincial Government from time to time—Using for any industrial purpose" shall be substituted.

V. Local Administration Department Notification No. 329, dated the 11th May 1942, published at page 351 of Part I-A of the Fort St. George Gazette, dated the 19th May 1942.

In exercise of the powers conferred by sub-section (3) of section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule IV to the said Act:—

RULE.

In the said Schedule, in the proviso to rule 3, after the words "Provided that" the following shall be inserted, namely:—
"except in a case of revision which is necessitated by reconstruction of or improvements or additions to, buildings or by clerical or arithmetic error."

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VI. Local Administration Department Notification No. 523, dated the 20th July 1942, published at page 566 of Part I-A of the Fort St. George Gazette, dated the 28th July 1942.

In exercise of the powers conferred by sub-section (3) of section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), His Excellency the Governor of Madras is hereby pleased to make the following rules altering Schedule IV to the said Act. The rules hereby made shall be deemed to have been made and to have come into force on and from the 1st April 1942.

RULES.

1. For rule 8 of the said Schedule, the following rule shall be substituted, namely:—

“ 8. Persons shall be assessed by the Commissioner to the profession tax under the following classes on a scale to be determined by the Council from time to time:

Provided that such scale shall be subject to the maximum specified against each class:

Provided also that the proportion which the tax on any class bears to the minimum income of that class shall in no case be smaller than the proportion which the tax on any lower class bears to the minimum income of such lower class:—

Class.	Half-yearly income.		Maximum half-yearly tax.
			RS.
I	more than Rs. 9,600		25
II	Do.	7,800 but not more than Rs. 9,600	18
III	Do.	6,000 Do. 7,800	13
IV	Do.	4,200 Do. 6,000	9
V	Do.	3,000 Do. 4,200	6
VI	Do.	1,800 Do. 3,000	3
VII	Do.	1,200 Do. 1,800	2
VIII	Do.	600 Do. 1,200	1 "

- * 2. In sub-rule (1) of rule 9 of the said Schedule, for the words “fixed salary or remuneration” the words “fixed income” and for the words “limit of salary” the words “limit of income” shall be substituted.

VII. Local Administration Department Notification No. 662, dated the 14th August 1942, published at page 706 of Part I-A of the Fort St. George Gazette, dated the 22nd September 1942.

In exercise of the powers conferred by sub-section (3) of section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule IV to the said Act.

* This rule shall be omitted—vide modification (1) in the opening portion.

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RULE.

In sub-rule (a) of rule 15 of the said Schedule, for the words “from the date of the decision” in the two places where they occur, the words “from the date on which such decision was communicated by registered post” shall be substituted.

VIII. Local Administration Department Notification No. 822, dated the 3rd November 1942, published at page 828 of Part I-A of the Fort St. George Gazette, dated the 17th November 1942.

In exercise of the powers conferred by sub-section (3) of section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule IV to the said Act with effect on and from the 1st April 1942:—

RULE.

To rule 1-D of the said Schedule, the following proviso shall be added, namely:—

“ Provided that the Provincial Government may, for special reasons, direct that the general revision of assessment books which is due to be made in any year shall be postponed for such period as they think fit and that such postponement shall not affect subsequent general revisions.”

IX. Local Administration Department Notification No. 1, dated the 11th December 1942, published at page 2 of Part I-A of the Fort St. George Gazette, dated the 5th January 1943.

In exercise of the powers conferred by sub-section (3) of section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule IV to the said Act.

The rule hereby made shall be deemed to have been made and to have come into force on and from the 1st April 1942.

RULE.

For rule 9 of the said Schedule, the following rule shall be substituted, namely:—

“ 9. (1) If in the opinion of the Commissioner, profession tax is or will be due for any half-year from any person other than a person in respect of whom the Commissioner obtains to his satisfaction particulars of income under section 115, he shall serve a notice on such person either

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in that half-year or in the succeeding half-year requiring him to furnish within such period, not being less than thirty days as may be specified in the notice, a return showing the income on the basis of which, according to such person he is liable to be assessed to profession-tax for the half-year in question. Thereupon it shall be open to such person to submit a return showing the income derived by him during the half-year for which profession-tax is claimed or during the previous half-year and produce any evidence on which the person may rely in support of the return made.

- (2) If a return as required under sub-rule (1) or a list with the statement as required by section 115 is furnished and the Commissioner is satisfied that it is correct and complete, he shall levy the profession-tax from the person liable to be assessed on the basis of such return or statement.

Explanation.—If a person produces the notice of demand of income-tax served on him under section 29 of the Indian Income-tax Act, 1922, for the year comprising the half-year in question, the Commissioner shall be bound to take one-half of the income mentioned in such notice of demand as the income derived from the sources on which profession-tax is leviable under this Act, as the income on the said sources for the purposes of levying profession-tax.

- (3) If no return as required under sub-rule (1) is furnished, or if the Commissioner is satisfied that any return furnished is incorrect or incomplete, he shall assign to the person the class in the scale appropriate to the half-yearly income of such person as estimated by him.
- (4) The Commissioner may, when classifying any person under sub-rule (3), do so on general considerations with reference to the nature and reputed value of the business transacted, the size and rental of residential and business premises, the quantity and number of articles dealt with, the number of persons employed and the income-tax paid to Government.
- (5) The Commissioner shall not be entitled to call for the accounts of any person."

X. Local Administration Department Notification No. 93, dated the 2nd February 1943, published at page 46 of Part I-A of the Fort St. George Gazette, dated the 9th February 1943.

In exercise of the powers conferred by sub-section (3) of section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule IV to the said Act.

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The rule hereby made shall be deemed to have been made and to have come into force on and from the 1st April 1942.

RULE.

After rule 4-A of the said Schedule, the following shall be inserted as rule 4-B, namely:—

"4-B. Notwithstanding anything contained in rule 2, 3-A or 4, the Government may, for special reasons, by general or special order, direct the Commissioner to receive and consider petitions received after the periods specified in the said rules and the Commissioner shall thereupon consider and dispose of such petitions on their merits."

XI. Local Administration Department Notification No. 625, dated the 19th October 1943, published at page 382 of Part I-A of the Fort St. George Gazette, dated the 23rd November 1943.

In exercise of the powers conferred by sub-section (3) of section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), His Excellency the Governor of Madras is hereby pleased to make the following rule altering Schedule IV to the said Act:—

RULE.

To sub-rule (1) of rule 21 of the said Schedule, the following explanation shall be added, namely:—

"*Explanation.*—It shall not be open to any person whose negligence or misconduct has caused or contributed to any such deficiency or loss to contend that notwithstanding his negligence or misconduct, the deficiency or loss would not have occurred but for the negligence or misconduct of some other person."

XII. Local Administration Department Notification No. 387, dated the 13th September 1945, published at page 245 of Part I-A of the Fort St. George Gazette, dated the 16th October 1945.

In exercise of the powers conferred by sub-section (3) of section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), His Excellency the Governor of Madras hereby makes the following rules altering Schedule IV to the said Act.

Rule 2 hereby made shall be deemed to have come into force on the 1st April 1939.

RULE.

1. For the first paragraph of rule I-D of the said Schedule, the following paragraph shall be substituted, namely:—

"A general revision of the assessment books shall be made by the Commissioner once in every five years; and for

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this purpose the Commissioner may, with the approval of the council, arrange the territorial divisions of the City in such groups as may be considered necessary and revise the assessment books relating to each such group by rotation once in every five years."

- 2 After the proviso to rule I-D of the said Schedule, the following proviso shall be added, namely:—

"Provided further that the Provincial Government may, by order, direct that the revision of the assessment books in so far as they relate to Government and railway buildings shall be postponed for such period as they think fit and that for the purpose of assessment during the said period, the valuation of those buildings for the last half-year immediately preceding the said period, shall be adopted with such modifications as may be necessary on account of the extensions or alterations of the buildings, if any."

XIII. Local Administration Department Notification No. 125, dated the 1st April 1946, published at page 94 of Part I-A of the Fort St. George Gazette, dated the 2nd April 1946.

In exercise of the powers conferred by sub-section (3) of section 347 of the Madras City Municipal Act, 1919 (Madras Act IV of 1919), His Excellency the Governor of Madras hereby makes the following rule altering Schedule IV to the said Act.

RULE.

For sub-rule (1) of rule 10 of the said Schedule, the following sub-rule shall be substituted, namely:—

"(1) The tax on carriages and animals shall be levied at rates not exceeding the following:—

Description of carriage or animal.	Maximum half-yearly tax.
	RS.
For every tram car	100
For every four-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals	20
For every two-wheeled vehicle with springs or other appliances acting as springs constructed to be drawn by one or more animals	10
For every bicycle or tricycle	3
Do. perambulator	5

• This rule shall be omitted—vide modification (2) in the opening portion.

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Description of carriage or animal.	Maximum half-yearly tax.
	RS.
For every rickshaw	10
Do. hand-cart with springs or other appliances acting as springs..	10
Do. elephant	15
Do. camel	10
Do. horse or mule not under 12 hands	10
Do. horse or mule under 12 hands ..	5
Do. bullock or bull	4
Do. male buffalo	4
Do. pig	4
Do. goat	4
Do. ass	4
Do. dog	2

ANNEXURE.

Serial number of the item containing the relevant notification.

Reasons for the rules.
(Vide preamble to the motion.)

- I The object of the new rule is to ensure that the Commissioner gets copies of all correspondence relating to audit and other important matters to be determined by the Commissioner addressed to or by the standing committee or its chairman.
- II The object of the rule is to lay the responsibility for remedying the defects and irregularities discovered in audit on the Commissioner instead of on the Standing Committee.
- III The object of the amendment is—
 - (i) to lay down that persons presenting petitions for reduction of their property tax assessments should do so not earlier than 60 days and not later than 30 days, before the close of the half-year in which such petitions are presented;
 - (ii) to enable the Commissioner to enforce the collection of tax on property during the pendency of a revision petition asking for reduction of tax; and
 - (iii) to lay down clearly that the Commissioner shall intimate to the petitioner asking for revision of property tax assessment that he shall pay the tax as per orders on the petition where tax had already become due within

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of the item
containing
the relevant
notification.

Reasons for the rules.
(Vide preamble to the motion.)

15 days from the date of receipt of the necessary intimation, and where the tax is not yet due within 15 days of the date on which it becomes due.

[The amendment referred to in item (iii) above has rendered it necessary to make consequential amendments to certain other rules.]

IV The object of the amendment is to enable the Government to exempt any machinery from liability to take out a licence under section 287 of the Madras City Municipal Act.

V This amendment is intended to enable the Commissioner to revise the assessment of a building to property tax where such revision is necessitated by clerical or arithmetic error or by reconstruction or addition or improvements to the building with effect from the half-year in which the error was committed or such addition, etc., was effected, even though the demand bill for the half-year had been issued.

VI The lowering of the maximum leviable as profession tax in virtue of the Profession Tax Limitation Act, 1941, has made it necessary to revise the classification of persons in terms of their income and the amount of maximum tax leviable on each such class. New rule 8 is intended to achieve this object.

VII This is intended to enable tax assesses to file an appeal to the Small Causes Court within 14 days of the date on which the decision of the Taxation Appeals Committee appealed against was communicated to them by registered post.

VIII The intention is to enable Government to direct postponement of general revision of property tax assessments for a specified period in emergencies.

IX The object of this rule is to require the Commissioner to call for returns of income from all persons except those in receipt of fixed incomes, liable or likely to be liable to, the profession tax and to assess all such persons, having due regard to the returns furnished by them.

X The object of this rule is to enable the Government to direct the Commissioner to receive revision petitions asking for reduction of property tax

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Reasons for the rules.
(Vide preamble to the motion.)

assessments after the periods within which such petitions should be submitted. The necessity for such direction will arise only in extraordinary situations such as that which arose during 1942 evacuation.

XI The object of the rule is to obviate plea by persons whose negligence or misconduct has caused or contributed to loss to the Corporation that the said loss would not have occurred but for the negligence or misconduct of some other person.

XII The amendment is intended to enable the Commissioner, Corporation of Madras, to arrange the territorial divisions of the City into groups and revise the property tax assessment books relating to each group completely once in five years, as it will be administratively more convenient to revise the assessments relating to a portion of the City than to revise all the assessments in the City.

XIII The object of the rule is to double the maximum rates of tax on carriages and animals.

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, the 21st April 1948.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUKHAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Administrative heads of co-operative institutions.

* 288 Q.—SRI V. RAGHAVAYYA : Will the Hon. the Minister for Local Administration be pleased to state—

(a) how many Deputy Registrars, Sub-Deputy Registrars and Inspectors are appointed as administrative Leads of Co-operative institutions ;

(b) how much money is recovered from co-operative institutions towards the salaries and allowances of these officers ; and

(c) what action the Government have taken on the resolutions of the Fifth Provincial Conference of the Non-Official Co-operative Employees about—

(1) entrusting the function of audit to non-official co-operative agencies ;

(2) withdrawal of departmental men now working in co-operative institutions and replacing them by efficient non-official co-operative employees ;

(3) creation of District and Provincial Co-operative Councils elected by members of Co-operative Societies ;

(4) installation of joint boards of employers and employees in each district and in the Province ; and

(5) payment of Government grants to the District and Provincial Co-operative Councils to ensure payment of adequate scales of salary and allowance to Non-official Co-operative employees ?

THE HON. SRI K. CHANDRAMOULI :—“(a) 7 Deputy Registrars, 50 Co-operative Sub-Registrars, 88 Senior Inspectors and 20 Junior Inspectors have been sanctioned for appointment to be in administrative charge of Co-operative Institutions.

“(b) Out of the staff mentioned in clause (a) the services of 1 Deputy Registrar, 7 Co-operative Sub-Registrars, 13 Senior Inspectors and 13 Junior Inspectors have been lent free of cost and no recoveries are made on account of them. 50 per cent of the cost is recovered in respect of 1 Co-operative Sub-Registrar and 5 Senior Inspectors and 25 per cent of the cost in respect of 1 Junior Inspector. The entire cost on account of the salaries, allowance, etc., of the remaining staff is

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recovered from the Co-operative Institutions concerned. The total amount recovered comes to Rs. 1,29,060 (one lakh twenty-nine thousand sixty only).

- (c) (1) The Government have examined this suggestion in connection with a similar resolution passed by the previous conference of the Non-official Co-operative Employees. Audit of Co-operative Societies is one of the statutory functions of the Registrar. The Government consider that it would be a retrograde step to transfer these functions wholesale to non-official Co-operative Agencies. In the case of big Co-operative Institutions the Registrar permits audit being done by approved Registered Auditors.
- (2) Departmental men are being lent to Co-operative Institutions only at the specific request of these institutions. The Government would only be too glad if the institution choose to appoint their own men and release the departmental men as the Government are badly in need of them for regular departmental work.
- (3) The Government do not accept the proposal. There is already a Provincial Co-operative Advisory Council which has as members non-official gentlemen interested in the movement.
- (4) This suggestion was considered by a Sub-Committee of the Madras Provincial Co-operative Union and by the Provincial Co-operative Advisory Council. Both of them recommended that no such boards are necessary. The Government have accepted this recommendation.
- (5) The Government cannot be expected to subsidise Co-operative Institutions from public funds for paying salaries to their employees."

SRI V. RAGHAVAYYA:—" May I know, Sir, what is the expenditure on the co-operative staff lent to the various co-operative institutions? Only the amount of recoveries has been given as Rs. 1,29,060? "

THE HON. SRI K. CHANDRAMOULI:—" If the hon. Member wants the total expenditure and other details, he may put a separate question."

SRI V. RAGHAVAYYA:—" May I know whether the notice of the Government has not been drawn to the feeling that if the Government co-operative officers are employed to manage co-operative organizations, the auditing staff will naturally feel embarrassed to make remarks against them and if so, do not the Government think that it would be desirable in the interests of co-operation to leave the audit to others than the Government co-operative staff? "

THE HON. SRI K. CHANDRAMOULI:—" With regard to audit, the Government are considering that it should be separated from the Co-operative Department itself and placed on an independent basis."

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SRI V. RAGHAVAYYA:—" May I know why the Government is incurring such huge expenditure by lending these Co-operative officers and recovering only 50 per cent and 25 per cent from the societies? May I know what are the reasons which make the Government to incur so much loss year after year? "

THE HON. SRI K. CHANDRAMOULI:—" Generally the services of these officers are lent to these co-operative institutions, when they make a special request saying that their financial position is not on a proper basis to meet the entire cost of the staff lent. Otherwise the Government is not at all willing to thrust these officers upon these institutions. In some cases the salaries of these officers are fully borne by the Government, and in certain other cases only 50 per cent is borne, and in certain others 25 per cent. All these concessions have been given to these societies in the interests of co-operation."

SRI K. A. NACHIYAPPA GOUNDER:—" May I know whether it is not a fact that these co-operative institutions themselves have been asking for these administrative officers? "

THE HON. SRI K. CHANDRAMOULI:—" That is exactly what I have stated, Sir."

SRI V. M. RAMASWAMI MUDALIYAR:—" Arising out of the answer to clauses (c). (3) and (4), may I ask whether representations were made by the Provincial Co-operative Union that the non-official elements in the Provincial Advisory Council were not enough and that some more non-official members should be added to the existing members? "

THE HON. SRI K. CHANDRAMOULI:—" There were certain representations made even in a conference which I have attended. Certain gentlemen wanted that the non-official members should be increased. The matter is under consideration and I can assure the hon. Member that the number will be increased in the Provincial Advisory Council."

Teppam festival in Madura.

* 295 Q.—SRI N. M. R. SUBBARAMAN: Will the Hon. the Premier be pleased to state—

- (a) whether one woman and two or three children died and a large number of ornaments and jewels were knocked away in the Teppam festival in Madura in the last week of January 1948;
- (b) if so, what was the cause for such happening; and
- (c) whether there was sufficient police handobast at the festival?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—" (a) Yes. One woman and her two children died. Jewels worth about Rs. 2,500 were stolen.

" (b) Some one in the crowd witnessing the festival shouted out saying that floods were coming in the Vaigai. This created

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a scare and the people began to run away thereby causing a stampede in which the casualties occurred. The culprits took advantage of the occasion to steal jewels.

“(c) Yes.”

SRI N. M. R. SUBBARAMAN:—“ May I know whether there is any organized party behind this mischief and trouble? ”

THE HON. SRI B. GOPALA REDDI:—“ Not that we are aware of, Sir.”

SRI N. M. R. SUBBARAMAN:—“ Will the Government make an enquiry whether there was any organized party behind this? ”

THE HON. SRI B. GOPALA REDDI:—“ No, Sir. I have gone through the District Magistrate's report carefully and there was nothing there to suggest that there were any organized gangsters behind this incident.”

DR. S. SUBRAHMANYA AYYAR:—“ Are the Government sure that any first-aid arrangements were kept in readiness before the Teppam festival was arranged? ”

THE HON. SRI B. GOPALA REDDI:—“ I do not think there was any first-aid party kept ready in connexion with the arrangements for the festival, but there was ample constabulary to look after the crowd, Sir.”

SRI B. S. MURTHI:—“ Are the Government aware that there is a section of people who are trying to persuade some sections of Hindus to boycott such festivals, and if they are not able to prevent them from attending the festivals, they are trying to create all sorts of scare and confusion among the pilgrims? ”

(No answer.)

DR. S. SUBRAHMANYA AYYAR:—“ Will the Government insist upon sufficient first-aid arrangements and doctors being kept ready, whenever the Teppam festivals are conducted in future? ”

THE HON. SRI B. GOPALA REDDI:—“ We shall consider the suggestion, Sir.”

SRI N. M. R. SUBBARAMAN:—“ Are the Government aware that the pathway by the side of the river is very narrow and that it is because of that that this incident took place? ”

MR. SPEAKER:—“ The hon. Member is giving information.”

SRI B. S. MURTHI:—“ Is the Hon. Minister aware that there is a section called the Black Shirts who were organizing such things? ”

THE HON. SRI B. GOPALA REDDI:—“ I do not think that this arises out of the main question, Sir.”

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SRI N. M. R. SUBBARAMAN:—“ Will the Government consider the question of acquiring the portion of land on both sides of the pathway, as it is very narrow to prevent such accidents? ”

THE HON. SRI B. GOPALA REDDI:—“ If a separate proposal is made to the Government on this subject, the Government will consider it.”

Fixation of territorial constituencies.

* 296 Q.—M. S. ATAULLAH SAHIB BAHADUR: Will the Hon. the Premier be pleased to state—

(a) whether territorial constituencies have been tentatively fixed by the Madras Government for the new Dominion and States Parliaments;

(b) if so, what they are in our Province for the Lower House of the State of Madras as also for the Dominion Parliament; and

(c) if they have been sent, when they were so sent and why the Government did not consult this House?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—“ (a) No.

“(b) & (c) Do not arise.”

M. S. ATAULLAH SAHIB BAHADUR:—“ May I know whether the Government propose to take up this question in the near future? ”

THE HON. SRI B. GOPALA REDDI:—“ After we receive any instructions from the Government of India, the matter will be taken up.”

SRI K. R. KARANTH:—“ May I ask whether at the time when they get such proposal, the Government will remember our request to consult this House, before they make their final recommendations in the matter? ”

THE HON. SRI B. GOPALA REDDI:—“ I do not think that the Provincial Government will be asked to make any recommendation. I think that a Delimitation Committee will be set up and they will go into the question. If the Provincial Government is asked to make any recommendation in this matter, we shall consider the suggestion of the hon. Member.”

SRI N. VENKATASUBBAYYA:—“ May I know if the Government has sent out instructions to the subordinate officers to start preparation of electoral rolls on adult franchise? ”

THE HON. SRI B. GOPALA REDDI:—“ No, Sir. I think, we have asked them to be ready and that as and when instructions are sent, they must be prepared to go ahead with the work.”

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Alleged entry into this Province of spies from the Nizam's State.

* 297 Q.—SRI S. NAGAPPA: Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that spies from Nizam State have been entering our Province in the guise of bangle sellers; and

(b) if so, what action the Government propose to check such activities?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—“(a) The Government have no such information.

“(b) Does not arise.”

SRI S. NAGAPPA:—“May I know whether the Government are aware of the news to that effect being published in some of the Madras dailies a few days ago?”

THE HON. SRI B. GOPALA REDDI:—“We are not officially aware of it Sir.”

SRI B. S. MURTHI:—“Is the Hon. Minister aware that in Bezwada there are a certain set of people who are trying to persuade the local Muslims to help the Nizam's people and to scare away the refugees from Bezwada?”

THE HON. SRI B. GOPALA REDDI:—“We are not officially aware of such things, Sir.”

SRI V. RAGHAVAYYA:—“Has this Government posted any spies on the border to find out whether the Nizam's spies are entering this Province?”

THE HON. SRI B. GOPALA REDDI:—“I cannot reveal any information on this matter, Sir.”

SRI S. NAGAPPA:—“May I know what steps the Government are taking in order to see whether such spies are entering this Province or not?”

THE HON. SRI B. GOPALA REDDI:—“We are taking all necessary precautions to see whether C.I.Ds. from Hyderabad or any other foreign State are entering into our territories, Sir.”

SRI N. VENKATASUBBAYYA:—“Is it a fact that quite recently two Muslims from the Hyderabad State were arrested at Banganapalle for taking photographs and whether the Government would make enquiries into the reasons why they took the photographs and other things?”

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

SRI B. S. MURTHI:—“May I know whether any reports have come to the Government as to the existence of some organized spies in the border districts?”

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THE HON. SRI B. GOPALA REDDI:—“Some such information was received by the Government and we are taking all necessary precautions to see that C.I.Ds. of the Nizam's State do not come into our territories.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“May I know whether the Government are aware that in the Kurnool town some arms were thrown into the houses of Muslims?”

THE HON. SRI B. GOPALA REDDI:—“I do not think that this question arises out of the main question, Sir.”

MAHBOOB ALI BAIG SAHIB BAHADUR:—“May I know whether the Government are aware that some communists from the Indian Union are entering the Hyderabad State?”

THE HON. SRI B. GOPALA REDDI:—“That question ought to be addressed to the Hyderabad Government.”

Retail ration shop run by Sri Thangavelu Pillai.

* 298 Q.—SRI S. A. DEVANAYAGA IYAH: Will the Hon. the Minister for Food be pleased to state—

(a) whether one Thangavelu Pillai, karnam of Patnam village, Tindivanam taluk, is actually running the retail ration shop constituted for the villages of Patnam and Venmuniathur having the licence benami with the name of one Ramachandram Pillai, his relative;

(b) whether a complaint was made on 28th November 1947 by the ryots of Patnam village endorsed by the concerned M.L.A. that the said Thangavelu Pillai and Ramachandram Pillai are blackmarketing the foodgrains in the rationshop; and

(c) whether the matter was enquired into by the Taluk Supply Officer, Tindivanam and Revenue Divisional Officer, Tindivanam and if so, with what result?

THE HON. DR. T. S. S. RAJAN:—“(a) The retailer of the ration shop at Pattanam village of Tindivanam taluk was Sri Sarangapani Pillai and not Sri Thangavelu Pillai or Sri Ramachandram Pillai as alleged. Sri Ramachandram Pillai was only a clerk employed in the ration shop.

“(b) Yes.

“(c) The Taluk Supply Officer, Tindivanam and the Firka Supply Officer, Vadasiruvalur visited the village and made enquiries but the allegations were not proved. However in view of the numerous complaints received the Revenue Divisional Officer has ordered that the retailer should not be entrusted with a relief shop if one is opened after the abolition of rural rationing.”

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Hunger strike by Mr. Velumani, Secretary, Town Congress Committee, Gobichettipalayam.

* 299 Q.—

[MR. SPEAKER:—“The hon. Member who put the question is not here. The answer will be printed in the proceedings.”]

SRI G. RAJAMANNAR CHETTY: Will the Hon. the Minister for Food be pleased to state—

(a) whether Mr. Velumani, Secretary of the Town Congress Committee, Gobichettipalayam, is on hunger strike for the last one week, to draw the attention of the Government to the grave food situation in Gobichettipalayam; and

(b) whether the Government have taken immediate action by opening relief shops to persuade the Satyagrahi to give up the fast?

THE HON. DR. T. S. S. RAJAN:—“(a) & (b) Sri K. Velumani, Secretary, Town Congress Committee, Gobichettipalayam, Coimbatore district, undertook a fast on the 15th March 1948 and broke it on the 17th March 1948, with a view to impress upon the authorities the necessity for opening relief shops in the town. A shop has been opened in the town with effect from 1st April 1948.”

Irrigation projects for the Agency tracts.

* 300 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Finance be pleased to state—

(a) how many irrigation projects have been sanctioned last, or the current year for the Agency tracts of East and West Godavari districts and Vizagapatam district;

(b) how many new roads have been sanctioned for the above area for the above period;

(c) whether any, and if so, how many hospitals were sanctioned; and

(d) how many wells were sanctioned for these areas for the above period?

THE HON. SRI B. GOPALA REDDI:—“(a) None.

“(b) No new roads were sanctioned during the period but the work of forming and metalling the Rajahmundry-Maredumilli Road in East Godavari Agency at a cost of Rs. 1.75 lakhs and that of metalling the Chinthapalligudem road in Vizagapatam agency at a cost of Rs. 1.92 lakhs sanctioned prior to 1946-47 were under execution. The work of improvements to the Vizagapatam-Anantagiri-Araku road in Vizagapatam agency at a cost of Rs. 15.1 lakhs sanctioned during the period has also been taken up for execution.

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“(c) There are at present five Government dispensaries and one hospital in Vizagapatam Agency, eight dispensaries and one hospital in East Godavari Agency and two dispensaries and one hospital in West Godavari Agency.

“(d) Under the Grow More Food Scheme, four wells were sanctioned in the East Godavari Agency during 1946-47 and 13 wells in the West Godavari Agency during 1947-48. Under the Rural Water-Supply Scheme, Sir, in East Godavari 42 schemes were sanctioned during 1947-48. In the West Godavari Agency 41 wells were sanctioned and in the Vizagapatam Agency about four wells were sanctioned.”

SRI V. RAGHAVAYYA:—“Is the Hon. Minister aware, Sir, whether any schemes for irrigation projects have been sent up from these agency areas?” 11-15 a.m.

THE HON. SRI B. GOPALA REDDI:—“Not to my knowledge, Sir.”

SRI S. NAGAPPA:—“May I know, Sir, whether all the sanctioned schemes were completed before the close of the financial year or any one of these was allowed to lapse?”

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

SRI B. S. MURTHI:—“May I know, Sir, whether any representation was made from the residents of Jilugumelli and Chintalapudi as to the dire necessity of having dispensaries in those two places?”

THE HON. SRI B. GOPALA REDDI:—“I have not received any representation, Sir. I have been to Jilugumelli some time ago. They did not tell me about the necessity for a dispensary there.”

SRI D. V. RAMASWAMI:—“May I know, Sir, whether the Government are aware that the four wells sanctioned for the Vizagapatam Agency could not be executed for the reason that the revised estimates which showed an increased cost have not been approved?”

THE HON. SRI B. GOPALA REDDI:—“All the wells that were sanctioned are under execution, Sir.”

SRI V. RAGHAVAYYA:—“Are the Government aware that the Aboriginal Tribes Enquiry Committee, now defunct, have sent up a series of proposals about the wells, roads and about the agency irrigation projects, etc., and if so has the Hon. Minister at least gone through them?”

THE HON. SRI B. GOPALA REDDI:—“Yes, Sir, we are aware and we have gone through them.”

SRI S. NAGAPPA:—“Are the Government aware, Sir, that most of the sanctioned works are not completed during the financial year and will the Government take necessary steps whenever they sanction any work to see that it is completed before the financial year?”

(No answer.)

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SRI K. RAGHAVAN:—"Will the Government see, Sir, that other districts also get equal consideration in the matter of irrigation projects, etc.?"

THE HON. SRI B. GOPALA REDDI:—"All backward areas will get their due priority in this matter."

Exemption of retail consignees from liability to the payment of sales tax.

* 301 Q.—SRI V. S. SANKARASUBRAHMANYA MUDALIYAR: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government in G.O. No. 955, dated 22nd April 1947, exempted the retail consignees from liability to the payment of sales tax in respect of their transactions relating to the distribution of mill cloth to the retail dealers which have taken place till the end of the financial year 1946-47;

(b) whether the Deputy Commercial Tax Officer, Ambasamudram, Tinnevely district, has issued orders to the retail consignees to pay the sales tax for the year 1946-47 contrary to the orders of the Government; and

(c) if so, what action the Government propose to take in the matter?

THE HON. SRI B. GOPALA REDDI:—" (a) Yes.

" (b) & (c) The Board of Revenue issued instructions to the effect that sales tax collected from the retail consignees should be refunded to them to the extent of the tax not collected by the retail consignees from the retail dealers to whom they sold the cloth. The orders of the Deputy Commercial Tax Officer, Ambasamudram assessing the retail consignees to sales tax relate to the cases where the retail consignees had themselves collected sales tax from the retail dealers. In no case in the area has a retail consignee been assessed to tax on the sales turnover of his goods on which he has not himself collected sales tax. The Government do not therefore consider that any action is necessary in the matter."

Petrol to Tyre Company representatives.

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

(a) whether Tyre Company representatives are given huge quantity of petrol to tour round the Province for canvassing tyre sales; and

(b) if so, whether the Government will place on the table of the House the quantity of such issue of petrol during the last six months?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. Minister for Prohibition):—" (a) The answer is in the negative.

" (b) Does not arise."

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MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Arising out of the answer given to clause (b), the question was whether the Government would place on the table of the House the quantity of such issue of petrol during the last six months. That question has not been answered?"

THE HON. SRI M. BHAKTAVATSALAM:—"That question commences with an 'if so', Sir. Therefore, I said, it did not arise."

Collision of a car with a motor van near Brodies Road.

* 303 Q.—SRI S. CHIDAMBARA AYYAR: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether it is a fact that car M.S.C. No. 2220 collided with a motor van on 22nd February 1948 at the junction of Venkatesa Agraharam and Brodies Road; and

(b) whether the Police have taken action on the above affair?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. Minister for Prohibition):—" (a) & (b) The answer is in the affirmative."

Victimization of 30 workers in the Mahalakshmi Mills, Madura.

* 304 Q.—

[MR. SPEAKER:—"The hon. Member Mr. Kosalram is not in his place. The answer will be printed in the proceedings."]

SRI K. T. KOSALRAM: Will the Hon. the Minister for Industries be pleased to state—

(a) whether in spite of the fact that the latest strike in the Mahalakshmi Mills, Madura, was withdrawn on the specific assurance of the Labour Commissioner that there would not be any victimization, the management have victimized more than 30 workers; and

(b) what action the Government propose to take to secure the reinstatement of these workers?

THE HON. SRI H. SITARAMA REDDI:—" (a) & (b) No, Sir, six workers were dismissed after enquiry for assaulting maistris; the services of three workers were dispensed with for leaving the workspot without permission and for inciting the reelers and ring-frame workers to stop work; the services of one worker were terminated at his own request and 15 workers did not turn up for work after the reopening of the mills.

In the circumstances explained above, Government do not consider it necessary to interfere in the matter."

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Difficulty felt by weavers in getting yarn.

* 305 Q.—SRI V. S. SANKARASUBRAHMANYA MUDALIYAR: Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Government are aware that after the repeal of the Madras Yarn Dealers' Control Order, 1947, there is wide-spread difficulty in getting yarn by the weavers; and

(b) what arrangements the Government have made to ensure proper supply of yarn to weavers at reasonable prices?

THE HON. SRI H. SITARAMA REDDI:—“(a) Government are aware that there is at present difficulty in securing yarn. This is chiefly due to the continued strike in the Coimbatore mills.

“(b) The Government of India have been addressed to divert immediately adequate stock of yarn to this Province for distribution till the Coimbatore strike terminates.”

SRI V. S. SANKARASUBRAHMANYA MUDALIYAR:—“Will the Government consider the desirability of opening sales depots so that the weavers may get yarn directly from them?”

THE HON. SRI H. SITARAMA REDDI:—“The suggestion will be considered.”

SRI GUNTUR NARASIMHA RAO:—“May I know, Sir, what steps have been taken to see that the bales in the hands of the consignees on the 15th March were delivered to the retailers in the Province at reasonable rates?”

THE HON. SRI H. SITARAMA REDDI:—“The stocks in the hands of the consignees were asked to be checked by the Collectors of the districts and instructions have been issued to the Collectors of the various districts to see that proper distribution is made.”

SRI P. KANDASWAMY PILLAI:—“In view of the answer given, may I know what effective steps the Government have taken to end the strike of the labourers at Coimbatore?”

THE HON. SRI H. SITARAMA REDDI:—“The question relates to the supply of yarn, Sir, and not the resolving of labour disputes.”

SRI GUNTUR NARASIMHA RAO:—“Even though it is one month since the date of decontrol, Sir, the dealers have not yet delivered the bales to the retail customers. May I know, Sir, whether the Government will take action against those who have not delivered the goods?”

THE HON. SRI H. SITARAMA REDDI:—“I have already stated, Sir, that the Collectors of districts have been informed. If there is any specific grievance, the aggrieved person may take up the question with the Collector of the concerned district.”

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SRI P. KANDASWAMY PILLAI:—“In answering the question the Hon. Minister said, Sir, that want of yarn was due to the strike position in the Coimbatore mills. I want to know from the Government as to what steps have been taken by them to end the strike so as to improve the yarn condition in the Province.”

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

Complaint against the Deputy Registrar of Vizagapatam Co-operative Societies.

* 306 Q.—SRI D. V. RAMASWAMI (on behalf of Sri B. S. Mallikarjuna Rao): Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that a complaint was made to the Government in November last by the President and Directors of the Vizagapatam Co-operative Stores against the Deputy Registrar of Co-operative Societies, Vizagapatam, for his failure to take any action or enquire into the alleged case of serious misconduct, falsification of accounts, misappropriation, etc., on the part of one Mr. J. Adinarayana, Senior Inspector of Co-operative Societies, functioning as paid Secretary for the Stores and for silently condoning the whole affair;

(b) whether it is also a fact that a similar complaint was lodged before the Joint Registrar of the Co-operative Societies in respect of this matter on 14th November 1947 and that no action has been taken; and

(c) what is the nature of enquiry instituted so far in the matter, and what action has been taken against the Senior Inspector for his misconduct and the Deputy Registrar for his laches?

THE HON. SRI K. CHANDRAMOULI:—“(a) The Government did not receive any complaint or petition from the President or the Directors of the Stores. But a petition containing certain allegations against the Senior Inspector working as the Departmental Secretary of the Stores made by Mr. Subba Rao, ex-President of the Stores, was received by Government in November 1947.

“(b) & (c) The Joint Registrar of Co-operative Societies received a copy of the petition to the Government referred to in clause (a) above. Even before the receipt of this petition as a result of a letter he received from the President of the Stores in May 1947, the Deputy Registrar had obtained the explanation of the Senior Inspector and caused thorough enquiries to be made into the allegations against him. But it appears that the Deputy Registrar did not send a reply, to the President in view of the fact that the papers were sent by him only with a request for ‘taking necessary action in the matter.’ The Joint Registrar again caused necessary enquiries to be made when he received the copy

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of the petition referred to in clause (b) above in November 1947 and even though the allegations against the Senior Inspector were not proved he was severely warned for giving room for such complaints and was also transferred from the Stores to avoid unpleasant complaints from interested parties. It will be seen therefore that the Deputy Registrar did not omit to take action when complaints were made against the Senior Inspector.

On receipt of the petition referred to in clause (a) above, the Government also called for a detailed report in the matter from the Registrar and after a careful examination of the report they considered that no further action was called for."

AN HON. MEMBER:—"Has he (Sri B. S. Mallikarjuna Rao) not resigned, Sir?"

MR. SPEAKER:—"I take it that the hon. Member, Mr. D. V. Ramaswami is authorized to put the question on behalf of Mr. Mallikarjuna Rao. I have not been informed of his resignation officially. As far as the Chair is concerned, he is still a Member of the Assembly."

SRI B. S. MURTHI:—"In the answer the Hon. Minister for Co-operation has used the expression 'to avoid unpleasantness from interested parties'. Am I to understand that the complaint is not a bona fide one?"

THE HON. SRI K. CHANDRAMOULI:—"It clearly shows, Sir, that the complaint was not bona fide."

The number of students studying in Colleges in this Province.

* 307 Q.—SRI D. DURAIRAJA PANDIAN: Will the Hon. the Minister for Education be pleased to state—

(a) the total number of students studying in Colleges in Madras Presidency in the current year;

(b) the number of Brahmin students; and

(c) the number of Non-Brahmin students?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Presumably the hon. Member refers to Arts Colleges only."

"(a) The total number of students studying in Arts Colleges in the current year is 16,300.

"(b) The number of Brahmin students is 5,690.

"(c) The number of Non-Brahmin students (i.e., excluding Muslims, Anglo-Indians and Christians and Harijans) is 7,148."

SRI R. V. SWAMINATHAN:—"May I know the number of students from the backward communities, Sir?"

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

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SRI B. S. MURTHI:—"May I know, Sir, the number of Harijan students studying in the Arts Colleges?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"I am sorry the hon. Member may have to put a separate question, Sir."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Have the Government received any instructions from the Government of India not to admit students to the various colleges on a communal basis?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"No instructions have been received."

SRI R. V. SWAMINATHAN:—"May I know from the Hon. Minister whether he is aware of the fact that the Government have assured us on the floor of this House that whenever this kind of question arises, they would give separate figures for backward communities and, if so, why he has not given figures for the backward communities here?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"The Government will be prepared to give figures when a question is put. This question does not ask for figures for backward communities."

SRI R. V. SWAMINATHAN:—"What I want to know from the Hon. Minister is this, Sir. The Government assured us in the House that whenever a question like this is put, in regard to the information given relating to the Non-Brahmins they would give figures for the backward and forward communities separately."

MR. SPEAKER:—"In the main question there is no such thing as backward community and forward community."

SRI N. M. R. SUBBARAMAN:—"May I know, Sir, whether the figures given refer to Arts Colleges alone or for all colleges?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"These refer to Arts Colleges, Sir."

SRI B. S. MURTHI:—"Is there a community known as forward Non-Brahmins, Sir?"

(No answer.)

SRI P. NATESAN:—"Out of the 5,000 odd Brahmin students how many are lady students, Sir?"

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

SRI N. M. R. SUBBARAMAN:—"The question asked is about the colleges in the Presidency, Sir. Not only Arts Colleges?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"The interpretation placed on the question is that it relates to the Arts Colleges. If the hon. Member wants information about the other colleges, he may put a separate question."

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SRI M. BAPINEEDU :—" May I know the number of students from the Andhra Desa, Tamil Nad, Kerala and Karnataka? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" If the hon. Member wants the information he may put a separate question and I shall readily give him the information."

SRI R. V. SWAMINATHAN :—" May I know from the Hon. Minister whether he is aware of the fact that there are very few students from among the backward communities and if so, whether he will take suitable steps to raise their number in proportion to their population? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" There are general instructions given to the principals of the colleges that the backward community should be given consideration in the matter."

SRI N. S. VARADACHARI :—" Would it not be advisable at least to banish from the field of education all linguistic, territorial, communal and other absurd jealousies? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" That is a very controversial question, Sir; especially when such strong adjectives are used and I would not like to go into it just now."

SRI S. NAGAPPA :—" May I know, Sir, whether the Government will give an assurance that no Harijan students will be turned out of any colleges? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" Under present instructions, I believe, no Harijan students need be turned out."

SRI N. S. VARADACHARI :—" Is it not a matter of fact, Sir, apart from controversy or no controversy, that the Goddess of Education, if there is one, looks upon all with an equal eye? "

(No answer.)

SRI A. VEDARATNAM PILLAI :—" Sir, considering their population, what is the reason for the low number of Non-Brahmin students? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" I think the hon. Member knows it as well as I do."

SRI B. S. MURTHI :—" Is the Hon. Minister aware that last year several Harijan students sought admission in the City Colleges and because they were not able to secure admission here they had to go to mufassal colleges, and there also they did not secure admission because they were too late? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" No, Sir."

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SRI M. S. PATTABHIRAMIAH :—" Are the Government aware that there are backward communities amongst Brahmins also? "

(No answer.)

SRI V. RAGHAVAYYA :—" Sir, do the Government give official recognition to the Brahmin and Non-Brahmin distinction? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" So long as the distinctions remain as they are from birth to death, I do not know how the Government can remain without recognizing them."

SRI D. V. RAMASWAMI :—" Is it a fact, Sir, that in some colleges sufficient number of Harijan applicants were not forthcoming to fill up the number reserved for them? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" Yes, Sir. That is why instructions have been issued that seats may be reserved for them for fifteen days and if within those fifteen days sufficient number of Harijans do not come up, those seats may be filled up otherwise."

SRI GUNTUR NARASIMHA RAO :—" Sir, in view of the backwardness of education among Non-Brahmins, will the Government give instructions to principals of educational institutions to see that preference is given to Non-Brahmin first and then only to other communities? "

(No answer.)

Special craft allowance for teachers.

* 308 Q.—SRI A. VEDARATNAM PILLAI : Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that a special craft allowance of Rs. 5 per mensem has been granted to all teachers in anticipation of their acquiring skill in a handicraft; and

(b) in what handicrafts the Government expect the teachers to acquire that skill and what the standard of efficiency they expect in each handicraft is?

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

" (a) Yes.

" (b) Agriculture,
Indian Music,
Modelling,
Engraving,
Weaving,
Lace-making,
Needle work,
Dressmaking and tailoring,
Embroidery,
Book-binding,
Spinning and
Scouting.

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The standard of efficiency required are—

- (1) In the case of first ten items, the possession of the Government Technical Certificate in the Lower Grade;
- (2) *Scouting*.—Training in the course organized by the Boy Scouts Association, the Hindustan Scout Association and the Girl Guides' Association; and
- (3) *Spinning*.—A certificate (final) granted by the All-India Spinners' Association or by other similar institutions or a certificate issued by the District Educational Officer in respect of those who underwent training in short summer courses."

SRI A. VEDARATNAM PILLAI:—"Will the Hon. Minister be pleased to state whether they think that all these handicrafts are suitable for children below ten years of age? Do the Government think that spinning is a handicraft *par excellence* for children below ten years of age?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Sir, in basic education, spinning is a basic craft that has been generally recognized. As regards other handicrafts, the teachers have already learnt them before, and the Government thought that it would be a hardship not to recognize those crafts. In future, the training schools will be reorganized on the basic model."

SRI A. VEDARATNAM PILLAI:—"What is the proposal of the Government with regard to those who have not got the handicraft skill?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"A time-limit has been fixed within which they must learn these handicrafts. The Government expect that within this time limit, teachers will learn them."

SRI B. S. MURTHI:—"From the list read out by the Hon. Minister, we find that music also is one of the crafts. May I know whether '*Bharathanatyam*' also will be included as one of the crafts?"

(No answer.)

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Am I to understand that music is included among the handicrafts?"

(No answer.)

SRI P. NATESAN:—"May I know, Sir, if the Hon. Minister considers it correct to pay allowances in anticipation of somebody acquiring some skill?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"The position has not been understood. At first it was given as an additional allowance for the handicrafts. But later on, when there was agitation that increments to teachers were not sufficient, Government added that allowance to the

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regular pay of teachers, and said that the teachers should acquire the handicrafts within two years. This is the story behind this arrangement."

SRI N. M. R. SUBBARAMAN:—"May I know, Sir, whether any facilities have been provided to the teachers to learn these handicrafts?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Not much facilities have been provided. The Government are looking into the matter."

SRI B. S. MURTHI:—"Is the Hon. Minister aware, Sir, that there are a number of '*Bharathanatyam*' schools in Madras and other cities where young children, especially girls from four years onwards, are being regularly coached?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"That does not arise out of this question, Sir."

SRI S. NAGAPPA:—"May I know, Sir, whether it is the intention of the Government to make these schools self-sufficient?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"That also does not arise out of this question, Sir."

Basic Training School near Chidambaram.

* 309 Q.—SRI N. M. R. SUBBARAMAN: Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that Tamil Nad Basic Education Society is running a Basic Training School at Kilamungiladi near Chidambaram; and

(b) what sort of Government help is given to that training school?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—" (a) Yes.

" (b) The school has been recognized and admitted to aid. The pupil teachers in that school have also been admitted to stipends as in other Basic Training Schools."

SRI N. M. R. SUBBARAMAN:—"As the Government have not started enough training schools, and as this is the first of its type started by a non-official agency, will Government consider giving this institution the full grant to enable it to run the institution?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"No, Sir. The Government will not be able to consider giving full grant to this institution, because they will have to follow the same principle with regard to other institutions also that may come up in future."

SRI P. NATESAN:—"Is it the policy of the Government, Sir, to encourage such basic schools as Tamil Nad, Andhra and Karnataka—different types of basic schools in regional languages?"

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

“Naturally so, Sir, because basic training schools teach small elementary school children, and elementary school children must be taught through the medium of regional languages.”

SRI A. VEDARATNAM PILLAI:—“Will the Government consider the desirability of giving substantial grant to those institutions which run the basic training schools?”

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

“Yes, Sir. They are being given two-thirds of the net cost, which is, I believe, a very substantial grant.”

SRI N. M. R. SUBBARAMAN:—“Are the Government aware, Sir, that the expenditure incurred by this private institution is far less than that incurred by Government, and if so, will they make the full grant?”

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

“Sir, we cannot make any distinction between one private institution and another. That is the difficulty.”

SRI ALLURI SATYANARAYANA RAJU:—“May I know, Sir, whether Hindustani is one of the subjects in the basic training schools?”

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

“This is a question with regard to a particular basic training school. For elementary school teachers Hindustani is not necessary.”

SRI B. S. MURTHI:—“May I know, Sir, whether there are any other private institutions that have come forward requesting the Government for help in giving training in the basic scheme of education?”

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

“The hon. Member may put a separate question.”

SRI P. NATESAN:—“May I know, Sir, if the training is the same all over the Province although the language is different?”

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

“Yes, Sir. In all the basic training schools, the same training is given.”

Subjects of bifurcated course of studies in high school classes.

* 310 Q.—SRI N. M. R. SUBBARAMAN: Will the Hon. the Minister for Education be pleased to state what will be the subjects of the bifurcated courses of studies in the high school classes?

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

“The subjects will be—

- (1) Secretarial.
- (2) Engineering.
- (3) Agricultural.
- (4) Drawing, Painting, etc.
- (5) Domestic Science and Cookery.
- (6) Music and Dancing.

The matter of including teaching as one of the bifurcated courses is also under consideration.”

SRI N. M. R. SUBBARAMAN:—“What grant is given for equipment and teaching if such courses are started?”

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

“I believe, Sir, this question has already been answered. Fifty schools in this Province have been selected for starting these bifurcated courses. Not more than three-fourth of the cost will be given for teaching subject to certain maximum limits.”

SRI P. NATESAN:—“May I know, Sir, if music and dancing are taught to boy students also?”

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

“I understand it is being taught to boy students also here. They will be usually taught in girls' schools.”

BEGUM SULTAN MIR AMIRUDDIN:—“Sir, have the Government provided necessary equipment for the schools where these bifurcated courses are to be started?”

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

“Yes, Sir. Government do want to start some bifurcated courses in Government schools also, and they will provide for it.”

SRI P. NATESAN:—“Arising out of the answer that boys also are taught music and dancing, may I know, Sir, how does the Hon. Minister propose to absorb these people in their after-life?”

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

“I am afraid, Sir, the hon. Member has not understood my answer. In some places boys also are learning music and dancing. As far as bifurcated courses are concerned, music and dancing will be introduced in girls' schools.”

BEGUM SULTAN MIR AMIRUDDIN:—“What steps are the Government taking to provide all the Government schools with the requisite trained personnel for imparting instruction in these bifurcated courses?”

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THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“For some of these subjects we do have some, but we may not have a sufficient number. The matter is being looked into.”

N. MUHAMMAD ANWAR SAHIB BAHADUR:—“Is there any department of the Government for music and dancing in order that the students may dance to the tunes of the Government.”
(Laughter.)

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“The hon. Member who had been in the Government service knows it better.”

Closing down of the girls' schools at Mayavaram and Chidambaram.

* 311 Q.—BEGUM SULTAN MIR AMIRUDDIN: Will the Hon. the Minister for Education be pleased to state whether it is a fact that the Government are closing down the girls' schools at Mayavaram and Chidambaram?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“No.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know, Sir, whether the Hon. Minister has revised his policy in regard to uneconomic schools, and whether he now realizes the inadvisability of treating the portfolio of Education on the basis of a profit yielding concern?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“This has been answered before. I have nothing more to add at present.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know, Sir, whether the Hon. Minister is aware that public opinion is definitely opposed to his policy of being governed by the profit motive, in respect of education and whether he has read the criticisms that have been levelled against his policy in the ‘Swatantra’ of the 27th March?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I am afraid, Sir, that if there had been public criticism it is due to the propaganda of interested persons who do not want the public to understand the right position. The point is not that we want to make out profit from the Education department. The question is that we should get a certain result consequent on spending a certain amount from public funds. We put a certain standard, that is, if we spend so much money so much good should go to so much people. Government money should be put to the maximum good of the public. If the matter has been properly understood, there will be proper criticism.”

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ABDUL HAMEED KHAN SAHIB BAHADUR:—“Wherever the Government find that there are not sufficient number of students, is it not preferable to devise ways and means to attract more students rather than close the institution down?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“Yes, Sir. That matter will be looked into.”

Fruit farming in the Courtallam hills.

* 312 Q.—SRI D. DURAIRAJA PANDIAN: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the Government are aware that a plot has been selected by the Sub-Committee appointed by Tinnevely District Food Committee for fruit farming in the Courtallam hills; and

(b) if so, at what stage is the proposal for the fruit farming?

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

“(b) Work on the development of hill fruits is at present being done at the Fruit Research Stations on the Nilgiris, viz., Kallar, Burliar and Coonoor. It is therefore considered that a separate fruit farm at Courtallam is not necessary.”

SRI D. DURAIRAJA PANDIAN:—“Is it not a fact that the plot selected by the Sub-Committee of the Tinnevely District Food Committee is one of the best plots in this Presidency?” 11-45 a.m.

THE HON. SRI K. MADHAVA MENON:—“It may be possible that the plot selected by the District Food Committee may be good. But the Government think that there is no necessity for a fresh fruit farm research stations when they have fruit farm research stations in places which have approximately the same kind of soil and conditions of climate.”

SRI D. DURAIRAJA PANDIAN:—“Are the Government aware that we are importing a large quantity of dried and tinned fruits from foreign countries? If so, why not the Government introduce the system of fruit canning in our own Province?”

THE HON. SRI K. MADHAVA MENON:—“Government are aware that some tinned fruits are being imported from foreign countries and they are attempting to introduce fruit canning in our own Province.”

SRI M. BAPINEEDU:—“Arising out of the answer given by the Hon. Minister that there are regional research stations, may I ask the Government why they cannot start another subsidiary centre at Courtallam hills.”

THE HON. SRI K. MADHAVA MENON:—“This Government have addressed the Central Government for approval for starting of three research stations in this Province.”

SRI M. BAPINEEDU:—“May I know what are they?”

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THE HON. SRI K. MADHAVA MENON:—"I am sorry I am not able readily to give the names. Those three research stations are recommended by the Government of India."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Arising out of the answer given by the Hon. the Minister, may I know whether it is the idea of the Government that they need not start any more fruit farms because they have already got two or three fruit farm centres?"

THE HON. SRI K. MADHAVA MENON:—"So far as fruit research is concerned, there are other fruit farms that are being opened in other areas and therefore, there is no necessity to open another fruit farm at Courtallam. The proposal is to start fruit farms at Mangalore, Kodaikanal and Rajahmundry."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know what is the scheme which the Madras Government have recommended to the Government of India for its approval?"

THE HON. SRI K. MADHAVA MENON:—"The hon. Member may put a separate question."

SRI V. I. MUNISWAMI PILLAY:—"Is it not a fact that the Provincial Fruit Board have suggested certain facilities required for fruit growing, canning, etc., in this Province and that the suggestions of that Board will be of assistance to the Government?"

THE HON. SRI K. MADHAVA MENON:—"Yes, Sir. The matter is under the consideration of the Government."

SRI D. DURAIRAJA PANDIAN:—"Are the Government aware that 'Mangostein' is a variety of fruit which is very delicious and that it is grown only in the Courtallam hills and nowhere else in the Presidency?"

THE HON. SRI K. MADHAVA MENON:—"My hon. Friend probably means 'Mangostein'. This variety is very delicious and it is grown in Burliar where large amounts of seedlings of this variety are kept and will be grown."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Arising out of the answer of the Hon. Minister, may I ask why he thinks that a fruit farm will be superfluous in Courtallam? Even though Government have got other research farms in other places why should not the Government have an additional farm in Courtallam, particularly in view of the fact that the Minister cannot say anything against the site selected in that place?"

THE HON. SRI K. MADHAVA MENON:—"The question is not exactly one for having a fruit farm but it is one for having a fruit research station. There is no necessity for a fruit research station, as the Government have already got research stations in places with similar conditions of soil and climate."

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SRI K. BRAHMANANDAM REDDI:—"May I ask the Hon. the Minister how 'Mangostein' is different from Pakistan?"
(Laughter.)

(No answer.)

SRI D. DURAIRAJA PANDIAN:—"Is not the Minister aware that 'Mangostein' is the best variety of fruit which is available only in Courtallam and it is not available anywhere else in the world?"

THE HON. SRI K. MADHAVA MENON:—"I have only tasted the Burliar variety. The 'Mangostein' of Burliar is very delicious. I do not know about the 'Mangostein' of other countries."

SRI N. S. VARADACHARI:—"The Hon. the Minister said that the plot selected by the Sub-Committee was intended for a research station to be run by the Government and that there was no necessity for opening a fruit research farm at Courtallam. In the question, it is not said that it is for a fruit research farm."

THE HON. SRI K. MADHAVA MENON:—"The Food Committee have selected the site with a proposal for a fruit research farm."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Am I to understand that the site selected at Courtallam can still be used as a fruit farm?"

THE HON. SRI K. MADHAVA MENON:—"It is quite open to the District Food Committee to have a fruit farm there."

SRI P. NATESAN:—"May I ask the Government whether the research is for growing fruit or canning and preserving fruit?"

THE HON. SRI K. MADHAVA MENON:—"Research is for growing the particular varieties that are grown in the various parts of the Presidency. Fruit canning is also proposed to be done in the research stations and the work is being taken up."

SRI N. S. VARADACHARI:—"Apart from the question of fruit farming, may I ask the Minister whether the Courtallam site will be utilized for such other work as would not take away the cover in the catchment area in that particular district which is flooded soon after the monsoon and whether the Government have any proposal to this effect and, if so, whether they will provide a chance for the site to be acquired by the Forest Department and thus have possession of this valuable land . . ."

MR. SPEAKER:—"The hon. Member is making a speech."

THE HON. SRI K. MADHAVA MENON:—"They are matters which concern the Engineering and Irrigation Departments also and, therefore, I cannot give any such assurance."

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Supply of agricultural implements in the Nellore district.

* 313 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether it is a fact that swan-necked mamuties and tanged mamuties unsuited to Andhra areas were supplied to Nellore district and that the same are lying in agricultural depots unsold for a very long time;

(b) whether it is a fact that sickles unsuited and never used in Telugu districts and in use only in Coimbatore are allotted to Nellore district and that the same are unsold; and

(c) whether the department have made enquiries into the needs of the district before agricultural implements and articles are allotted to the districts?

THE HON. SRI K. MADHAVA MENON:—“(a) & (b) The answers are in the affirmative. Supplies of these implements were arranged by the Agricultural department on the indents placed by the District Agricultural Officer, Nellore. It cannot be said that they are not required in the district. They are being sold from the depots, but sales during non-seasonal periods are naturally low.

“(c) The answer is in the affirmative. Supplies are arranged only after consulting the District Agricultural Officer, Nellore. Both kinds of implements, those in large demand as well as those in slight demand, are stocked in the agricultural depots so that all ryots may get their requirements readily. The District Agricultural Officers are circularized by the Joint Director of Agriculture once a quarter to ascertain the requirements of their districts.”

SRI V. RAGHAVAYYA:—“Is the Hon. the Minister aware that these swan-necked mamuties and tanged mamuties are not used at all in the Nellore district or in any other Telugu district?”

THE HON. SRI K. MADHAVA MENON:—“It is not correct to say that they are not at all used there. They are not used in Nellore as much as they are used in other places.”

SRI V. RAGHAVAYYA:—“May I ask the Government why they took such a long time in supplying the needs of the ryots such as the mamuties, sickles and other things including cart tyres?”

THE HON. SRI K. MADHAVA MENON:—“I do not admit the accusation that the Government are taking a long time in supplying these implements. The Agricultural Officers are supplying these things in time.”

SRI D. V. RAMASWAMI:—“Will the Government consider the desirability of instructing the District Agricultural Officers not to supply these mamuties which are unsuited to the Andhra areas but to supply them with implements suitable to their requirements?”

THE HON. SRI K. MADHAVA MENON:—“First of all, I do not grant the premises that there is no demand for these

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mamuties in Andhra areas. The demand is not as much as in other areas. There is demand for swan-necked and tanged mamuties in Andhra areas also.”

SRI V. C. PALANISWAMI GOUNDER:—“In view of the acute scarcity of these agricultural implements, will the Government consider the desirability of supplying iron and steel to the various districts so that they may produce agricultural implements which will be suitable to their requirements and make them available to the agriculturists?”

THE HON. SRI K. MADHAVA MENON:—“The question of the supply of iron and steel entirely depends on the Government of India who allot quotas for the different Provinces, and the quota that is given to this Province is distributed as equitably as possible to all the districts.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“May I ask the Government whether there is any possibility of manufacturing these instruments by the Governments themselves instead of giving iron and steel to the people for the production of implements needed for agricultural purposes?”

THE HON. SRI K. MADHAVA MENON:—“Iron and steel, as they are, are not given to agriculturists. They are given to fabricators who fabricate those instruments and then these instruments are sold in the depots.”

SRI P. NATESAN:—“Is it a fact that the swan-necked mamuti can be used only in Tamilnad?”

THE HON. SRI K. MADHAVA MENON:—“They are being used in Tamilnad, Andhradesa, Kerala and Karnataka.”

SRI M. BAPINEEDU:—“May I ask the Minister why the Nellore district is particularly favoured with these swan-necked mamuties which are only meant for Tamilnad?”

THE HON. SRI K. MADHAVA MENON:—“They are never meant only for Tamilnad. My hon. Friend, Mr. Raghavayya, put a question particularly for the Nellore district.”

SRI V. RAGHAVAYYA:—“Are the Government aware that they have not taken any steps to import the necessary required quantity of cart tyres to the villages and whether it is a fact that last year, the little supply of cart tyres came only after the agricultural season was over?”

THE HON. SRI K. MADHAVA MENON:—“It is a fact that we are not able to meet even one-tenth of the demand for cart tyres because of the scarcity of iron and steel.”

SRI P. NATESAN:—“Mamuties are mamuties and can be used all over the Province. Why is it that Nellore people only say that they are not suitable and that these mamuties are left unsold there?”

THE HON. SRI K. MADHAVA MENON:—“They are not left unsold. In certain seasons, they are not sold. But in other seasons of the year, there is a demand for them.”

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SRI P. NATESAN :—“ What is the policy of the Government in allotting quotas of agricultural implements to districts, whether they take the area under cultivation into account and whether they have got any other considerations? ”

THE HON. SRI K. MADHAVA MENON :—“ The area under cultivation as also the usual average requirements of the previous years are taken into consideration in allotting quotas.”

Memorandum from the people of the Periya Agraharam village, Erode.

* 314 Q.—**SRI M. A. EASWARAN** : Will the Hon. the Minister for Public Health be pleased to state—

(a) whether he received any memorandum from the people of the Periya Agraharam village, Erode, that tannery waters are falling into the Kalingarayan channel and that they could not use the above water for drinking purposes; and that, therefore, they want a protected water-supply;

(b) whether the Director of Public Health has visited the tanneries in the above village a year back;

(c) whether he has submitted any proposal to the Government regarding the protected water-supply;

(d) what the Government have done with regard to the above proposal; and

(e) if not, when they are going to carry out the proposal?

THE HON. SRI A. B. SHETTY :—“ (a) The Netaji Bose Valibar Sangam, Peria Agraharam, Erode, sent a representation to this effect.

“(b) & (c) In September 1946, the Director of Public Health inspected the place. He suggested that one or more sanitary wells may be constructed just on the bank of the Kalingarayan channel and that the water from the wells may be pumped into an overhead cistern and supplied to the village by means of a pipe system with about 10 public taps. An alternative was to have a regular protected water-supply system.

“(d) The Board of Revenue has permitted the Collector, Coimbatore, to incur an expenditure of Rs. 4,100 for sinking a well at Nanjai Dalavaipalaiyam, Peria Agraharam village. The panchayat board cannot finance any other kind of protected scheme.

“(e) The question does not arise.”

SRI M. A. EASWARAN :—“ Will the Government carry out the proposal this year at least? ”

THE HON. SRI A. B. SHETTY :—“ In March, the Board has permitted the Collector to spend this amount.”

MR. SPEAKER :—“ The hon. Member, Sri K. T. Kosalram, who has given notice of question 304, has just now come. He

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says that on account of some unavoidable circumstances, he came late and has requested me to take up the question. Therefore, we shall take up that question now.” (The answer ^a was read out.)

UNSTARRED QUESTIONS.

Revised scales for fitters, maistries, etc., in the Government Press.

34 Q.—**SRI M. KANNIYAPPAN** : Will the Hon. the Minister for Education be pleased to state—

(a) the pay and qualifications in the Government Press of (1) Electrical and Mechanical Engineer, (2) Chief Electrician, (3) Assistant Electrician, I grade, (4) Fitter maistri and (5) Assistant mechanic, I grade, before and after their salary revision under G.O. No. 916, Finance, dated 26th November 1947;

(b) whether the revised scales of the Electrical department in the Government Press are on par with the revised scales as existing in the Government Electrical department; and, if not, why not; and

(c) whether the revised scales of the fitter maistri and the assistant mechanics in the Government Press are on par with the revised scales as existing in the P.W.D. Workshop of the Government; and, if not, why not?

A.—(a) A statement ^b giving the scales of pay and the qualifications for the posts of Electrical and Mechanical Engineer, Chief Electrician, Assistant Electrician I grade, Fitter maistri and Assistant mechanic, I grade, is placed on the table of the House.

(b) & (c) Duties of the posts in the Government Press are different from those attached to the Government Electrical department and the Public Works Department Workshop and the scales of pay for the classes of posts in the Press have been fixed with reference to the nature of work and responsibilities, etc., and are therefore different from those in other departments.

Protected water-supply for Pattikonda Panchayat Board, Kurnool district.

35 Q.—**SRI S. NAGAPPA** : Will the Hon. the Minister for Public Health be pleased to state—

(a) the number and names of municipalities and major panchayat boards that have been provided with protected water-supply;

(b) which are the municipalities and major panchayat boards that are not so provided;

^a Vide page 195 supra.

^b Printed as Appendix I on page 289 infra.

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(c) whether it is a fact that Pattikonda Panchayat Board, Kurnool district, has been agitating for such protected water-supply; and

(d) if so, at what stage it is?

A.—(a) List of municipalities having protected water-supply—

1 Adoni.	25 Masulipatam.
2 Anantapur.	26 Negapatam.
3 Bellary.	27 Nellore.
4 Bezwada.	28 Ootacamund.
5 Bodinayakanur.	29 Palacole.
6 Chisambaram.	30 Palni
7 Chingleput.	31 Periyakulam.
8 Cocanada.	32 Proddatur.
9 Coimbatore.	33 Rajahmundry.
10 Conjeevaram.	34 Salem.
11 Coonoor.	35 Srirangam.
12 Cuddalore.	36 Tadpatri.
13 Cuddapah.	37 Tanjore.
14 Dindigul.	38 Tirupati.
15 Ellore.	39 Tiruppur.
16 Erode.	40 Tiruvannamalai.
17 Gudiyattam.	41 Trichinopoly.
18 Guntur.	42 Tuticoria.
19 Karaikudi.	43 Vellore.
20 Karur.	44 Virudhunagar.
21 Kodaikanal.	45 Vizagapatam.
22 Kumbakonam.	46 Vizianagram.
23 Kurnool.	47 Wallajahpet.
24 Madura.	

List of panchayats having protected water-supply—

1 Arkonam.	7 Ramachandrapuram.
2 Battlagundu.	8 Rameswaram.
3 Dharmavaram.	9 Tiruttani.
4 Gudur.	10 Tiruvallur.
5 Kosigi.	11 Yemmiganur.
6 Manaparai.	

(b) List of municipalities having no protected water-supply—

1 Anakapalle.	11 Hindupur.
2 Binnlipatam.	12 Hospet.
3 Calicut.	13 Mangalore.
4 Cannanore.	14 Manuargudi.
5 Chicacole.	15 Mayavaram.
6 Cochin.	16 Nandyal.
7 Chittoor.	17 Narasaraopet.
8 Devakottai.	18 Ongole.
9 Dharapuram.	19 Palamcottah.
10 Gudivada.	20 Palghat.

^a Partial scheme recently completed, but official intimation not yet received on taking it over.

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(b) List of municipalities having no protected water-supply—*cont.*

21 Peddapuram.	28 Tinnevely.
22 Pollachi.	29 Tiruppattur.
23 Rajapalayam.	30 Tiruvarur.
24 Sivakasi.	31 Udipi.
25 Srivilliputtur.	32 Udumalpet.
26 Tellicherry.	33 Vaniambady.
27 Tenali.	34 Villupuram.

List of panchayats having no protected water-supply—

Except the 11 panchayats referred to in the answer to clause (a), the rest do not have water-supply schemes.

(c) Yes.

(d) The proposals are under scrutiny by the Collector and after final proposals are received from the Collector through the Board of Revenue, the question of sanctioning the scheme will be considered.

Major and minor irrigation works in the North Vizagapatam district.

36 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) the number of major and minor irrigation works that are being carried out this year (1947-48) in the North Vizagapatam district; and

(b) what they are?

A.—(a) & (b) The attention of the hon. Member is invited to the paper^a laid on the table of the House.

Laying of fresh roads in North Vizagapatam district.

37 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) the roads in North Vizagapatam district which are in a state of disrepair;

(b) the roads taken up for repair during the year 1947-48;

(c) the roads which will be taken up in 1948-49; and

(d) whether there are any schemes or proposals for laying fresh roads in the said area?

A.—(a) No road in Vizagapatam district is in a state of disrepair. The roads are maintained subject to what can be done with the available funds and the heavy wear and tear on account of bandy traffic. The Chief Engineer has reported that the grants available in previous years were insufficient to carry out more than a bare minimum of repair and that he has asked

^a Printed as Appendix II on pages 290-292 infra.

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the Divisional Engineer to furnish a list of roads to which special attention should be paid. Increased allotment has been made in the budget for 1948-49 for maintenance of all Government roads in the Province and the roads in North Vizagapatam district will get an appropriate share in the increase.

(b) All the roads in the district, both Government and District Board, were taken up for repairs during 1947-48, with the available grants.

(c) All the roads in the district will again be taken up for repairs during 1948-49.

(d) The following roads are proposed to be newly formed under 'Grants-in-aid—Post-war Reconstruction':—

	Estimated amount.
	RS.
(1) Road from Bhavanapadu to Devanathada ..	10,000
(2) Road from Konvalasa to Padripanta	9,000
(3) Road from Balajipet to Vantaram	4,800
(4) Road from Salur to Dindigam	36,200
(5) Road from Tumaruda to Jamparkota village in Palakonda taluk (6 miles)	20,000
(6) Road from Korlan to Chicacole	Amount not known.

Several more roads will be taken up for execution during 1948-49 under 'Grants-in-aid—Post-war Reconstruction'. Proposals for these are to be initiated by the Special Officer of the District Board, Vizagapatam.

Production of ergot in the Nilgiris.

38 Q.—DR. S. SUBRAHMANYA AYYAR: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the Government have been producing ergot in the Nilgiris for the last four years;

(b) whether the Government propose to continue the production in the future in view of the very urgent importance of ergot in the medical practice;

(c) whether the scheme has been a success till now;

(d) whether the Government will place a copy of the scheme and a report of the working of the scheme till now on the table of the House; and

(e) whether the quality of ergot that is produced in the Nilgiris is superior to the imported stuff and whether any analysis has been done to find out its quality, and, if so, what are the results?

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A.—(a), (b) & (c) The answer is in the affirmative.

(d) A note^a explaining the working of the scheme is placed on the table of the House.

(e) The alkaloid content of the ergot now produced by the Agricultural department is 0.39 per cent as proved by assay conducted by the Director, Bio-chemical Standardization Laboratory, Calcutta. This alkaloid content is double that of the best imported stuff.

Number of Harijan Co-operative Inspectors, Sub-Deputy Registrars, etc.

39 Q.—SRI K. SHANMUGAM: Will the Hon. the Minister for Local Administration be pleased to state—

(a) the total number of the Co-operative Inspectors, Sub-Deputy Registrars, Deputy Registrars (districtwar); and

(b) how many of them are Harijans with their names, service and qualifications?

A.—(a) & (b) A statement^b is placed on the table of the House.

Number of sweepers and scavengers in the local bodies.

40 Q.—SRI N. M. R. SUBBARAMAN: Will the Hon. the Minister for Public Health be pleased to state—

(a) what is the total number of sweepers and scavengers in the local bodies such as the major and the minor municipalities, unions and panchayats;

(b) what are the existing grades of salaries for the sweepers and scavengers in the major and minor municipalities, unions and panchayats; and

(c) what are the service conditions regarding permanency, leave, gratuity, pension, housing, etc.?

A.—(a) The information is not easily available and it will involve considerable labour and time to get this information.

(b) There are no scales of pay for these menials, who are paid from contingencies according to market rates.

(c) *Permanency.*—Sweepers and scavengers are menials paid from contingencies and they do not form part of the regular establishment of local bodies. There is therefore no question of permanency. For all practical purposes they have a permanent status and they should ordinarily retire from service on attaining the age of 55. The authority appointing them can however retain them until 60 years in special cases.

^a Printed as Appendix III on pages 282-293 infra.

^b Printed as Appendix IV on pages 294-296 infra.

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Leave.—They are eligible for leave on full pay for fifteen days and leave on half pay on medical certificate for one month, in a year. They are not eligible for casual leave.

Women menial servants are eligible for leave with full pay for a period not exceeding two months in respect of each confinement.

Gratuity and pension.—They are not eligible for gratuity and pension but are eligible for the Conservancy Menials' Bonus Fund which has been made compulsory from 1st August 1946 the subscription being at the rate of Re. 1 per worker per month in the first and second grade municipalities and annas 8 in other municipalities and panchayat boards.

Housing.—Local bodies have been advised by Government to provide them with quarters, such quarters necessarily not being rent-free.

Promotion of women school assistants as lecturers in Madras Educational Service.

41 Q.—SRI K. ISHWARA: Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the women school assistants in the subordinate service who have been appointed prior to 3rd November 1930 are eligible for promotion to the posts of lecturers in Madras Educational Service; and

(b) whether such concession is given to the men school assistants?

A.—(a) Recruitment by transfer from the Madras Educational Subordinate Service to posts of women lecturers in the Madras Educational Service is ordinarily admissible only from the assistant lecturers (women). But if no qualified and suitable assistant lecturer is available, transfer from the school assistants and headmistresses in that service—without any distinction between those who were in service before 3rd November 1930 and those who entered service thereafter—is admissible. However, in respect of the school assistants and headmistresses who were in service prior to 3rd November 1930, a III Class degree of M.A. or B.A. (Hons.) or B.Sc. (Hons.) of a University in the Province in the subject concerned shall be deemed as sufficient qualification whereas in the case of those school assistants and headmistresses who entered service after the date, I or II Class M.A. or Hons. degree is necessary.

(b) Men school assistants are not eligible for appointment to posts of lecturers in all subjects. They are eligible only for posts of lecturers in education.

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There is no distinction as between persons who entered service prior to 3rd November 1930 and persons who entered service after that date.

Distribution of rationed articles in Kandukur, Nellore district.

42 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Food be pleased to state—

(a) whether the Government have received any representation from one Mr. Appalla Anjaneyalu, shroff, Kandukur, Nellore district, on 15th November 1947 about the improper distribution of rationed articles in Kandukur;

(b) if so, what action the Government have taken; and
(c) if not, why not?

A.—(a) Yes.

(b) The allegations made by Sri Appala Anjaneyalu were thoroughly enquired into by the Revenue Divisional Officer, Kandukur, and found to be unfounded.

(c) Does not arise.

Number of unnotified temples under Hindu Religious Endowments Board in the Province.

43 Q.—SRI S. A. DEVANAYAGA IYAH: Will the Hon. the Premier be pleased to state the number of temples under the control of Hindu Religious Endowments Board in the Province that are yet to be notified districtwar?

A.—A statement^a is laid on the table of the House.

Issue of liquor permits to Europeans, Indians, etc., in the Province.

44 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Prohibition be pleased to state—

(a) how many liquor permits have been issued districtwar per month in this Province for this year;

(b) how many of them are issued to Europeans, Anglo-Indians, Parsis and Indians; and

(c) how many Indian officers are given permits to consume liquor for domestic use?

A.—(a) & (b) The information is given in the annexure.^b

(c) One.

Schemes for developing sugarcane industry in the Province.

45 Q.—SRI GONA SITHARAMASWAMI: Will the Hon. the Minister for Industries be pleased to state—

(a) whether there are any new schemes for developing sugarcane industry in this Province;

^a Printed as Appendix V on pages 296–297 infra.

^b Printed as Appendix VI on page 297 infra.

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(b) if so, how many schemes are now in force and what are the results obtained so far;

(c) in order to increase sugar production in the factory areas, whether the Government propose to intensify the schemes; and

(d) if so, whether the Government have taken any steps to implement the scheme this year?

A.—(a) & (b) No new scheme for the development of sugarcane industry is in force at present. A scheme (1) for starting of four liaison farms in the vicinity of leading sugar factories at Samalkot (East Godavari district), Pugalur (Trichinopoly district), Nellikuppam (South Arcot district) and Hospet (Bellary district) and (2) for concentrating and intensifying sugarcane development work in 24 taluks of 13 districts mentioned below has been prepared at an estimated cost of Rs. 11,62,272.

District.	Taluk.
South Vizagapatam ..	1. Viravalli.
North Vizagapatam ..	2. Bobbili.
East Godavari ..	3. Peddapuram.
	4. Ramachandrapuram.
Kistna	5. Gannavaram.
Bellary	6. Hospet.
Anantapur	7. Hindupur.
Chittoor	8. Chittoor.
	9. Madanapalli.
	10. Chandragiri.
	11. Punganur.
South Arcot	12. Cuddalore.
	13. Vriddhachalam.
	14. Villupuram.
North Arcot	15. Gudiyattam.
	16. Vellore.
Trichinopoly	17. Karur.
	18. Jayagondan.
Coimbatore	19. Coimbatore.
	20. Udamalpet.
Salem	21. Namakkal.
Madura	22. Nilakottai.
South Kanara	23. Coondapoor.
	24. Mangalore.

The question of sanctioning the scheme is under consideration of Government.

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(c) & (d) A scheme to assist sugarcane growers in South Kanara, Vizagapatam and Trichinopoly districts has been sanctioned by the Government. Proposals for the continuance of the scheme for one year is under consideration. Further, arrangements have been made to keep ready bullock driven crushers and jaggery pans with a view to hire them to cultivators in South Arcot district.

Representations for restoring the Bobbili-Salur railway line.

46 Q.—SRI GONA SITHARAMASWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have received any public representations for restoring Bobbili-Salur Railway line which was removed during the war; and

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

A.—(a) Yes.

(b) The proposal for the restoration of the dismantled Bobbili-Salur line has been recommended to the Government of India and their final orders in the matter are awaited.

Memorandum from the public of Udamalpet for the purchase of a site belonging to Forest department.

47 Q.—SRI S. KRISHNAN: Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the Public of Udamalpet have sent a memorandum to the Hon. the Minister for the purchase of the site, adjoining the premises of the Board High School, Udamalpet, belonging to the Forest department for the use of the school; and

(b) if so, what action has been taken on the memorandum?

A.—(a) Yes.

(b) The matter is under consideration.

Construction of a dam near Kallavarum in Udamalpet taluk.

48 Q.—SRI S. KRISHNAN: Will the Hon. the Minister for Public Works be pleased to state whether there is a proposal to construct a dam or reservoir near Kallavarum in the Udamalpet taluk?

A.—Yes.

Deratation in Kurnool Municipality.

49 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Food be pleased to state—

(a) whether the people of Kurnool have urged for deratation in Kurnool Municipality;

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(b) the names of municipalities which wanted derationing in their respective municipal areas; and

(c) the action taken by the Government in the matter so far?

A.—(a) Yes.

(b) & (c) A statement^a showing the municipalities from which representations have been received and the action taken by the Government thereon is appended.

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

II.—ADJOURNMENT MOTION *RE* FOOD SITUATION IN SOUTH KANARA.

MR. SPEAKER:—"I have received notice of an adjournment motion. The hon. Member Mr. Karanth has given notice of a motion under Rule 36, that the business of the House be adjourned for discussing a definite matter of urgent public importance, namely, the grave food situation now obtaining in the district of South Kanara. I wish to know from the Hon. the Leader of the House and the Hon. the Food Minister whether they have any objection."

THE HON. DR. T. S. S. RAJAN:—"I have no objection, Sir."

MR. SPEAKER:—"The motion will usually be taken up at 1 o'clock, but as we are likely to finish the other business before 1 o'clock, I propose that we take this business as soon as the other business is finished."

THE HON. DR. T. S. S. RAJAN:—"Might I suggest this, Sir? If we take up this business at 1 o'clock, there will be a break in the middle of the discussion when we adjourn for lunch. There will be no continuity of discussion. The discussion may last for two hours. So I would suggest we take it up at 2-30 p.m."

MR. SPEAKER:—"I have no objection. Let us see when we are able to finish the other two items of business."

III.—ABSENCE OF TWO COMMUNIST MEMBERS IN THE HOUSE.

SRI V. RAGHAVAYYA:—"Sir, I rise to raise a question of privilege. The two Communist Members have been continuously absent from this House during this Session. If my information is correct, they have either been spirited away or prevented from attending the session because there are warrants of arrest against them. As custodian of the privileges of the House I request you to be good enough to find out from the Government why they were prevented from attending the session, whether there are warrants of arrest against them, and if so, to take steps to bring them to the House."

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MR. SPEAKER:—"The hon. Member should not have sprung surprise upon me like this. He should have brought it to my notice in my Chamber. I am always present in my Chamber from 10 o'clock. I would then have made enquiries from the Government. Let not the hon. Member spring surprises upon me like this."

IV.—GOVERNMENT BILLS.

(1) THE POLICE (MADRAS AMENDMENT) BILL, 1947.

* THE HON. SRI K. MADHAVA MENON:—"Sir, I beg to present the report of the Select Committee on the Police (Madras Amendment) Bill, 1947, and move that the Bill as reported by the Select Committee be taken into consideration at once."

"The Bill was introduced towards the end of December last and referred to a Select Committee. The Select Committee has unanimously recommended the Bill. At present the Government are not bound to pay compensation in cases where owing to disturbances a particular person or section of the people have suffered severe loss. The present section 15-A of the Police Act says that the Government can pay compensation only in regard to cases where a proclamation is already there notifying the area as a disturbed area. Therefore even if the Government want to pay compensation, it makes it difficult for them to do so. The Act also says that it is only the inhabitants of the area who can claim compensation."

"Section 15-A reads as follows:—

'If any area in regard to which any proclamation notified under the last preceding section is in force, death or grievous hurt or loss of, or damage to property has been caused by or has ensued from the misconduct of the inhabitants of such area or any class or section of them it shall be lawful for any person, being an inhabitant of such area, who claims to have suffered injury from such misconduct to make, within one month from the date of the injury or such shorter period as may be prescribed, an application for compensation to the Magistrate of the district or of the sub-division of a district within which such area is situated.'

"The proposal is to omit the words, 'in regard to which any proclamation notified under the last preceding section is in force,' so that the Government may, after enquiry, if they find that a particular person or set of persons have suffered loss and that particular persons are responsible for it, may collect compensation from them and pay compensation to those who have suffered. Also it is proposed to omit the words 'being an inhabitant of such area' so that any person affected may apply for compensation."

"Sir, a new sub-clause is proposed to be added to sub-section (2) so that the District Magistrate shall have power to declare the limits of the local area the inhabitants of which have, in his opinion, been guilty of such misconduct or caused or contributed to the same. The Select Committee has presented a

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unanimous report and has made no alterations in the Bill as presented to the House. I move that the Bill be taken into consideration at once."

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, this is a very small Bill but one which is essential. Hence it is welcomed particularly by our section of the House. The need for this Bill has arisen by the recent disturbances in various parts of the Province resulting in serious loss of life and property. The purport of the measure is to enable the Government to give compensation to the party who suffered loss. The amendment of section 15-A of the Central Act V of 1861 proposes to delete the words 'being an inhabitant of such area.' It is very necessary because it sometimes happens that a person who is not a resident of the disturbed area goes there and falls a victim to an act of violence. Such a person is now precluded from receiving compensation. But it is not fair that he should be debarred from doing so. Hence whoever suffers loss from a disturbance in a local area is hereafter to receive compensation irrespective of the fact whether he is an outsider or a resident of that area. Another alteration is that there is no need hereafter for the purpose of granting compensation for a proclamation to be in force declaring any place to be a disturbed area. This is also a desirable modification in view of the fact that it is not always possible in these days to judge where a disturbance is likely to break out. In the past many who suffered loss from disturbances have been denied compensation on the ground that their area had not been notified by the Government to be a disturbed area. The Bill also empowers the District Magistrate to declare the limits of the area which has been the scene of disturbances, so that after inquiry the Government can collect money from certain persons in the area, pay it as compensation to the people affected by the disturbances. This also is quite appropriate.

"While welcoming the Bill I wish to express regret that the Government have not compensated the Muslims who suffered severe losses during the communal riots in Vaniyambadi, Tiruvannamalai, Erode and other places in the Province and that the present Ministry on the other hand cancelled the compensation that was sanctioned by the previous Ministry for the sufferers of the Vaniyambadi riots. I hope the Government will show their good-will to the Muslim community by granting due compensation to the sufferers of communal riots."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, this is a welcome Bill. When I say that, it does not mean that the Government really had no power to give compensation for the loss suffered by the people so far. With reference to the loss sustained by the people of Vaniyambadi a few months ago, the previous Congress Government granted a nominal amount of compensation, but the present Ministry set aside the order. I cannot agree that what the previous Ministry did was illegal. They had the authority and the power to do it. But for reasons best

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known to the present Ministry, that order was set aside. The Government are now taking powers to give compensation to the sufferers and I hope they will pay ample compensation to the people who have suffered in the recent past as well as a year or more ago.

"Sir, in the recent past the people of Tiruvannamalai, Edapadi, Erode and Rajapalayam have suffered losses to the extent of lakhs of rupees. They have been clamouring for compensation. I understand they have submitted their petitions to the Government. I think, Sir, that the Government will consider their case sympathetically and award compensation. I will also request the Government to see that the causes which brought about the disorders are eliminated. The compensation should be given to the people in such a way as to remove the bitterness and not to allow the bitterness to continue in the areas in which this compensation has become necessary. With these words, Sir, I support the Bill."

MUHAMMAD BAZA KHAN SAHIB:—"Sir, I support the measure. I feel confident that there would be no occasion at least in the future to make use of the Act. In all these disturbances, we invariably find that it is the poor people—be they Hindus or Muslims or others—who suffer. They are not in a position to rebuild their houses which are burnt down or buy the bare necessities of life. It is good that the Government have come forward with this measure which makes it obligatory on their part to pay a certain amount of compensation. If the loss is colossal, it will be very difficult for the Government to pay. It is for the Government to pay by themselves or by imposing a punitive tax on the people responsible for the trouble. Sir, these catastrophies are really a loss to the country. It is wrong to look at them in the light of the number of Muslim huts burnt down or the number of Hindu huts burnt down, the proportion between them and so on. It is a loss to the country. Just now, my Leader has made a reference to the pathetic plight of the people who have suffered for no fault of theirs. I am sure the Government will go into the matter and give sufficient compensation which will go a long way to alleviate the sufferings of the people.

"One thing I would like to make a reference to before I conclude my speech. Reference has been made by the Leader of my Party to compensation granted by the previous Congress Ministry concerning the Vaniyambadi incident. Well, Sir, he has put it very rightly. Because this question was referred to a number of times, I do not like to contradict anything stated by my Leader except to say a word. This Ministry thought very ill of Mr. Prakasam's Ministry thinking that, that Ministry was doing a great favour to the Muslims or the residents of Vaniyambadi who have suffered. In fact Mr. Prakasam went there and found the colossal loss that the people have suffered and sanctioned a token compensation of 2½ lakhs. But since the new Ministry came somewhere about March 1947 by one stroke of the pen they thought they could cancel that order. My point is not the sum of 2½ lakhs. After

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all it is below our dignity particularly, to come and ask this Government in a sort of begging spirit as to why they have cancelled that order. Left to myself, even if the loss were colossal, I would rather keep quiet than approach this Government even for a pie. Let the suffering be complete and I would rather not go with a begging bowl to the Government and ask them why you have cancelled that token grant of 2½ lakhs. I know the loss suffered by the people of Vaniyambadi was more than 20 or 25 lakhs and the mere giving of 2½ lakhs by Government could not have satisfied them nor even gone anywhere near the loss. The whole question was, the Government felt that these people have suffered a loss and wanted to show a gesture in the form of 2½ lakhs and as soon as this Ministry came into power—I speak subject to correction—they not only cancelled the order but the Premier went about advertising—of course I do not like to pass any insinuation against him—and the first act he did was to cancel the previous order passed by the Prakasam Ministry. It is all a party matter and I do not concern myself with that except to say how the Ministry has been treating the matter. Even at the cost of repetition I would like to point out that it is not a question of cancelling the order granting 2½ lakhs of compensation—and whatever our number or financial position may be—everybody would feel derogatory to his sense of self-respect to come and ask this Ministry how and why they have cancelled the grant of 2½ lakhs compensation. After all 2½ lakhs is not a great thing. I do not even envy the sum of one crore ear-marked for the Harijans. It is not the question of the amount involved, but it is a question of the spirit behind all these. They thought that the Harijans have been suffering and that their position had to be improved and as they were not in a position to help themselves, the Government thought they could spend one crore of rupees for them. I do not know whether the Muslims are on a par economically with the Harijans. The whole question, Sir, is the spirit behind their action. The Government could have waited for some more time; they could have gone into the matter and consulted their officials as to how and under what circumstances this grant was made or whether it was necessary to rescind their orders. Without going into the matter the Premier thought it to be a great thing and cancelled the order. Though I cannot speak with any amount of authority on behalf of my party, because it is for the Leader, I make bold to say that even if the Government are prepared to pay this 2½ lakhs to the people of Vaniyambadi, they are not today prepared to accept it. Let the Government keep it for themselves and spend it for any better purpose. I say this as my individual view. This is also the spirit of the people there.

“With regard to the Bill, Sir, we do not wish that there should be any occasion to make use of it. Very recently we have known the havoc caused to the people of Godhra in the Bombay Presidency where the houses of thousands of Hindus and Muslims have been razed to the ground. Therefore, I am sure that the Government will see that people do not take the law into their own hands and bring in more devastation.”

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N. MUHAMMAD ANWAR SAHIB BAHADUR:—“Sir, as a member of the Select Committee I feel happy that this Bill has emerged from the Committee with unanimous support and I am sure it will have the unanimous support from all sections of this House as well. But one thing, Mr. Speaker, I must say. It is only the wearer who knows where the shoe pinches, and as one who represents a constituency which has suffered twice in the course of these two years I wish to say that recently at Tiruvannamalai and a year ago at Vaniyambadi people suffered and I am sure the Government know too well which community was the aggressor community and which community was the aggrieved community. It is easy, Sir, to have pious intentions and to propose legislation. I feel very happy to that extent because the Government have realized their sense of duty. What I am not able to understand and what I am very much afraid is, how far will this Government go in implementing this enactment. Even, recently, Sir, I had been to many places where these communal ryots had broken out. Of course, I may say, for no fault of the aggrieved community to which I belong, at Erode, at Agraharam and at Tiruvannamalai, even at Vaniyambadi, it was very unfortunate that while the Government after much representation was prepared to go over to study the situation on the spot, yet they have not been very enthusiastic in implementing what they have stated to be their intentions to provide compensation for the sufferers. My hon. Friend, Mr. Raza Khan, indeed revealed his bitterest resentment at the policy of the Government when he said in a spirit of challenge that even if the 2½ lakhs which was awarded by the Prakasam Ministry in respect of the Vaniyambadi riots, should be offered now, the people there are not prepared to take it. That only shows the level to which the people have now descended in taking up that challenge. It is not now left for this or that community to accept what is being provided for by way of compensation. I only ask, is it right, is it fair or is it justice on the part of this Government to deny compensation to a particular community which for no fault of its own had suffered terrible losses? Is it not the elementary right of the people to ask the Government and the basic responsibility of the Government to come to the rescue of the aggrieved community and tell them? Here we are the defenders of your rights, here we are the guarantors of your fundamental rights, we want to implement not only by mere words but by deeds also to give protection to your person and property and we are always at your back. Mr. Speaker, Sir, I must say, with this little modification that when Mr. Raza Khan was referring to the change in the regime and the change in the policy, it was not the Hon. Premier who is occupying the position now that said that compensation should have to be refused but it was the hon. the Leader of the House, Dr. Subbarayan. It was he that said that. He was saying that, day in and day out. Every time I represented this question and even in places where he had no reason to reply, he said that on grounds of justice and fairplay, we are not going to provide compensation. He was telling me almost in a sense of self-satisfaction that he has

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corrected the false step taken up by the Prakasam Ministry. I ask, Mr. Speaker, are you to import group politics, or personal politics or communal politics in deciding this with a view to see that Muslims should suffer whatever be the differences among your groups or in regard to your party politics? Mr. Speaker, I am only sorry that this Government should not have realised the folly of this policy of denying compensation even where the previous regime after great agitation thought it could give. Though it was only very little, yet it was made as a gesture of goodwill. When several lakhs have been lost during the riots, not only by the poor but even by the rich, and to this day not even a pie has been spent by this Government by way of compensation, do you expect, Mr. Speaker, that this Government or the Ministers who represent this Government or the legislators behind this Government, can go back to their constituencies where there had been riots with their heads high and their hearts sound and say that this is a responsible Government, this Government means fairplay and justice and that they are going to give protection to the minorities? If they are not ashamed of what has happened, let them at least now come forward and correct the false step they have taken and give an assurance to the minorities.

"I am very happy that this Bill has emerged from the Select Committee at a very opportune moment, especially when the atmosphere in this country is undergoing a change for the good. Sir, it was only recently at Calcutta, the Inter-Dominion conference met and came to rightful decisions which we only wish, pray and hope would be implemented very soon on either side of the border. We hope that this is only the first step in the right direction and that very many things will come in in the immediate future which will bring about a kaleidoscopic change in the relations between the communities not only in this Dominion but even in the other Dominion of Pakistan. Mr. Speaker, I speak with so much of feeling in regard to this matter, when I say that every time I go and tell my friends, do not imagine that our Ministers have no hearts and that our Ministers are not men without any feeling, they are not prepared to believe me, because they can never believe this Government. Here we have got a Government which is deciding matters of policy even with regard to the protection of minorities with a spirit of vengeance and with a spirit of retaliation. Imagining that the aggressor community in some part of the world was this community, we are here made to suffer for the sins of some people somewhere, even though they might or might not have done anything. Whatever be your programme for or against that community, Mr. Speaker, this much I can say. Let us not go by what others have done elsewhere. You please set an example by infusing confidence in the minorities, so that they may go with you through thick and thin. In fact you have created more problems for you to solve and why add to those problems by creating disunion among the minorities? Let me tell you, Mr. Speaker, we are not concerned with the words but with the implications of your policy. We expect that very soon you

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are going to bring in an era of goodwill among the different communities of our province and I am very happy that even this reservation regarding the problems has been done away with in this Bill. That only means that even now compensation can be awarded if this Government has only got a mind to do so. Where there is a will there is a way and they may even give retrospective effect and make good the damage that has been done to the minority communities in the matter of their person and property in the areas where they have suffered seriously. Sir, it is not so much in the name of the minorities alone that I am speaking about but it is also in the name of the majority. You cannot rule for a single day by keeping the minorities under ill-will and you cannot create world opinion so long as you are going to ill-treat the Muslims and the minorities. Sir, I speak with vehemence in this matter because I know it will be highly wrong if you are going to neglect the interests of the minorities and if you do that I am sure you are going to be ashamed of yourselves. I would therefore, appeal to you to keep up your pride and tell the world that wherever the people have suffered damage to property, you have stood by them and compensated them not only in a full measure but in the fullest measure possible. Let Pakistan follow suit."

SRI A. KALESWARA RAO:—"Mr. Speaker, I am very glad 12-30
that the Select Committee has come out with a unanimous report p.m.
and Government has brought in this Bill which is of great importance. No Government can be called democratic or civilized if it does not protect the life, property and honour of minority communities; not only that, it must infuse confidence in the minority communities. I am very happy to know that the relationship between the two great communities of South India, the Hindus and Muslims, is day by day getting more cordial because the constitution which is being framed by the Constituent Assembly in New Delhi is proclaimed and declared as being framed for a secular State and the word 'secular' has attracted all the minorities to the Government of the country of India. The Government would be neutral with regard to religion; not only that, it would be impartial to the members of all religious communities. Of course in every country, there will be majority and minority communities and it is the duty of the majority community to infuse confidence in the minority community whether it be Christians, Muslims or Harijans or any other minority community. This Bill is a very laudable measure. Whenever a communal disturbance takes place, the Government has to make an impartial enquiry and without any bias in favour of or prejudice against any particular religious community, give compensation in a liberal spirit. I entirely agree with my hon. Friend, Mr. Raza Khan, when he says that in future there will be no occasion for giving compensation to any community; we hope that communal peace will be kept up hereafter, particularly as the giver of our liberty has died for the establishment of communal peace. Of course every community realises that the Muslims feel that they are the greater losers by his death even than the other communities. Compensation seems to have been given to the Muslims

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of Vaniyambadi when they suffered terrible loss owing to the misdeeds of the majority community but the compensation seems to have been cancelled by the succeeding Government; I am very sorry for such things and even if this Government has any misgiving or misconception about the legality of giving such compensation, I request that this Government will reconsider the question particularly in the light of the present Bill and will show goodwill to the minority communities. Compensation, as pointed out by some hon. Members on that side, will be very little in relation to the loss which will be much more and the Government will only give a token of its goodwill, its impartiality and sense of justice by that. I hope not only with regard to that incident but all the other incidents that have taken place, where people have suffered, whether the majority or the minority community, at the hands of the others, Government will make an enquiry and give proper and just compensation. We know that in one instance, I am sorry to admit it, as soon as Mahatmajji died, some Hindus thought that it was a Muslim that had assassinated Mahatmajji and then they went and attacked Muslims unnecessarily and wrongly in an excited mood. In such cases compensation should be given but all the same I hope there will be no occasion for communal disturbances hereafter and with regard to the things that have taken place in the past, I hope Government would be generous to all the communities that have suffered."

* SINNA KAZIAR HAJI MOULVI S. A. F. IBRAHIM SAHIB BAHADUR:—"Mr. Speaker, I am very glad, Sir, that this Bill has been brought before the House; as every one knows this is a very important Bill. A number of Bills have been passed since this House started functioning but I should like to say that it will be of no use to have such acts on the statute book unless they are translated into action. It has been well said that it would be better for a nation to be governed by good men than by good laws. What I wish to say is that there should be a change of heart and without that, all these things will be of no avail. This Bill is not going to help Muslims alone. Recently in Madura district, a riot broke out in Chintamani, not between Hindus and Muslims, but between Harijans and others and the houses of several Harijans were set fire to and they were looted and this Act is going to protect every one in the State irrespective of caste, creed or community. Reference was made to Vaniyambadi but the Madura incidents were completely ignored. It will be a matter of surprise to you to learn, Sir, that the first communal riot started in Madura in 1946, it was on June 21st, I believe. When Pandit Jawaharlal was arrested in Kashmir there was no hartal even in Allahabad, the birth-place of the Pandit, but on the other hand there were repercussions in Madura and there was communal trouble and Muslim shops were looted and there was arson and destruction of property to the value of a lakh and a half. Regarding Vaniyambadi it was said that the previous Ministry were kind enough to pass orders sanctioning a certain amount of compensation which was cancelled by the present Ministry. So far

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as Madura is concerned, both this Ministry and the previous Ministry have been equally unkind and our case was not considered even by the present Ministry. There was a lot of damage caused to Muslims and their property in a number of places, and I appeal to Government that they would consider what happened in Madura along with the other items that they would take up. It is a bad policy to collect from the people and pay compensation to the aggrieved party as it will only create further misunderstanding in that area. The best solution will be for the Government to come forward to compensate and put an end to atrocities and at the same time I would suggest that they should introduce a Goondas Act as was done in Bombay. In a particular area there might be looting and atrocities might be committed against the minority community and these things might have been done by a handful of goondas and for such acts why should the whole village or the people living in that area be taxed or made to pay? The best thing will be not to impair but to retain the harmony subsisting in the particular village and in the best interests of all the communities who live there, compensation should be paid by Government and not by the people by means of collections. Further, hon. Members on the other side said that whenever such things are considered, it should not be considered from a communal point of view. Whether the aggrieved party is a Muslim or not, every case should be considered on its merit. Now, the atmosphere is much better and the Hindus and Muslims in this part of the country are living amicably and in a smoother atmosphere than it was ever before. Is it difficult for you; is it beyond your powers to see that we co-operate with you and we move along with you? After all, even wild beasts are brought under control by human forces. The forces of nature are being controlled by man. Can you not carry us with you even if we are not already with you, by your acts and your sympathetic consideration of problems facing us? Then, you will see better days in future and Muslims and non-Muslims in India will be living like brothers. You may rest assured about it. Leave off your suspicion and remember, we Muslims in the Indian Union are as loyal, if not more loyal than you, Sir, and even if there be a war between Pakistan and Hindustan, you will see that we are loyal and we will be loyal and stand with you side by side to defend the cause of freedom of the Indian Union and we will not allow anybody to take even a handful of earth from Hindustan. With these words, I close my speech."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, speaking on the motion which is under consideration, I wish to state that we in this Province have been doing our best to bring about unity among the various communities and also we have been doing all in our power to see that goodwill prevails. Compensation regarding damages resulting from riots, is certainly a good thing but we both in the Government and those who are not in the Government should pursue a policy more in a constructive spirit rather than in a militant spirit and if that is our policy we can certainly prevent riots taking place. It is only when communal riots take place, the question of compensation

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turns up. I am sorry to see that although the Government of the country has declared times without number that ours is a secular State and that all will be treated alike in implementing that declaration, there has been many lapses. I wish to draw the attention of the Government to this fact that in the town of Kurnool, to-day, life and property of the Muslims are in imminent danger. Of course, it is a district bordering the Hyderabad State. But if the Government of the country wishes to deal with Hyderabad, let them deal with them in whatever manner they think best in order to see that they achieve their object. But why in their attempt to deal with Hyderabad, people in the Indian Union should suffer? What is happening to-day in Kurnool is that innocent people and respectable people are taken away, detained and arrested for any length of time endlessly. Not only that, in Kurnool town, attempts are being made by people interested in creating scare and a state of terrorism, to place arms in the houses of Muslims in order to implicate them and inform the police. This is happening on a very large scale. The patience of the Muslims in Kurnool town is being tried by these methods. The authorities there are not prepared to do justice to Muslims even where justice is due. If a Hindu gentleman owes some money to a Muslim gentleman in some commercial transaction and the latter asks for it, the Police Sub-Inspector tells the Muslim that if he asks for the money, he will have to go to Vellore jail. It is the police raj, a lawless raj, that is prevailing in the town of Kurnool. I am not speaking about the other parts of Kurnool district. Let the Government deal with the State of Hyderabad as they like. The Government of India are dealing with that delicate question in the best manner possible. Our great Prime Minister is tackling that question very well. But why should the Muslims of our Province suffer? If our Hindu brethren in Hyderabad are suffering I shall be the first person to say that everything should be done to protect their life and property. There is no safety for the Muslims and there is no law so far as the Kurnool town is concerned. A state of terrorism prevails. My hon. Friends, who have suffered from terrorism, know how dangerous its repercussions are. It is much better to deal with people in a lawful manner instead of allowing them to be terrorized by the officials there. I am sure the Government do not know what is happening there; if they had known, they would have instructed the authorities to behave properly. Only when the patience of the people is not tried in this manner, communal riots will not take place and the question of compensation will not arise. When we make statements or speeches, we take great care to see that we do not inflame the situation. Gandhiji lost his precious life in his endeavour to bring about communal unity. But there are people who by their speeches try to kill it. No less a person than the Ex-President of the Indian National Congress, Acharya Kripalani, recently made a statement that the Muslims in the Indian Dominion should go to Hyderabad and advise Mr. Razvi that he should not behave in the manner he was doing. If Mr. Razvi behaves badly, it does not mean that we should also follow him. Why should the Muslims alone do it? It is a political question

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and has to be dealt with on a political level. It is the duty of the Muslims as well as the Hindus to support our Government against other Governments."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"Mr. Razvi said that the Muslims in the Indian Dominion were fifth columnists."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"It is all supposed things and the speech has been totally denied."

"Acharya Kripalani said that the Muslims in the Indian Dominion should go to Hyderabad and advise Mr. Razvi and that only then could they be considered as loyal. Pandit Ravi Sankar Shukla, the Premier of the Central Provinces, is also saying the same thing. Is it by these means that you are implementing Gandhiji's policy of promoting Hindu-Muslim unity? All this is being said during the National Week which Dr. Rajendra Prasad wants to be celebrated by the people to promote communal harmony. Both Acharya Kripalani and Pandit Shukla say that unless the Muslims go to Hyderabad and advise Mr. Razvi to behave better, their position will not be safe. Is this the threat that you should hold out to your own countrymen? It is not by these means that you can make the State a really secular State. You will see that we are trying our best to become less and less communal, to establish non-communal organizations, and to co-operate with the other communities. We can speed up this process if we secure better co-operation from the other side. Co-operation between both the communities is very essential for the good Government of the country. When we are doing like this, the leaders of the Congress are uttering such threats against a whole community in this country. I deprecate the leaders of the Congress attacking the Muslims in the Indian Dominion, who are their fellow-citizens and brethren. Why are you bringing down the relation with Hyderabad on a communal level? It must be raised to the political level. Just because Kurnool is on the border of Hyderabad, I say the Muslims there should not suffer and they should be treated with justice and equity like any other community. Hindus and Muslims have been getting on very cordially in Kurnool town and no other town can compete with it so far as communal unity is concerned. There are Hindu leaders who will declare, on the floor of this House if necessary, that there is absolute communal harmony in that town and that there is no fear of the Hindus or the Muslims there going to the help of Hyderabad. When such is the case, why are you creating unnecessary division between Hindus and Muslims by allowing scare and terrorism to prevail in that town?"

* THE HON. SRI K. MADHAVA MENON:—"I am gratified at the support given to this Bill from all quarters. At the same time, I wish that some of the things that were said had not been said so as not to mar the effect of the support. It was unnecessary for the members to have referred to the maintenance of good relations between communities and so on on this Bill. It would have been better if all those things had been left unsaid. When certain

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things are stated which are not correct or are against facts, replies will have to be made and then it may be said that you are embittering the relations and making good things bad and bad things worse. When members talk in a communal way and a reply, which has necessarily to be made, is given, the charge is levelled that the reply is communal. There was no need for referring to all these things, but since they have been referred to, I have got to reply.

"The hon. Lady Member Begum Sultan Mir Amiruddin strongly supported the Bill. So did all the other speakers but with certain reservations and conditions.

"The Leader of the Opposition made the same speech as the one he made on the motion to refer the Bill to a Select Committee. Particular reference was made to Vaniyambadi. Mr. Raza Khan took the tip and continued the Vaniyambadi affair and perhaps he was right in being bitter for the past. But that bitterness should not have made him say things which, I am sure, he would not have said in calmer moments.

"Mr. Anwar Sahib also made reference to the recent occurrences in Vaniyambadi. He was particularly very bitter in his feelings and perhaps rightly so. But bitterness should not have made him say things which do not further the cause of good relations but only spoil them.

"Mr. Raza Khan charged the Premier that he went about advertising that the first great thing he did after assuming office was to cancel the order of the previous Government for the payment of compensation to the Vaniyambadi victims. He was careful enough to say that it was 'reported'. May I ask Mr. Raza Khan whether the Premier told him so? May I ask whether he made any attempt to verify whether the Premier actually said so or not? I emphatically repudiate that the Premier went about advertising that his first act after assuming office was to cancel that order or that he prided himself on it."

MUHAMMAD RAZA KHAN SAHIB:—"Sir, on a point of personal explanation. I never said that what the Premier said was reported in the press. The Premier told some of his party men and officials that that was the first thing he did. As regards the point as to whether I verified it, I may say that I never met the Premier nor will I ever meet him as long as I am a member of this Assembly."

THE HON. SRI K. MADHAVA MENON:—"The explanation only makes matters worse. That makes his offence all the greater. Mr. Raza Khan says that the Premier went about telling some of his party men and officials but that he never cared to verify the correctness of it. To originate a scandal is bad enough; to spread it is worse.

"Mr. Anwar Sahib went a step further. He said that it was not the Premier but Dr. Subbaroyan who was priding himself on the fact that he cancelled the compensation order and that it was a right thing that he did. He accused Dr. Subbaroyan for 'very-thing that Mr. Raza Khan complained about.'

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N. MUHAMMAD ANWAR SAHIB BAHADUR:—"On a point 1 p.m. of personal explanation, Sir. What does the Hon. Minister mean by saying so. I have stated nothing but facts, bare facts, on the authority of Dr. Subbaroyan himself."

* THE HON. SRI K. MADHAVA MENON:—"Yes, Sir, I am quoting to the House what Dr. Subbaroyan said and the Government stand by every word of it. The Vaniyambadi matter was referred to when the Bill was having its first reading. This was what he said:—

'There is only one point which was raised by both the Hon. Leader of the Opposition and the hon. Member for Kurnool and that is the question of Vaniyambadi. The Government when they took office felt that it was unreasonable that the tax-payer should be mulcted with damages for a particularly local offence which came because of feelings having been shown in a particular locality and it is a well-understood principle of law that the tax-payer should not be paid for local disturbances from the general purse and that was the only reason why Government thought fit to cancel that order. The Government was certainly sympathetic to what has happened in this respect and this measure is being brought so that some method could be found for compensating those people who have really suffered.'

"That represents the correct position. With due deference and humility, I may state that it is the correct position and the Government stand entirely by it. It is not right that other innocent people should be asked to pay for offences of certain goondas, as Sinna Kaziar would have it, in a certain locality. The general tax-payer should not be asked to pay for it. The Government are collecting from the entire province. If some mischief is done by some local people in certain localities, the Government should not compensate them from the general tax-payer's money and Dr. Subbaroyan was certainly right. It is wrong to charge the Government with want of sympathies or accuse them of sabotaging the attempt to pay compensation."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"On a point of personal explanation, Sir . . ."

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

* THE HON. SRI K. MADHAVA MENON:—"Sir, there is nothing to explain in this matter. The main complaint of Mr. Anwar Sahib is that the Government are not enthusiastic in implementing the sentiments underlying the Bill. I certainly do not feel guilty to the charge. It is not so. I want to correct the speeches made here on the assumption that the Bill before the House is intended only to meet a contingency in this Province caused by communal riots between Hindus and Muslims. Are there not cases where Harijans have been molested and their houses have been destroyed? Hon. Members could have seen from reading papers of what is happening in my district in North Malabar. Some political parties are committing dacoity after

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dacoity in an organized manner and this is not being done by Hindus as against Muslims. A section of the Act was provided for payment of compensation to persons who have suffered injury from riots by *unlawful organizations*. It need not necessarily follow that communal troubles only are covered. It might be uppermost in the minds of hon. Members and that is the reason why the discussion has taken that course. I would, at the same time, remind hon. Members that it is not the Hindu-Muslim trouble alone that has to be compensated. If compensation is to be paid, there are other troubles also and in all such cases, it is not right that we must ask the innocent person to pay for the misdeeds of a few in a certain locality though Sinna Kaziar thinks that it is the duty of the Government to pay from the Government exchequer, compensation for all such people. I beg to differ from him. He says that these troubles are created by a handful of people in a particular village. If this handful of people, say these goondas as you have it, have the support of a particular class or a particular section of the people in the particular village, that village must be made to pay or at least that proportion of the people who have supported them must be made to pay and not the entire Province. That is the right thing and that ought to be the case.

"Then, Sir, Mr. Anwar Sahib and Mr. Raza Khan expressed sentiments with which I entirely agree that we may not have occasion to use this Bill at all. That is certainly the wish of everyone in this House and I do not want to refer to, one after another, the many statements that have been made. Anwar Sahib was uncharitable in his remarks, if I may say so, that if the Government are not ashamed of what is happening and by what they have done regarding Vaniyambadi, let them revise their orders. I say, Sir, we are not ashamed of what has been done on the principle that it is not right that the public exchequer should pay for the mischief of some local people in a particular locality. That is the position. If it is the principle that is to be ashamed of, we are guilty and we need not be ashamed of it for the reasons explained. He gives a warning saying, let it not be said that the Government is heartless. I certainly agree that nothing should be done to show that the Government are unsympathetic or heartless and it is such sentiments that create want of sympathies and embitter relations than any action we have done. I also plead and pray with him that this will usher in an era of peace and goodwill.

"Mr. Anwar Sahib referred to the Minority Pact that has been entered into at Calcutta as an augury of a good thing. I also echo that sentiment and let us pray for such a contingency.

"My hon. Friend Mr. Hameed Khan took the opportunity for ventilating his feelings regarding the situation in Kurnool. I do not want to enter into dangerous waters at this stage. He says that innocent people and absolutely guiltless people have been arrested and detained. There is no Government in Kurnool: it is Police Raj; Military Raj; Lawless Raj and so on. If

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Mr. Abdul Hameed Khan has had occasion to hear such things, we have also specific complaints from Kurnool that the life of the Hindu community there is not safe. Mr. Hameed Khan says, Muslim community is not safe. I repudiate that charge. This is his charge but we are receiving complaints that the Government are not taking sufficient steps to keep secure the Hindu lives and properties there, so that both the complaints are there the mean must be true. If we have had occasion to detain some people, we can only say that it was done because we have sufficient reasons"

ABDUL HAMEED KHAN SAHIB BAHADUR:—"No reason Sir."

THE HON. SRI K. MADHAVA MENON:—"Sir, Mr. Hameed Khan may assert that there is no reason. But I say there are better reasons and proper reasons for their detention. I do not want to discuss it further. I appeal to him, let us not make speeches here which will embitter relations. He referred to the Ex-Congress President, Acharya Kripalani's speech concerning the reported speech of Kasim Razvi which was subsequently denied. I feel, Sir, that the speech made by the Congress President is perfectly correct and it was made on the assumption that the speech that Razvi made is correct though it might have been subsequently denied. But that is absolutely outside the point.

"Sir, I appeal to hon. Members, let us not make speeches in this House which will create bitter relations rather than good that we imagine and if we go with that feeling, the relations in this country will continue to be as harmonious as before. I must say that there had been only two occasions in this Province where compensation was given to the victims of riots. One was in the unfortunate Moplah Rebellion of 1921 and the other was in the Civil Disobedience Movement of 1942. In both those cases, it was not from the public exchequer that the money was paid but from the fines collected in both these cases. The money was paid out of the collective fines imposed in the locality. The public exchequer has not been asked to pay for such cases."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"It was a foreign Government, Sir."

* THE HON. SRI K. MADHAVA MENON:—"Sir, the principles of Government in many matters are principles of finance and it cannot be different between a foreign Government and our Government. The principles are the same whatever may be the Government. In the method of spending money, we may differ but there are certain fundamental principles which are followed whether it is in other parts of the world or here. That is all what I have to say. I regret that I have to say this but with the support the Bill has obtained, I move that the Bill be taken into consideration at once."

The motion was put and carried.

Clauses 1 and 2 were separately put and carried.

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The Preamble was put and carried.

THE HON. SRI K. MADHAVA MENON:—“ Sir, I move—
‘ that the Bill be passed into law ’.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ Sir, again I have got pleasure in supporting the motion before the House. In doing so, I only want to refer to the contention of the Hon. Minister for Agriculture who moved the motion, that it would not be fair that such compensation should be paid from the public exchequer. He said, Sir, that these are cases where a few people are concerned and it is not fair and it is not reasonable to expect the money which is collected from the whole Province, to be spent for compensating the riot victims. I do not think, he is logical or reasonable in his contention. Take for example, the case of a well that is being sunk in a particular village, in a particular taluk of a district in the Province. It would not be logical to say that you should not contribute from the public exchequer which is being contributed by the whole Province. We must take the Province as a whole and what applies to wells also applies to the maintenance of peace in any village or in any street of a village and even to the whole life of the Province. It is on that basis, Sir, suggestions have been made that these fines should not be collected from people living in those affected localities, which will embitter further the feelings between the communities. It was from that point of view and with a view to eliminate the bitterness amongst the people, that has already been created, that the suggestion was made that the money should be paid from the public exchequer and should not be collected in the shape of collective fines or in any other way.

“ Then Sir, I have no more to add except to reiterate the wish that was expressed by more than one hon. Member of the House and also by the Hon. Minister that this Act will remain a dead letter, that it will remain only in the archives of the Government and that there will be no occasion to make use of it. That means, that we do not want to envisage any occasion or contingency for bringing into operation the provisions of this Bill. I join with them and I also assure him that as far as we are concerned, we are going to make our full contribution to such a contingency. With these words, Sir, I heartily support the motion.”

* SRI V. I. MUNISWAMI PILLAY:—“ Mr. Speaker, Sir, I rise to support the motion made by the Hon. Minister for Agriculture. Sir, I know, as a matter of fact, that a certain amount of poison has been introduced in our Province whereby there has been a certain amount of disturbance and the poor people have been thrown out of jeers. This Bill contemplates giving the Government a certain amount of power to pay compensation. We especially belonging to the scheduled castes welcome this measure, because, as it has emanated from the Hon. Minister himself, Malabar has been the scene of irresponsible

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people entering into the houses of others and looting and committing arson and such others things. It is not only in Malabar, but even in some other districts also there have been a certain amount of atrocities committed. I think Sir, that to bring to book such people and also to compensate the poorer classes, this piece of legislation is necessary. I heartily support the motion.”

K. M. SEETHI SAHIB BAHADUR:—“ Mr. Speaker, Sir, I support the motion moved by the Hon. Minister for Agriculture. But in doing so I have to counter certain points raised by him with reference to the speeches made from this side of the House in support of the Bill. Sir, he was perfectly wrong when he said that the speeches made by certain members from this side of the House were such as were calculated to embitter the feelings in the country. In fact, the appeal made by very many speakers from this side of the House was that there should not be speeches or activities on the part of members of the majority community or on the part of the Government which would create a feeling of insecurity in the minds of the members of the minority community, should not worsen the situation in the country and should not mar the atmosphere of cordiality and harmony which is beginning to dawn in this unfortunate country where we have had enough of communal troubles. I do not for a moment concede, Sir, that the Muslims in this Province are communally minded. In fact, they were never communal. They were only communal in the sense that they wished to safeguard the interests of their community and it is a hard reality, which if they are honest, they cannot deny and cannot go back upon. In fact, when the community pleads for its legitimate rights and wants to safeguard its legitimate interests, it is not committing a sin. It is simply promoting the welfare of the country as a whole, because if a section of the body politic is discontented and is labouring under the impression that the dominant section in the country is exploiting the minority community and jeopardizing the interests of the community, that will be the greatest block to the progress of the country and if the community pleads for its legitimate rights, it indirectly helps the progress of the country and the welfare of its people. If that is so, the representations made by the Muslim community about their disabilities, about their sufferings and the prayers made by them and the remedies which they have sought for at the hands of the Government cannot be said to be pitched on a communal basis only.” (Interruption.)

MR. SPEAKER:—“ This is the third stage of the Bill and the hon. Member should not state things which are not relevant to the Bill.”

K. M. SEETHI SAHIB BAHADUR:—“ In fact, Sir, both the spokesman of the Government and speakers from the other side of the House were referring to communal disturbances and communal relationships which form the basis of compensation that is now provided for in this Bill. Therefore, Sir, I submit, that I am perfectly entitled to refer to such things here.

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"Sir, one request I have to make to the members of the majority community and the Members of the Government is that they should not be responsible for statements which would wound the feelings of the Muslim community. I regret to find that even some of our Ministers are going about the country even at this late hour accusing the Muslims of having worked for Pakistan and asking them to repent for the folly which they have committed. I think, Sir, that it is a most objectionable line of the activity on the part of the Members of the Government to go to public meetings and to preach homilies to Muslims on what has happened in the past. In fact, Sir, the Muslim has not done anything to be ashamed of. He has made certain agitation and has supported certain causes which he believed to be legitimate and I submit, Sir, that it will not be right on the part of the Members of the Government to go about raking up old matters and telling them that they were wrong and that they should repent for their folly. If the Pakistan authorities in Pakistan adopt the same kind of propaganda against the non-Muslims there, would not the Hindu community in Pakistan resent such things? Such sort of feelings should not be engendered in the minds of the minority communities in both the dominions, and their feelings should not be wounded. That is my submission, Sir, so far as this matter is concerned.

"Now, Sir, with regard to the compensation, as the Leader of the Opposition said, it is not a local matter at all. If this Government is to carry out the policy that it is said to follow, it has to look to the Central Government and also to other Provinces where the matter is viewed in a different way. It is only the other day that the Central Government has ordered that the expenditure on the restoration of the houses of worship which were pulled down in Delhi should be met out of the public exchequer. If the people of the locality were to be mulcted with the expenditure for the restoration of those mosques in Delhi, then the public exchequer would not have been charged with the amount." (Interruption.)

MR. SPEAKER:—"I have already allowed enough time for the hon. Members to speak at the first reading and I cannot therefore allow any more time for the hon. Member to speak at this stage. The hon. Member will please close his speech."

K. M. SEETHI SAHIB BAHADUR:—"Therefore, Sir, the Government are entitled to spend out of the public exchequer any amount which is required for the payment of compensation or for restoring properties destroyed during disturbances. That is a point which does not come under this Bill, Sir."

MR. SPEAKER:—"At the first and second reading stages I have allowed enough time and it is not necessary that hon. Members should repeat the same points again. Now Mr. N. Venkatasubbayya will please speak."

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SRI N. VENKATASUBBAYYA:—"Mr. Speaker, it was not my intention at all to participate in this debate, much less at this stage, but after having heard the very mischievous and grossly exaggerated references of Mr. Hameed Khan, I am provoked to stand up and correct his statement. Sitting at Madras, he has had the temerity to refer to the conditions prevailing in Kurnool town. I am much nearer to that area and I know and can speak with some authority on the conditions prevailing there and I therefore rise to correct him. (Interruption.) Sir, I am using the term 'mischievous' deliberately and I hope it is not unparliamentary. (Interruption.) Sir, Mr. Hameed Khan said that there was no law, that there was only Police Raj in Kurnool town and that the Hindus were harassing the Muslims and all that . . ."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, on a point of personal explanation. I never said that the Hindus are doing anything, but what I said was that it is the Government and the Police that are harassing the Muslims."

SRI N. VENKATASUBBAYYA:—"I am glad, Sir, he has corrected himself. He said that there was no law in Kurnool town, and that there was only the Police Raj. It is true that some Muslims have been detained. I ask him, if his memory is not short, how did this come about? Who was the aggressor in that town? I may tell him that it is the Muslim community that began the aggression." (Interruption.)

MR. SPEAKER:—"Order, Order. Let the hon. Member come to the Bill and not refer to these matters. Let him speak on the merits of the Bill. We are on the third stage. I thought that the hon. Member wanted to make some personal explanation. He is embittering the relationship that is prevailing now, by his speech. I am not going to allow the hon. Member to speak on this point. Let the hon. Member speak on the merits of the Bill."

SRI N. VENKATASUBBAYYA:—"Sir, I only wanted to remove certain misapprehensions in the minds of hon. Members of this House, after hearing the remarks of the hon. Mr. Hameed Khan. Let him remember, Sir, that the incident arose, when certain Muslims armed with lathies, etc., threatened the Hindus and thus the aggression began. Before accusing others, and before trying to criticise the measures which the Police had taken to restore law and order in the town, let him examine who was responsible for all that. It is on the broad basis of tolerance and humanity that the Hindu community were keeping quiet."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"On a point of order, that particular case is *sub judice*, Sir." (Interruption.)

MR. SPEAKER:—"I have already told the hon. Member not to introduce anything which is not relevant to the Bill. Let him now sit down. I now call upon the hon. Minister to reply."

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* THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, I have not much to say by way of reply, Sir. The comparison which the hon. Leader of the Opposition sought to draw between subsidies for digging wells in certain areas and villages out of public exchequer and compensation to be paid to riot-affected areas from public funds is not strictly correct.

"Sir, about Mr. Seethi Sahib's advice to the Ministers against preaching homilies at public meetings, I am sorry I cannot accept his advice."

MR. SPEAKER:—"The motion is—

'that the Police (Madras Amendment) Bill, 1947, be passed into law.'"

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

The House adjourned for lunch.

(After lunch—2-30 p.m.)

(2) THE MADRAS AIDED INSTITUTIONS (PROHIBITION OF TRANSFERS OF PROPERTY) BILL, 1948 (L.A. BILL NO. 7 OF 1948).^a

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Mr. Speaker, Sir, I present the report of the Joint Select Committee on the Madras Aided Institutions (Prohibition of Transfers of Property) Bill, 1948 and move—

'that the Bill as reported by the Joint Select Committee be taken into consideration at once.'

"Sir, there are not many clauses to this Bill. In order to get public opinion on the matter it was decided that the Committee should hear persons desirous of giving evidence and the 25th of March 5-30 p.m. was fixed as the latest hour for the purpose. An insertion was made in the leading dailies of Madras that those bodies and gentlemen who were desirous of giving oral evidence before the Committee should send 30 copies of their memoranda so as to reach the Secretary to the Madras Legislature by the 20th March. On that day no representations were received and the Committee sat to get along with the Bill.

"Three important amendments have been made to the Bill. One is that the definition 'manager' has been made to include local bodies, panchayats and municipalities also. The second important amendment that has been made by the Select Committee is that where the property of an educational institution is sold and the entire assets so realized are being utilized for the furtherance of the objects of the institution, the Government may permit such sales without demanding any money in return. The third important provision that has been incorporated in the Bill is to provide for an appeal in cases in which people are not satisfied with the decision of the Government about compensation. And the provisions made have followed the provisions made in the Land Acquisition Act. These are the important amendments that have been made.

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"Sir, I need not go into the reasons which prompted the Government to introduce the measure, because that has been made amply clear on the occasion of the introduction of the Bill. The Government would like to take the advice of certain committees; for the building programmes for educational and other institutions. Loans may be floated and such loans may be given as capital grants for building programmes. If such things are to be done the Auditor-General of the Government of India has advised that the Government must acquire a permanent interest in the property so that the money that has been invested in these buildings should be guaranteed to be utilized for the purpose for which it has been borrowed. With that end in view this Bill has been introduced. I believe the Bill will be acceptable to the House in its present form."

SRI A. VAIDYANATHA AYYAR:—"Mr. Speaker, about the necessity for this Bill there can be no question. But in some places it shows some gaps in drafting. In certain other places it might have been improved. In the first place you find in sub-clause (2) of clause 2 the definition of an 'institution'. In clause (a) it refers to any college, school, or other place, etc. In clause (b) comes in hospital, dispensary or nursing home. Then comes clause (c). This gives an omnibus liberty by which any institution or class of institutions notified by the Government will come under the definition. That, I submit, is a very loose kind of drafting. This might possibly embrace within its scope a number of other things which need not necessarily be found in the nature of those that are provided in the Preamble, because the Act if it is clear prevails over the Preamble itself. Therefore provided only the Government chooses to notify any institution or class of institutions it is likely that they might come within the ambit of the Act. Therefore, I submit, this is a thing which should not be so loosely framed.

"Again in clause 3, I am afraid to some extent it will defeat the object of the Government on account of its drafting. Wherever a land or building has been granted to an institution by means of any grant made from the revenues of the Government either through a money grant or directly by means of a grant of the property, the Government want to bring it within the scope of the Act. That is the intention. But unfortunately in the draft as it is the object of the Government might be defeated. The clause says: 'Where before or after commencement of this Act any land or building has been acquired, constructed, improved, or altered for the purpose of any institution by the manager thereof, with the aid of any grant made from the revenues of the Government, etc.' That is, if the grant has been made or if the land has been constructed upon, or acquired by a particular manager, then alone it will come under clause 3 (a). The clause as drafted confines the operation to cases, where it has been acquired by the manager for any purpose with the aid of any grant made. Supposing it is

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in the name of an institution, it might escape by the word 'the manager'. In whatever way it has been defined, it is likely it may escape altogether. In clause 3 (1) (b) the same defect occurs. Supposing there has been a grant by the Government but not necessarily to the manager of the institution, the case is one which will certainly escape the Act. If you want to embrace all these cases the insertion of the word 'manager' is most unnecessary. I think it must have crept in by mistake. If there is a direct grant by the Government say, to the Madura College, Madura, and not to the Manager of the Madura College, in that case it would not come under clause (b) at all, because the Government have framed the clause so as to say 'where any land or building has been transferred by the Government to the manager of an institution'. Supposing it is granted to the institution itself and not to the manager of the institution what will happen? Where there is a trustee or other person in an institution I have yet to know of a case where any such thing is given to the manager of an institution. Grants being made to managers of institutions are very extraordinary cases. This can apply only to cases like Matathipathis, etc. If it is the case of a school rarely does it happen that the grant is made to the manager of the school. Therefore, a large number of instances which they want to net under this Bill are likely to escape unless the language of the clause is changed. That is my next submission.

"Then in sub-clause (3) of clause 3, it is said that if any such land or building is transferred without the permission of the Government, then such transfer shall be null and void."

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR —
"If the hon. Member will permit me to intervene I should like to make a clarification. I hope, Sir, the hon. Member has seen the definition of 'manager'. Does he still think that an alienation can happen by an individual manager apart from representing any institution?"

* SRI A. VAIDYANATHA AYYAR:—"I am afraid, Sir, the Hon. Minister has not grasped my meaning. He is referring to alienation. I am referring to cases where you cannot make it applicable at all. Because before the question of alienation comes in you have to see whether the institutions or the grants come in there. There are two parts. First there is the grant of a particular amount to particular persons. Then comes the question of alienation. In the earlier portion, whether before or after the commencement of the Act where any land or building has been transferred by the Government to the manager of an institution for the purpose then notwithstanding anything it shall not be transferred without the permission of the Government. If I take an exact illustration it will probably make the matter clearer to the Hon. Minister. Supposing you give a direct grant to an institution like a college and you might possibly have a trustee or some other person competent to transfer. Then the second clause with regard

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to the alienation might apply to a person competent to alienate. But with regard to the question whether this thing applies at all, I say that the first portion of the clause which says 'where any land has been transferred by the Government to the manager of any institution', will not apply at all. You must first bring the institutions within the Act and then try to say if an owner thereof or manager thereof alienates. There are two things. The institution must be one to which this Act must be made applicable. The next step is for the manager of such institution to alienate. Unfortunately in both the places they have put in the word 'manager'. When the grant itself is made they have put it 'to the manager of an institution.' Rarely does it happen. There will be at least cases where the grant is made to the institution itself. I don't think in any of the cases you say that the grant is made to the trustee Mr. So and so. You do not do like that. Sir, this is a somewhat fatal defect in the Act which would let out a large number of cases which should normally come under clause 3 (b). As at present drafted, I am afraid, the number of cases coming under that clause will be very few. I am putting it only in the interests of the object with which the Government are bringing this Bill. The other portion reads: 'Notwithstanding anything, to the contrary in any law for the time being in force.' In fact a better method of reconciling it would be to say: 'to the institution or to the manager of the institution or to anybody else on behalf of the institution.' Otherwise the major portion of the cases will go off.

"In clause 3 (1) there is the prohibition section, ' . . . notwithstanding anything to the contrary in any other law for the time being in force in the deed of transfer or other document relating to the land or building, it shall not be transferred without the permission of the Government under sub-section (2); nor shall the land or building be used except for the purposes of the institution or purposes similar thereto or be kept vacant without being used for any purpose, without the permission of the Government.' There are two portions relating to alienation. One is the permission mentioned in sub-section (2) and the other is that it shall not be used except for the purpose of the institution or for purposes similar thereto, or shall be kept vacant without being used for any purpose. Now, in giving the permission, the Government are said to give it, in their discretion, by order. If such permission is not granted then the transfer shall become null and void. Now, the whole thing hangs upon the discretion of the Government with regard to sanctioning the alienation. I think that the Government do it with the best of intentions but I am sure that they have failed to grasp all the implications of placing this discretionary power in their own hands. Let me assure them that when once this discretionary power is placed in their own hands and delegated to their executive officers, there will be harassment on a number of points with regard to every-day administration. Putting this granting of permission as a matter of discretion in the hands of

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Government, would hardly be right. There are for instance private trusts which will come under the Bill unless they are Public Trusts. While defining the purposes for which alienations may take place, the Public Trusts Act places power in the hands of a judicial court. Though Government may restrain the powers of appeal, it is far more likely that a judicial court considers it calmly and coolly than Government considering it within the space of half an hour with the parties before them, because when once Government consider the question of granting permission for alienation, and there are reports against such permission, the result will be that there is no independent thinking on the part of the Government, in the matter of exercising this discretion. Therefore, there is no great harm in leaving it to courts, because it has been defined in what cases there should be no alienation and in what cases it should not be put to any other purpose. Unfortunately, like all young persons who think that they are better administrators than their fathers, and experience all the difficulties only when they take up their estates, the same youthful energy seems to persist in our new independent Government that whenever there is a question of discretion that can be exercised by judicial courts, it should be taken over by Government. As one supreme example, I may say that the question of *Cypres* has troubled even the House of Lords and the Privy Council. It is with great difficulty they came out. The question of *Cypres* is placed in the hands of the Assistant Commissioner of the Government, and an appeal to Government, is provided. I can understand all this enthusiasm in the case of Sub-Judges in their first six months of service, when they reverse the judgments of the District Munsifs. But this Government have been in the saddle for some years now, and therefore they must have some confidence in courts. Take them to be *persona grata*. I would urge upon Government that instead of giving permission by exercise of their discretion, they may leave it to the courts. My own submission is that this cannot be discharged unilaterally. Therefore I say that Government may provide that a District Judge may grant the permission. I may tell Government that as a matter of fact courts are much more conservative with regard to these matters. They are very averse in all Trust cases to relax the regulations. You may say that there is no appeal against the orders of the District Judge, but a reference to the court should be there. Even under the previous Hindu Religious Endowments Act, with regard to any alienation of property, the sanction granted by the Board could be appealed against in a District Court, and the District Court could revise such a sanction. Government have defined the limitations within which a court can act. When once Government lay down limitations for the court, I think it is much better to leave it to them to apply their minds to these cases freely. Similarly the same kind of suspicion against courts persists in the matter of compensation. For example while in clause 5 (1) the order passed by Government shall be final, in sub-clause (5) it is stated that 'The District or City Civil Court Judge shall determine the amount which is properly repayable or

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payable by or to the manager in accordance with the provisions of section 3 (2) or 4, as the case may be, and such determination shall be final and shall not be liable to be questioned in any court of Law.' So far as this clause is concerned, the apportionment of the amount is left to the District Court. In what manner the amount is to be fixed is a more important point for the man or for the institution rather than the question of mere apportionment. In what category the institution comes, whether it is category (i), (ii) or (iii) is also important. For instance the man or the institution will have a greater grievance about the category in which it comes. I would request Government to show a larger amount of trust in the courts. I may assure Government that the ordinary feeling that everything in this world is only fit for lawyers is a delusion, and I respectfully suggest that Government of this land should not be subject to that delusion. That is a delusion born out of ignorance. Government have their own legal officers for drafting these Bills. They trust their legal officers entirely. In more difficult matters they refer cases to the Advocate-General. When they are trusting their own legal officers, it will be wrong for them to distrust courts of Law. I therefore welcome a new era in which the Acts that will flow from this Legislature will not contain the words 'shall not be questioned in any court of Law' and everything 'shall be final'. I wish these two axioms do not find a place in them. That is a matter which you should consider hereafter, and you must put greater confidence in courts. I am putting this to the Government for their consideration. We are asking now all the people of this land subjected to many difficulties like agrarian troubles, labour troubles, and troubles between employers and employed, that they should have trust in adjudications of tribunals. In matters affecting crores of rupees Government ask the people to have trust in industrial tribunals, which are supposed to render justice to them. When Government do not themselves trust their courts, how can they ask people to have greater respect and greater confidence in their industrial tribunals? Let them infuse confidence in the minds of the people by giving a little more allowance to courts of Law to judge these matters. These are my suggestions. Government may take note of these in their proper spirit."

SRI V. RAGHAVAYYA:—"Sir, while endorsing the suggestions made by my hon. Friend Mr. Vaidyanatha Ayyar, I would like to draw the attention of the Minister to two or three points. Coming from last to first, I find in sub-clause (3) of clause 6 it is said—

'Whoever opposes or impedes the Collector or any person authorized by him in taking possession of any land or building under this Act shall be punishable with imprisonment which may extend to six months or with fine which may extend to five thousand rupees or with both.'

"My submission is that possession may be in most cases bona fide. It might be recorded in the definition of the allied purposes. Government may say it is not a similar purpose. Before the courts of Law decide the matter, it would be a hardship to the institution

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if the Collector, with the power of the Police, seizes the property. Even though it may be a bona fide case, the person is liable to a severe punishment of six months' imprisonment or a fine of five thousand rupees or both. Under the existing provisions of the Penal Code, I do not know if a Subdivisional Magistrate can impose a fine of five thousand rupees. Even then, why should Government punish so severely as that. I would rather suggest that in extraordinary cases the punishment need not be one of six months' imprisonment, but the matter may be pursued in Criminal courts, if necessary. Ordinarily the Police would be able to take possession. If a criminal court is not given jurisdiction and it is left to a civil court, even then the fine may be reduced from five thousand rupees to five hundred rupees.

"Secondly, Sir, the Hon. Mr. Avinashilingam Chettiyar like his equally hon. brother, Mr. Madhava Menon has been—I do not say to the same extent—fighting shy of courts of Law. Yesterday in some Bills that we passed we had the same repetition that courts shall have nothing to do with these Acts. It is an admission on our part that either our drafting is poor or our legislation is so unjust or our courts are bad. I do not concede either of the positions. The best position will be to leave the matter to ordinary good sense, and wherever there is a dispute between the Government and the public, the proper person to dispose of the matter must be the court of Law. In this connexion, I should like to draw the attention of the Hon. Minister who has taken great pains to formulate this very necessary Bill to another point. I am sure that in times to come, there may be a crop of troubles by various parties who have for some reason or other been very influential in this land, and who try to alienate properties. As a provision against those contingencies, it is very good such a Bill as this is brought forward. What I suggest is that an appeal should be provided for against the orders of the Government.

"It is just and reasonable that district judges in the enforcement of this Act should not act as *persona designata*. I think it is not very fair that their decisions should be final. The District Judge will act at the mercy of the Government if he is made the *persona designata* and it will be very unfair to the party. So, I think that Government should not take upon itself this onerous responsibility of determining the amount which is properly repayable or payable to the manager of an institution. I think it is too much a claim to be made by any Government and particularly by this Government. I therefore, ask in these matters which are matters of trust—in certain cases, the properties may be such in which only a part of the total may be transferred—where such legal questions are involved, why not leave the entire matter to be decided by the Courts? Why should the Government take upon itself this additional role of a judge?"

(At this stage Sri A. Kaleswara Rao crossed between the hon. Member speaking and the Chair.)

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MR. SPEAKER:—"The hon. Member should not cross between the Chair and the Speaker."

SRI T. VISWANATHAM:—"I think he must recross."
(Laughter.)

SRI V. RAGHAVAYYA:—"I therefore suggest that the matter should be entirely left to the courts. I would also like to point out that if the Government say that discretion should be left in the hands of any Minister to administer this Act and that Government are going to decide these matters themselves, it may be that after all the personal clerk or the Secretary of the District Judge or District Collector or ultimately the revenue inspector will be made responsible to dispose of this. With his glorious knowledge and with his past experience due to several failures at the S.S.L.C. examination, we can imagine what would be the result. Such may be the persons who would ultimately be called upon to send a report on properties involving huge amounts of money. Even though the Madras University has been noted for producing very good graduates or even Matriculates, such persons will not be the proper persons who should be entrusted with this work.

"Then, Sir, there is another clause. Clause 3, sub-clause (iii), Explanation reads as follows:—

'When granting permission under clause (i) or (ii) for the transfer of any land or building, the Government may impose such conditions as they deem fit to ensure that the assets resulting from the transfer are utilized wholly or in part, as the case may be, in furtherance of the purposes referred to in those clauses; but a contravention of any such condition imposed on the transferor shall not invalidate the transfer.'

"I wonder what the purpose of imposing such a condition is if that condition is not to be carried out. You impose a condition. You tell the transferor, unless you carry out the condition, we cannot approve it. If he deliberately flouts your condition, then, you should say to him that he has no right to make the transfer. I agree that in a few unsettled transfers, it may entail serious responsibilities. But as I said, there must be a careful provision made in the Bill for those transferors who flout the condition and such a provision will have some salutary effect if not to prevent, at least to curb such deliberate flouting. If such a condition is imposed, I suppose the ends of justice will be met. For instance, if you say that if any condition that is imposed is flouted, the transfer shall not have validity or some such thing, then I think there is no other escape but to carry out the condition. I think Government will be well advised to take care to see that the various purposes for which this Act is brought may not be circumvented by ingenious law-breakers. With these words, I resume my seat."

* SRI N. S. VARADACHARI:—"Sir, I just wish to make one or two observations on the Bill which has just emerged from the Select Committee. The object of the Bill is very good. It is that

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it tries to prevent alienation of property which has been put in the hands of trustees or owners of public institutions for purposes other than those for which the transfer was intended. I ordinarily expect—I draw the attention of the Hon. Minister to this—I ordinarily expect that there would be very few breaches of this rule because our educational institutions are managed by very respectable persons and if this Bill has been considered necessary, it perhaps proves the statement that the exception proves the rule. Therefore, it is only in exceptional cases that this Bill is intended to cover.

“ Now, Sir, I do not wish to say anything about the drafting which is a matter to be looked after by the Minister and the Legal Department. But, I wish to point out this thing to the Minister for his careful consideration. In using discretion, Government have taken in this Act power under section 3 (2) for permitting transfer of some property which has been put into the hands of a trustee for the purposes of the trust or part of such property if they find later on that the transfer is made in furtherance of the purposes for which it was acquired. I do not find any conditions laid down under which this word ‘discretion’ could be exercised. Sir, this discretion is very naive. The clause says: ‘The Government may, in their discretion, by order, permit the transfer of any such land or building, etc.’ My point is that the section may read well if the Government were to strike out the words ‘in their discretion’.”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“ I will explain the position.”

* SRI N. S. VARADACHARI:—“ The Hon. Minister may explain later on. I think the words, ‘in their discretion’ unnecessarily add to the responsibilities of the Government which they may well avoid. In fact, I commend this very wise rule to Government that when we are legislating and try to make rules to prevent fraud under that legislation, Government should not take upon themselves the responsibility of deciding such frauds; whether it is the Sales Tax Act or the Motor Vehicles Act, or any other Act. I am very much astonished to see that in every measure which Government wish to pass, there is this tendency to keep more power in their own hands instead of throwing the responsibility on the shoulders of someone else who by his training can use his judgment properly with a judicial mind so that the Minister or the Government concerned will be saved much of the trouble and bother. I think it is a wise rule to do so. In connexion with another Bill, while moving an amendment, I made a suggestion that a statutory tribunal should be set up under the Bill. Again, I strongly say that Government would do well to rest the final decision somewhere outside of themselves. If Government lay out a policy, certainly others will carry out that policy. They do their duties with a due sense of responsibility. But, if Government reserve the powers under a special Act—in this particular Act, it is only a small power that is sought to be reserved,—

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it is not good policy. I would say that it is the best and the wisest policy on the part of any Government to keep less power in their own hands and leave greater power in the hands of those who are to administer the Acts, who can keep a judicial mind and determine whether the properties of the trust are being used for allied purposes or not. I do not know whether this power that is contained in section 2 as it is, will be put to proper use. I want the Government to voluntarily come forward and tell us that they would put it to little use. If these discussions are to be of any use, they should say that they would keep the administration in such a way as would enable parties concerned to get sound and correct judgments on such matters as alienations of trust properties.

“ Then, Sir, I wish to add a few words relating to punishments. While I agree that punishments should be there, punishment by themselves do not correct individuals. Punishments should be used only as drastic deterrents. Whatever the punishments may be, it is unreasonable to argue that punishments are the only cure. While in one case under the Act punishment seems to be heavy and must be reduced, in another case, it seems to be salutary deterrent. I do not say that Government should do away with punishment. But, I do not think that Government can depend on punishment for improving the people. That is not the way by which education is attained. Education is advanced not by resort to punishments. Education is a cultural process and is intended to transform us into a prosperous society. In the present day education, our society is being fragmented. Only by a healthy process of synthesis where every community will have full opportunities for education will emerge a free, independent, united and cultured India.”

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—“ Sir, while supporting the general principle on which this Bill is based, I want to say a few words on the one exceptional clause which has been brought in, in this Bill. Sir, I think that if that clause is not suitably amended, the whole purpose of this Bill will be defeated. Sir, the whole scheme of this Bill is that the alienation by the managers or trustees of educational institutions or other institutions will be allowed only with the permission of the Government. But, Sir, Government may issue a permission with the conditions or without any conditions. If the alienation is done without the permission of the Government, then the alienation is declared to be null and void under clause 3 (3). Suppose the Government has issued the permission for an alienation and also has imposed certain conditions, and if those conditions have not been fulfilled, then there is a particular Explanation under clause 3 (2) which says that a contravention of any such condition imposed on the transferer shall not invalidate the transfer. That means that any manager who is not a bona fide man may come to the Government with favourable conditions, comply with their requirements and get the permission. After that he may alienate the properties

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irrespective of the conditions. His alienation is declared to be good, but what about the infringement of the conditions? What steps will Government take to see that the conditions are fulfilled? This lacuna should be rectified.

"Sir, I doubt whether the Government should at all bring forward such a Bill. They have got powers under the Grant-in-aid Code whereby alienation of property for which a grant has been received is limited. At the time the grant is given, the conditions under which alienation may be effected may be imposed. Even now, the Government may issue a new Grant-in-aid Code specifying the conditions under which new grants will be given to the trustees or managers of institutions wherein they may also acquire proprietary rights in the buildings. If they enter into an agreement, there is no necessity for this Bill. If there is any infringement of the conditions, there is the ordinary court of law to come to the help of the Government and give the necessary remedies. If the Government amend their own Grant-in-aid Code in a suitable manner, there may not be any necessity for this Bill."

* SRI T. VISWANATHAM:—"Sir, in this Bill the Hon. Minister has been good enough to point out that the 'manager' includes a Trustee. There is also a law relating to Trusts and Trustees and the managers of schools are all in the position of trustees. There are limitations and restrictions imposed upon trustees in acquiring and disposing of properties. Sir, there will be a lot of collusion and confusion between the Law of Trusts and Trustees and the law as defined in this Bill.

"Sir, in clause 3 (2) it is stated that the Government may, in their discretion, by order, permit the transfer of any such land or building . . . Mr. N. S. Varadachari has already explained how it is good in the interests of the Government and the prestige of the Government and that this word 'discretion' should be omitted. There should be no criticism levelled against the Government on the score of nepotism and favouritism. As he said, the Government should divest themselves of this discretion in matters where there is disbursement of money.

"Sir, sub-clause (1) says:

'(1) The transfer is made in furtherance of the purposes of the institution or of similar purposes approved by the Government . . .'

"The Law of Trusts says that where there are certain purposes mentioned in the trust, purposes which are *ejusdem generis* to the purposes mentioned in the Trust are good enough. Therefore the extra words 'approved by the Government' may be deleted, as it would be an encroachment on the common law, the Statute Law and the Law of Trusts. The words 'in furtherance of the purposes of the institution or of similar purposes' are good English rendering of the phrase *ejusdem generis*. If we want to be legal or legalistic we may even use the latter phrase.

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"Then, Sir, I suggest that sub-clauses (ii) and (iii) and the Explanation which goes with them may also be deleted. There is not much grace in the Government saying that they will give permission if the value of the land, etc., is repaid to the Government. Sub-clause (ii) says: ' . . . provided repayment is made to the Government of such portion as the Government may deem proper in the circumstances of the case, of the grant referred to . . . ' If it is in the interests of the institution that the manager wants to make a particular alienation, there is not much meaning in the Government asking for the return of the value of the land, etc. The grace in giving the grant is gone. So, I suggest that sub-clauses (ii) and (iii) and the Explanation should go.

"Sir, sub-clause (3) says:

'(3) If any such land or building is transferred without such permission the transfer shall be null and void.'

"This puts the transferees in a very risky position of great uncertainty. There is no public office of registry where these permissions granted by the Government are registered. If a manager or a trustee wants to dispose of a small bit of land, for the better management of the institution and the consolidation of the properties, it will be very difficult for intending transferees to make enquiries whether there is any permission from the Government for it, what is the amount of the grant, what are the conditions attached to it and so on. So bona fide transferees will be put in a very risky position. I suggest that the transfer may be made voidable instead of being made null and void. As there is no public registry, you cannot impute constructive notice to all transferees. These are legal principles which this clause seems to infringe and I am drawing the attention of the Hon. Minister to these things."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Mr. Speaker, lawyer friends have spoken and discovered loopholes in the Bill. I rise to speak as a defender of the Bill. This is not a case of hasty legislation. Indeed this measure is of such an urgency that it should have been passed long before. It is intended for the most laudable object of preserving the properties of educational institutions and protecting them against the malpractices which have been resorted to by the managements in recent years. Ordinarily when grants are made by the Government for the acquisition of land or construction of buildings, one of the conditions is that the land or building should not be used for any other purpose except for the purpose specified in the grant for a specified period of 20 to 99 years. Within this period, some managements have found it profitable, in recent years of inflation, to transfer the properties to others.

"Sir, as long as 1855, in England such malpractices were prevented by the English School Grants Act. The purpose of that Act was that any land or building for which an educational institution has received a grant should not be transferred by the

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management without the specific sanction of the Government. It is exactly that Act which is being enacted here. Much objection has been taken to certain things, though I am sorry to say it is too late in the day. Sir, I was a member of the Joint Select Committee. Twice during its sittings it invited public opinion but none was forthcoming. It shows the considerable degree of public apathy in this matter of the preservation of the properties of educational institutions. Most of the objections raised by our lawyer friends relate to sub-clause (3). The Explanation says:

Explanation.—When granting permission under clause (i) or (ii) for the transfer of any land or building, the Government may impose such conditions as they deem fit to ensure that the assets resulting from the transfer are utilized wholly or in part, as the case may be, in furtherance of the purposes referred to in those clauses; but a contravention of any such condition imposed on the transfer or shall not invalidate the transfer.

“Even under the ordinary law of the land, there is no reason why the Government should legislate affecting the rights of the transferee. But here in another sub-clause it is stated—

“(3) If any such land or building is transferred without such permission, the transfer shall be null and void.”

“There seems to be a mutual contradiction. I think the provision regarding ‘null and void’ is intended in cases where Government have refused permission for any such transfer of properties. Ordinarily the purchasers must keep their eyes open before they enter into any contractual transaction. I raised this point in the Select Committee but the Hon. Minister was not able to meet my objection fully. I am glad that several hon. Members have voiced forth the same objection. Frequent reference has been made to the discretion of the Government that everything will be done at the discretion of the Government and they are the final authority. It is always necessary that an appeal should lie to the ordinary court of law, although every Bill that is being enacted now-a-days does not provide for reference to courts of law. But, I must say in fairness to the Hon. Minister for Education that he has partially met our objection inasmuch as he has accepted that objection to the extent that a District Judge, a *persona grata*, can function almost as an arbitrator and that there should be no appeal against his decision. My objection, Mr. Speaker, is, why should our Government, particularly when they claim to be a popular Government invite so many onerous responsibilities when they can infuse confidence in all sections of public opinion by allowing such matters of controversy to go before an ordinary court of law. Naturally, I do not see any reason why the Government should set up a different mode of procedure in this case and fight shy of courts of law. I am perfectly in agreement with all my lawyer friends who have preceded me in supporting this Bill that there should be no mental reservation on the part of this Government with regard to allowing appeals against the decision of the Government to any court of law. The question is, as has been rightly pointed out by one of my hon. Friends, I believe it was Mr. Raghavayya, the Hon. Minister for Education must not presume for himself that he will continue to be

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on the Ministry for long. The real question is, what is this Government, particularly in a popular democracy, what is the Government? In the last analysis, it is a machinery of men guided by many considerations, sometimes alien even to educational interests. It is also quite possible, Mr. Speaker, that political or group or personal considerations may come in which might so vitiate the objects of this Bill that it is always right that managements must have adequate protection against any such discretion or arbitrary discretion of the Government which might very reasonably be contested in a court of law, and I may add, to the defence of the managements, they may try to establish their claims in a court of law, and I know that several managements have resorted to malpractices and it is only to check these malpractices that this Bill has been brought forward. But, as has been pointed out and understood by many men, all the managements are there only to give the best of their resources and to do something good in the cause of education and I therefore believe it is good that such an amendment is necessary so as to give a right of appeal against any discretion of the Government to which they may have naturally objections. After all, Mr. Speaker, it may happen that a particular manager who may have deep association with a particular Minister for Education, declare himself an insolvent even with the permission of the Government. Then, how are you going to protect the trust or institution from the fraudulent practice of such a manager? I do not speak of any immediate problem before you, but I speak of the Government as it is going to be in the future. That is why I am in entire support with the Bill and I feel very much happy over it. Better late than never. The Hon. Minister for Education has come forward with this Bill and I hope he is prepared to accept the suggestion.”

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

“Sir, I am very grateful to the Members of this House for the interest they have taken in this Bill. Coming to the points raised by various Members and particularly with regard to the point raised by Mr. Vaidyanatha Ayyar, namely, that the words ‘by the manager thereof’ shall be omitted from clause 3 (1) (a), if he thinks that it might otherwise create confusion, I do not mind accepting it. The same thing holds good with regard to clause 3 (1) (b) also. With regard to the other point he has raised—about trust in courts—I must say I have a great deal of trust in courts. But that does not mean we must distrust the Government. Let us trust both and we will find that is the real way out.

“Then Sir, I have been a Member of the Central Legislature for a pretty long time, for over 11 years, and I know every measure naturally takes time. Coming to the question of discretion being given to courts, I would like to explain the position. At present the court has no discretion in the matter, but it is only the Government that must decide. Even to-day under the Grant-in-Aid Code huge amounts of grants, one lakh, 2 lakhs, 3 lakhs

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and so on, are made. (Sri N. S. Varadachari: They are given under the rules.) Yes, under the rules. When any institution wants to transfer property, it has to take the permission of the Government and what is done in the Bill is only according to the present practice and it is not that the Government are trying to take more power than they have at present. We are only putting in law, the position which obtains in practice to-day and there is no question of grabbing any power for the Government.

"Then in regard to courts of appeal, the provision is made only for expedition because you know how long it will otherwise take. I know there have been cases put up when I was born and decided after I became a lawyer. Then with regard to the point raised by my Friend, Mr. Raghavayya, the same things I said about the other point apply here also. In regard to Mr. Varadachari's point, in order to carry out the intention of the Government the word 'may' is necessary. Coming to the explanation pointed out by Mr. Ibrahim, if we give permission to somebody and on that permission another buys the property, we cannot say that that man must be punished for any non-compliance with the conditions imposed by others. In fairness to the purchaser we had to put that provision.

"As regards the point raised by Mr. Viswanatham, the argument about courts which I said in regard to the other matter applies to him also. I request the Members of this House to view it from this point of view, namely, that this only legalises an existing practice. For taking loans for making advances it is necessary that we put it on a legal basis. That is why this Bill has been brought forward and nothing more is intended.

"I am grateful to the Members for the suggestions they have made. If hon. Members will see, the original Bill did not contain any reference to courts and the Government have accepted in the Select Committee reference to courts. I, therefore, move that the Bill be taken into consideration."

* SRI A. VAIDYANATHA AYYAR:—"With Mr. Speaker's permission, I would like to make one suggestion to Government. There is one clause which is likely to operate great hardship. I think it is merely an oversight. According to clause 7 any sum required to be repaid or paid to the Government in pursuance of section 3, 4 or 5 may, without prejudice to any mode of recovery provided in any other law for the time being in force, be recovered from the properties of the institution or from the manager thereof as if it were an arrear of land revenue due from such institution or manager.

"Supposing a property has been sold away and the money has gone into the institution, it will be wrong to recover it from the manager as an arrear of land revenue. That is how it has been provided now; but where it has not gone into the institution and continues to be in the hands of the defaulting manager, he may be

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pursued. It must be made clear in the Bill. The amount may perhaps be spent for the institution and coercive steps would perhaps be taken against the manager for recovering it as an arrear of revenue, which will really be hard. I do not think that it is the intention of the Government to recover it from the institution rather than from the manager. Where the money has not gone into the coffers of the institution, then the manager should be pursued. Therefore, some words may be added in drafting to make the intentions clear so that it may be recovered from the person responsible for it."

MR. SPEAKER:—"The hon. Member may speak at length on the amendment when we take up the Bill clause by clause."

* SRI A. VAIDYANATHA AYYAR:—"I am only making this by way of suggestion for the Government to accept if they so desire. My point is, a manager might have sold the property yesterday and walked away with the amount and the Government should issue a warrant for the recovery of the amount from the manager. I hope, Sir, that some amendment to provide for this will be necessary so that the amount may be recovered from the person who has walked away with the money and some other person should not be punished for that."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"We will consider the matter when the relevant clause is taken up for consideration."

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

Clauses 1 and 2 were separately put and carried.

Clause 3.

SRI A. VAIDYANATHA AYYAR:—"I only want to make an amendment to the clause which I think is likely to be accepted by Government, namely that in clause 3 (1) (a), the words 'by the manager thereof' be omitted."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"I accept the amendment, Sir."

The amendment was put and carried.

SRI A. VAIDYANATHA AYYAR:—"In clause 3 (1) (b). I move that for the words 'has been transferred by the Government to the manager of any institution for the purposes thereof'; the words 'has been transferred by the Government for use for the purposes of any institution' shall be substituted. The purpose of my amendment is to bring it into line with the previous amendment that has been accepted."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"I accept the amendment, Sir."

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SRI R. V. SWAMINATHAN:—"On a point of information, Sir. I see some amendments are moved by Mr. Vaidyanatha Ayyar and they are accepted by the Government which we are not in a position to understand because we have not got copies of the amendments with us. I want your ruling, Sir."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"These are merely verbal amendments."

MR. SPEAKER:—"They are merely verbal amendments which were given notice of only now and therefore, there is no time to have them typed and circulated to Members."

The amendment was put and carried.

3-45 P.M. SRI T. VISWANATHAM:—"Mr. Speaker, I wish to suggest that in 3, sub-clause 2 (i) the words 'or of similar purpose approved by the Government' might be dropped. Without that it would be complete in itself without bringing in again the opinion of the Government in the matter."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"This is not a verbal amendment, Sir."

MR. SPEAKER:—"Nor has it been seconded."

SRI N. S. VARADACHARI:—"Mr. Speaker, might I ask whether with reference to the permission to be accorded by Government in their discretion mentioned in sub-clause (2), they would at least make rules, definite rules showing what that discretion would mean, so that every trustee would know where exactly he stands, whether he can expect the Government to permit such a transfer even on an application from him. I think it would be necessary to frame rules. If the Hon. Minister gives me an assurance on the matter, I am not going to suggest any amendment."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"We will consider the matter, Sir."

Clause 3 as amended was put and carried.

Clauses 4, 5 and 6 were separately put and carried.

Clause 7.

* SRI A. VAIDYANATHA AYYAR:—"Mr. Speaker, supposing a manager has sold certain properties of an institution and the money has gone to the institution itself or was spent for the benefit of the institution, then it is but proper that the property of the institution should be pursued. But supposing it has not gone to the institution or spent for the benefit of the institution and the manager has pocketed the money and runs away, it will be wrong to pursue the institution instead of the trustee. I would, therefore, suggest that that in line 5 after the word 'institution' the following might be inserted:—

'where it has obtained the benefit from the sale'; and before the word 'manager' in the same line, the word 'defaulting'; and the words 'as the case may be' after the word 'thereof' may be inserted."

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THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Mr. Speaker, I am sorry I have not received the note which Mr. Vaidyanatha Ayyar says he has sent; further I do not think it is a verbal amendment."

"I am in perfect sympathy with the idea suggested by my hon. Friend but it requires a little more care and I am sorry I am unable to accept the amendment. Government have no time to consider amendments and we will consider the point raised. This much assurance I can give to the hon. Member: We will see that the manager is not pursued when money goes to the institution itself and more than that I am not able to say now."

SRI A. VAIDYANATHA AYYAR:—"Mr. Speaker, as a matter of fact this is a personal assurance but under the law, the Government may proceed against the institution. I would plead with the Hon. Minister to add the following words in the clause, namely, 'or where the consideration has not reached the institution, then from the defaulting trustee'."

MR. SPEAKER:—"This is not the way of moving amendments. If the hon. Member wants to move any amendment, he must write it down and give me so that it might be taken into consideration. These could not be considered as verbal amendments."

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—"Mr. Speaker, this clause envisages another procedure of recovery of certain amounts in addition to that provided under the ordinary law of the land. That necessarily implies that the Government should frame rules for recovery of moneys due. In framing the rules, they may instruct officers recovering the money first to recover from the person who is ultimately responsible for the loss to Government, if the institution has got the benefit of it, from the institution, and if the institution has not benefited from it, from the person who has got the benefit. If the Hon. Minister can give an assurance to this effect, there will be no need for any amendment and it may go as it is."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"I always can give the assurance that the Bill will be used for the purpose for which it is intended."

SRI A. VAIDYANATHA AYYAR:—"Mr. Speaker, my idea is that if the defaulting manager walks away, the helpless manager coming after him should not be pursued. I suggest for the words 'from the manager thereof' the words 'defaulting manager thereof' might be substituted and after these the words 'as the case may be' might be added. This will enable the proper order to be passed."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Mr. Speaker, if the words 'defaulting manager' are inserted, may I

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know whether it is defined anywhere in the Act and what the meaning of the words are and in what respect he is held to be defaulting."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Mr. Speaker, I am afraid, Sir, as at present situated the clause may be left as it is. The Government is not accepting the amendment and they will try to give consideration to the matter at the Council stage and do what is necessary. I would like to have some time."

MR. SPEAKER:—"I presume the hon. Member is not pressing the amendment. I do not know what his amendment is. So far as I could see it is not verbal and I would suggest to him, in view of what the Hon. Minister stated, not to press the amendment. The hon. Member could have given me previous notice. I do not consider it to be verbal amendments."

SRI A. VAIDYANATHA AYYAR:—"Mr. Speaker, it is verbal in the sense that it is the intention of Government to pursue the man who has pocketed the amount and not the person who had spent the money for the benefit of the institution or where the money has gone to the benefit of institution. It is in that sense I say it is a formal amendment."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"There is really great force in what Mr. Vaidyanatha Ayyar says. An innocent manager should not be victimised and he should not be made to pay for what he is not really liable. If you simply add the word 'defaulting', it will not save the manager, it has to be stated clearly in what manner he has defaulted and the mere insertion of the word will not save him from the predicament in which he is placed by this provision. But if he could be saved by any other amendment, I am quite willing to second it myself."

SRI K. R. KARANTH:—"Would Mr. Vaidyanatha Ayyar or the Hon. Minister explain the point in more detail? It is nearly four of the clock and the other debate will be taken up and there will be enough time to table amendments and consider them."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Mr. Speaker, I am in very great sympathy with what has been stated by Mr. Vaidyanatha Ayyar. But I would not like to do anything in a hurry and so, I suggest, Sir, that the clause may be passed as it is and it will be considered at the Council stage."

MR. SPEAKER:—"I do not consider the amendment of Mr. Vaidyanatha Ayyar as verbal and I am not going to put it to the vote of the House."

Clauses 7 and 8 and the preamble were separately put and carried.

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

"that the Bill be passed into law."

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* SRI A. VAIDYANATHA AYYAR:—"Mr. Speaker, this is a sample of hurried legislation. The Hon. Minister sees the force of my point that it should not be open to Government to issue orders to recover from the institution or from the manager when he has transferred the amount to the institution itself, it is wrong and it will be against justice to do it. All that I said was that the section should be made clear so as to proceed against the defaulting manager as the case may be. It is necessary and just. The wording as you will see, Mr. Speaker, is plain and blunt and does not contain any qualifications. If it is stated that an order may be passed to recover from the institution or the manager, there is nothing in it to restrict it to the manager, who had walked away with the money. That is a matter which Government should have made clear. I am only sorry that the exigency of time prevents Government accepting the amendment. There is no time limit at all for doing the just thing. You are passing an Act which is likely to affect charitable institutions where most of the trustees are merely honorary men who take up the responsibility and you should not put them to risk. The Government should have co-operated with me in this matter to see that this defect is removed. Passing acts which contain defects with the off-chance that it may be remedied later on is I would submit, Sir, hardly the proper thing to do. I would respectfully request Government to pass it in a perfect form. There is no urgency here; there is no urgency for getting the sanction of the Governor before the 26th April as was the case with the other Acts. This is a thing which could easily wait a few days more. I would very much like the Hon. Minister to take courage and accept it."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Mr. Speaker, I have nothing to say in reply. I am grateful to hon. Members who have taken interest in the debate."

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

II.—ADJOURNMENT MOTION *RE* FOOD SITUATION IN SOUTH KANARA—*cont.*

MR. SPEAKER:—"A number of Members want to speak on the motion. So I propose to allow 30 minutes for the mover, 10 minutes for each speaker and 45 minutes for the Government to reply. The debate should close at 6 o'clock."

* SRI K. R. KARANTH:—"Mr. Speaker, Sir, I beg to move the motion that stands in my name, viz.—

'that the business of the House be adjourned for discussing a definite matter of urgent public importance, namely, the grave food situation now obtaining in the district of South Kanara.'

With your indulgence and the indulgence of the hon. Members, I have placed before this House more than once the difficulties we

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have been experiencing for the past several months. (At this stage, the Deputy Speaker occupied the Chair.) I am sorry to say that a communication from the Commissioner of Civil Supplies who was recently in my district, which appeared in *The Hindu* as recently as yesterday morning, goes to show that things are all safe and that nobody need be bothered about them. I shall place before you certain facts and figures which will show how bad the plight is and how misleading and incorrect the official reports are.

"Madam, my district is a deficit one. For the last three or four years, it has been deficit by about 18 to 20 thousand tons, which we have been getting from outside. The Hon. Minister himself has admitted in his previous statements that this is a deficit district. But I was rather surprised to find from a communication, dated 4th February 1948, which I received from the Food Secretary in reply to some representation which I made, that the district is a surplus one. I wonder how the figures are being compiled in the Secretariat or the Civil Supplies Department. This is what he says: 'It is therefore not correct to say that South Kanara was a deficit district normally or is a deficit district now.' In a printed note, dated 10th February 1948, circulated to the members of the Food Advisory Council prepared by the very same Food Secretary, it is said that the deficit for the current year is 34,000 tons. It is for his chief here to explain how a district which is known to be deficit year after year will be a surplus district according to his letter, dated 6th February and a district deficit by 34,000 tons according to his note, dated 10th February.

"I shall now state to the House what exactly the position is. Decontrol came on the 28th of December and I shall presently show what a great injustice has been done by this. There is some meaning in decontrol if the whole crop is available in the market for the people to buy. There is no meaning in decontrol in Malabar and South Kanara where full procurement had been made and the harvest had been taken away. The main harvest in the South Kanara district is gathered by the end of October. That produces about two-thirds of the food of the district. In our district, the procuring agency is a co-operative society. I have got a letter from the President of that society which shows that normally they have not been able to procure more than 40,000 tons per year. Till the 28th of December, as much as 37,000 tons had been procured. So, if a free market was available, it was only for 3,000 tons. Hon. Members are aware and my colleagues from the district will bear me out that the second crop was a total failure. The normal procurement from this crop, if it had taken place, would have been 20,000 tons as against 40,000 tons for the main crop. Actually the yield was much less than half. With about 80 to 90 per cent of the crop procured, decontrol was introduced in the district. There are classes of people like the cultivating classes about whose misery for the past several months it is my misfortune to hear

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and see. I could never make this problem understood by the Hon. Minister for Food. In October last, I and my colleagues from the district explained the position to him. They are the actual cultivating tenants and from them the entire food is taken away without leaving any margin. We are talking of socialism from Delhi and elsewhere. It is little use to talk of socialism when in practice you do something which is absolutely unjust. When decontrol was introduced on the 28th of December, many of these actual producers had only ration cards and no foodgrains. At that time the normal requirement for a week was between 1,300 and 1,500 tons. The people from whom food was taken away had been given cards on the assurance that the Government would supply them with food. The entire stock was procured by the Government and the producers had only cards to fill their stomachs with. That was the position. At that stage I represented to the Government that that was not good and that rationing should be continued. My words went unheeded. My words may be worthless. When people came and complained that after decontrol they had only cards and no food was being issued, I addressed the Collector, Mr. J. F. Saunders who has since resigned and went away. I shall quote from his reply, dated 1st January 1948:

'As you surmise, I am fully aware of the inevitable results of the rice decontrol policy ordered by the Government which I consider is fraught with very grave risks so far as this district is concerned. I did all that was possible to make my views known to the Board of Revenue before the new policy was ordered and since then I have sent up a long report pressing my points still further. I have explained that this district is normally deficit by about 15,000 tons.'

Compare this with the statement of the Food Secretary that the district is a surplus one—

'and in view of the substantial failure of the second crop I have asked for an allotment of 30,000 tons this year.'

This also may be noted, because without doing anything, even to-day the Government are saying that the position is quite all right.

'I have also pleaded for the retention of rural rationing in the district as a whole or, if that is not possible, at least in Hosdurg Sub-taluk. Whether my voice will be heard remains to be seen ;'

When the Collector of the district doubts whether his voice will be heard, what chance is there for our voices being heard?—

'but if it is not, I personally am convinced that there will be a serious food crisis here within three or four months, probably with disastrous results. Anyway I have done my best to get a change in the policy, and in the meantime I am trying to see that no pocket in the district goes short of food as an immediate result of decontrol.'

'You may perhaps know that the Board has ordered the transfer of 10,000 tons of rice to Malabar from South Kanara. So far we have despatched only about 2,500 tons and the balance is moving at the rate of about 200 tons a day. I have asked the Board to cancel at least the second half of this allotment, but I am not sure that my request will be granted.'

"That was the position on 2nd January. Towards the end of January all the ration shops were closed and the people were left to their fate. Six thousand and eight hundred tons of

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rice were sent to Malabar. I have no grievance against my friends from Malabar. The immediate effect of the removal of rice amounting to 6,800 tons was to give notice to those who hoarded to raise the price. In addition to this, some thousands of tons—I cannot say exactly how much—went by way of smuggling, by boat from the Hosdrug side of the South Kanara district to Malabar. The reason for it is this. If I am not mistaken the people of Malabar get only 6 oz. of ration. From experience I can say that even with 8 oz. of rice, if we purchase the week's ration on Sunday, the stock is exhausted by Thursday or Friday. As the rationed quantity is insufficient week after week, I have been buying for my own household rice which comes from foreign parts and is uncontrolled at about Rs. 38 per maund. As the 6 oz. of rice ration is absolutely insufficient, the people used to taking rice have to buy from anybody paying any price. The result is that there is large transfer of stock from the neighbouring districts. The controlled ceiling price of rice is Rs. 12 per maund. I am using the word 'maund' because the word 'mura' used in my district is practically the same as the maund. But people buy paying Rs. 20 or 22. Thus there is a profit of Rs. 8 per maund. In one lorry 100 maunds are taken and sold on the border. Thus the merchants get a profit of Rs. 800 on one lorry-load. This has been going on, the Government have been absolutely indifferent and they have not moved their little finger. Many written complaints were made to Government and to the Collector. If the Collector had any grievance against the Government, it is a matter between him and the Government. Many other written complaints were made, but no action has been taken on them. These are all matters on record.

4.15 p.m. "Then, Sir, we have been told about the relief shops. In January these relief shops were opened. These were nothing short of a farce. It is no good trying to throw dust in the eyes of the people saying that there are about 143 relief shops in the district. If there are ten villages in a centre in which there were ration shops in each of them before, only one or two relief shops have been opened now. They will serve only a few villages and not all. What are the people in the rest of the villages to do? From January until this day people have been put to enormous difficulties and hardships. They have had to buy rice at Rs. 20, 25 and 30 per maund. Afterwards the number of these relief shops was increased by dribblets as if it was an act of grace by the Government and then strict instructions were issued that permits for more than Rs. 10 should not be given. To-day the position is worse as compared with last year. Last year nearly 1,000 tons of rice were given per week through ration shops and the corresponding figure now is only 300 to 350 tons per week from all these relief shops put together. It is a misnomer to call them relief shops because hundreds of people get no relief at all from these shops. I do not know how the Government ever thought of such a scheme. These relief shops give only 3 ounces of rice per head and 1½ ounces for children per day, which are

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not even enough for rats to eat. I ask the Hon. Food Minister what is the object in running these relief shops and why the Government should not manage the business themselves? There is no justification for the Government to take away all the rice cultivated in the district forcibly and then issue this pittance of 3 ounces and 4 ounces for weeks together, while 6 ounces are given in Malabar where the rice has been taken. Can this be defended anywhere in the world? So people will have to buy their requirements only in blackmarket, which is thriving in my district. The price of rice to-day in certain parts of my district is Rs. 30 to Rs. 40 per maund and about Rs. 40 to Rs. 50 per maund in Hosdrug area adjoining Malabar. That is the position to-day.

"Last week I brought this to the notice of the authorities and the public through the papers and the Secretary to the Commissioner of Civil Supplies came with a reply which was published in *The Mail*, dated 6th April 1948. These gentlemen were very good at giving replies. On the 7th and 8th of this month two Ministers of the Government, the Hon. Mr. Madhava Menon and my Hon. Friend Mr. A. B. Shetty were present in the district touring in those parts. I am only sorry that they are not here now. I wish they were here. The Hon. Mr. A. B. Shetty has seen things with his own eyes. I understand that both of them have sent some communication about the real position of food in that district. I wonder why they were not present here to say whether what I am saying is either true or not. This is what has appeared in the *Madras Mail* of the 7th April 1948. Replying to a memorandum presented by the Municipal Council, Udipi, the Hon. Mr. K. Madhava Menon is reported to have said, 'The food situation in South Kanara has been fully understood by the Government and the Premier has been informed by trunk telephone that the rice position is bad and getting out of control'. The memorandum among other things stated, 'Derationing, which was introduced after intensive procurement, had removed practically every grain of rice from the district. It had created panic and hardship among all classes of people. It was true that relief had been arranged, but that was only for a few card-holders.'

"The people's hardships and sufferings had been intensified by the prohibition of the transport of rice from taluk to taluk and the position was so bad, that it might result in food riots at any time.

"The Hon. Minister for Agriculture replying to the memorandum jointly, said that the Food office at Madras was under the impression that there was sufficient rice in South Kanara, but the real fact was that the rice has gone underground.

"Madam, it had not only gone underground, but a good portion of it had gone to his own district of Malabar.

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"Then Madam, on the 6th April, the Secretary to the Commissioner for Civil Supplies in his communication referred to above with reference to the food scarcity in the South Kanara district, has stated as follows:—

'At present there are stocks amounting to 11,000 tons representing roughly 3 to 3½ months provision. Provision has already been made to import 10,000 tons of Pakistan rice, which with the present stock and the future local procurement, is expected to carry the district till the end of the Khariff year and also leave a comfortable carry-over.'

I wonder at the very happy disposition of this gentleman.

"The stock is only about 11,000 tons. If the people are given rations at the same rate at which they were given last year on their food ration cards, their off-take would be about 1,500 tons per week. The gentleman, it appears, was calculating it on the basis of 3 and 4 ounces in the reduced number of relief shops that were opened. These he says would last for 2 months. That is the position, Madam.

"For the last 10 or 15 days, after the horse has been stolen, that is to say, after the stocks had been taken over to Malabar, movement of rice from place to place has been abolished. How are the people in the district to eat? To-day the taluk movement of food has been prohibited, and food cannot move from taluk to taluk. I want to place before the Hon. Minister for Food that large quantities are taken to Malabar under permits given by the District Supply Officer, of course signed by the Collector. I am told that under the rules, no such thing could be done. A good lot of rice went out of the district under cover of these permits.

"Now, take the question of fixing the ceiling prices. This also has been carried on in a very haphazard manner. Either the Government should sell rice at a fixed rate, or allow other people to give it so that people who want rice might obtain their requirements at a reasonable price. Madam, the position after decontrol has actually worsened and there is no movement of rice at all now. Merchants have to buy at a high price, but are obliged to sell only at ceiling prices and that is why the situation has come to this pass.

"Madam, yesterday, the Commissioner for Civil Supplies after having visited Mangalore and toured in the Kasaragod taluk, has given this happy statement, as did his Secretary previously, viz., that he has arranged to give 3 and 4 ounces of rice, while, as I said, 6 ounces are given in Malabar to which place the South Kanara rice has been taken. We must be eternally grateful to him for this act of grace! Just remember, Madam, that the Government's calculation was 34,000 tons of rice deficit. There was a further 7,000 tons transfer from this district by order of Government. Therefore, the total deficit is about 41,000 tons. If therefore about 10,000 tons of rice are to be imported from outside, then how will it make up for all this deficit? We are promised 4 ounces of rice and 4 ounces of maize. That is the present position in the district and we have put up with all this patiently as we are not capable of creating food

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riots as they have elsewhere. I was actually asked last week 'Why don't you start a Satyagraha?' Even the well-to-do class of people and the Government servants are not able to get enough rice even for Rs. 30 per maund. The whole food policy of the Government should be thoroughly changed, if we want to prevent starvation and death. According to the Government, there can be no death due to starvation in this Province, because that is medically impossible! It must be either due to diarrhoea, dysentery, cholera or mal-nutrition, or something of that sort. But yesterday, a man on the point of death was seen lying on the Mount Road due to starvation. Two days' back a man had died on the Royapetta Road and his death was due to nothing but starvation. I do not know who is responsible for this whether it is the Madras Corporation or the Government. I remember the words of Pandit Nehru which he said only the other day at Vizagapatam that no man shall die of starvation in this country.

"Madam, nothing is troubling people more than this problem of food. They are not at all satisfied with the manner in which the Government is handling the food situation in my district. They have many times asked me, 'If you cannot make the Government do anything in this direction, and if the Government cannot manage this business properly, then what are you, members thereof?' Madam, people may tolerate other things. Permits, controls and so many other restrictions are there. They are obliged to put up with all those things. I submit, Madam, that this handling of the present food situation in my district is nothing but a scandal. This is simply a man-made famine and nothing else. It is no use simply saying that there is enough rice in South Kanara. If that were so, then why should people be given only 4 ounces per head per day? Is it sufficient? It is the duty of the Government to get hold of the surplus and to distribute the available food properly and equitably so that people are not made to starve. Without foreseeing what would happen till the next season, the Government procured all the stocks forcibly and taken them away to the neighbouring district. The whole food policy of the Government in my district has failed because it was initially wrong on the part of the Government to have abolished rationing after procuring the stocks from the people and in allowing food to be smuggled to the neighbouring district. Now I wish to make one or two suggestions for the consideration of the Government.

"The whole local machinery with regard to the administration of food should be thoroughly overhauled. There is no use of placing a new Collector in charge of the district simply for six months and then transferring him by the time he has begun to understand the real situation. It takes all the time for him to understand and study the real situation in the district and frequent transfers only makes the position in the district worse. I am not making any charge against anybody or against any particular individuals. The District Supply Officer in Mangalore has been there for over three years and it is high time that he is sent out and given a better job, if the Government so likes.

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It is largely his handling of the department all this time that has made the food position in the district so bad. People who have been there all the time will give only an untrue and inaccurate picture of the situation and will furnish only misleading statements to justify their doings. Yesterday, the Government said that the food position was quite all right, but to-day they say an entirely different story. Rural rationing must be restored at least till the next crop. It was wrong to have taken away from people whatever small quantities of rice they had. Do not think that people will be satisfied with 3 and 4 ounces.

"Then the stock that has been promised is only 10,000 tons as against 7,000 tons taken away from the district and this is quite insufficient. I would request the Government to treat this matter more seriously than they have done hitherto, because it is those things that have been pointed out to us again and again by people who are now starving. From October onwards I have been at every stage bringing this matter to the notice of the Government by one way or the other. But I see nothing at all being done and I may say, Madam, that the feelings of the people is very much against us and against the present Government. The Police alone cannot save the Government at this critical stage. To-day we seem to have developed a new idea and have begun to place our full faith and reliance on the Police for the administration of the Province. But the Communist goes to the people and says, 'Here is a Government which cannot give you more than 4 ounces of food and which is using all its Police force to procure the foodgrains from you forcibly.' Whose propaganda will the people hear? A very serious situation has developed in the district of Malabar just now. I pass through that area several times. Some people have been shot on account of food-riots last week. The situation is one essentially of food. It arose out of certain stocks having been forcibly taken away from the people. Let us not rely too much upon the police. Let us try to rely upon the good will of the people.

"Madam, if I have said anything harsh, I beg to be excused, because I feel so strongly in the matter and because the facts and figures furnished by the Government are so inconsistent and unreliable. The Commissioner of Civil Supplies had recently visited Hosdurg and had seen things for himself. And yet he says contrary to all facts 'Everything is all right and we will tide over the crisis.'

"I therefore beg of the House to support the motion and I do hope that the Government will take the matter more seriously than they have done in the past."

* Mr. L. C. PAIS:—Deputy Speaker, Madam, if at all I speak on this subject it is to impress upon the Government and upon the Hon. Minister for Food the absolute necessity of devising ways and means of improving the food situation in South Kanara. I may assure the Hon. Minister for Food that the food situation in South Kanara is fast deteriorating and that famine conditions are bound to prevail unless and until the

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Government intervene effectively and at once. I do not for a moment want to say that the Government are not exerting at all so far as relief to be given to the distressed areas are concerned. They are doing something. But what is done is not enough. I can assure the House that when the two Hon. Ministers came to South Kanara they gave us a very patient hearing. The Hon. Mr. A. B. Shetty and the Hon. Mr. Madhava Menon came to Mangalore and they heard us. The people gathered there represented their grievances. They also sent representations to the Government and at our request the Commissioner of Civil Supplies also came down to Mangalore. What we are going to press to-day is this. What you are giving us is not enough. What was the Commissioner of Civil Supplies able to give us? He is giving us 10,000 tons of rice. As the Hon. Member, Mr. Karanth, pointed out, that includes nearly 7,000 tons of our own rice. According to the figures available and in the hands of the Government the deficit in South Kanara is at least 34,000 tons of rice. The relief that is given is very much less than this. It is a matter of regret that one of the conditions that has brought about this state of affairs is the unwillingness of the Government to accept the position that South Kanara is a deficit area. As Mr. Karanth correctly pointed out for years together South Kanara has been importing rice at the rate of at least 20,000 tons per year. In spite of this the Government are saying that South Kanara is a surplus area. At the same time when question of making out a case for larger subsidies from the Central Government arose, they come out with correct figures and according to those figures South Kanara is a deficit district by 34,000 tons of rice. I do not want to go into the other reasons as they have been so well put before you by Mr. Karanth which will show what are the causes which have brought about the present condition of things. My only point is that the Government should bestow some more attention so far as South Kanara is concerned and some real relief should be given to South Kanara. The rice which we are having at present is only 3 ounces and we are promised 4 ounces. Madam, South Kanara is a rice eating district and certainly the people there will not be satisfied with three or four ounces as has been pointed out by the hon. Mr. Karanth. Just before derationing was introduced, in furtherance of their scheme of intensive procurement every possible grain that was available in South Kanara was procured. Now those ryots who have parted with their rice at a lower rate are asked to buy from the blackmarket at Rs. 35 or Rs. 40 per murra. I only ask whether there is no remedy for this sort of thing. I know that other Members from South Kanara will also speak on this subject and I shall therefore close with a fervent appeal to the Hon. Minister for Food that better attention may be given so far as South Kanara district is concerned."

SINNA KAZIAR HAJI MOULVI-S. A. F. IBRAHIM SAHIB BAHADUR:—"On a point of information, Madam. Unless we compare and contrast the conditions elsewhere with the conditions in South Kanara how will it be possible for us to come to any

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conclusion that conditions in South Kanara are worse? So, Madam, I request we may be permitted to speak about the other districts also."

THE DEPUTY SPEAKER:—"The hon. Members cannot speak about the other districts. This is not a comparative study of things that are happening in South Kanara and other districts."

* H. S. HUSSAIN SAHIB BAHADUR:—"Madam, Deputy Speaker, I cannot but support this adjournment motion with all the vehemence that I can command. Coming as I do from South Kanara I know personally the difficult situation that is obtaining there on account of acute food shortage. This acute food shortage is due to the decontrol that has been suddenly introduced in December last after the major quantity of rice of the first crop had been requisitioned by the Government. That is the main cause for the present acute food shortage. If the Hon. Minister for Food had not so far gone to South Kanara and studied the conditions at first hand I would on this occasion request him to come to South Kanara at once and stay there for at least a week to know and understand things for himself. Then I feel sure he will be satisfied with regard to the adjournment motion that has been moved to-day by my hon. Friend, Mr. Karanth. Every word that he has spoken is true and every version that has been given on behalf of the Government with regard to the food situation there I say is untrue. Therefore, Madam, it seems to me that the Hon. Food Minister, though he claims to be a popular Minister, is bureaucratic in his ways so far as the question of tackling the food problem, particularly in South Kanara is concerned. He seems to be guided by the files and red tape and he does not like to put his own head into the affair and find out for himself what exactly is the situation in which people have been placed in our district. It is very easy to sit under the cool breeze of the fan in a cosy and comfortable chair and dictate and issue statements from here. But it is a quite different thing for a person who is feeling the pinch of hunger in a far away place in the rural areas of a district from where the little quantity of rice that had been left after decontrol had been drained away by various unfair and questionable means. It is very easy to rely upon the reports of his own officers and then say that the situation there is quite satisfactory. But really that is not so. The real situation is that to-day in some areas mostly in the Kasaragod taluk people have been rather forced to subsist only on 3 ounces of rice per day and half of that quantity for children. Can you imagine how human beings could live on such small rations of rice. How can they get the necessary nourishment and keep up their bodily vigour and health? Is it possible, I ask. The Hon. the Food Minister is himself a doctor. He knows what quantity of rice is required for human beings to live, what quantity is necessary and how many calories are required. These facts are known to the Hon. Food Minister himself. If he does

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not realize that, I should say, that he will be guilty of dereliction of his duty not only as Food Minister, not only as a doctor but as a human being. Therefore, Madam, I ask the Hon. Food Minister to come to South Kanara and study the situation at first hand. As was pointed out by my hon. Friend Mr. Karanth there is the evidence of the two Hon. Ministers who recently visited South Kanara to show that the situation here is not all as rosy as has been painted by the officers of the department concerned. That is why I stated that it was very easy to sit under the cool breeze of the punka and on the cosy and comfortable chair in one's office and dictate and issue statements. But the public cannot be taken in by the statements. It is the hard fact that the Government and Hon. Minister for Food have to face. Madam, in South Kanara the monsoon months are ahead and the cultivation season is yet to begin. Even long before that, the situation has deteriorated so much that I shudder to think what it will be like when the actual monsoon starts, because till September you can expect no harvest. So we have got five long months before us. These will be long months of travail and suffering. We dread to think in what position we shall be placed, especially during the cultivation season. In what position our agriculturists and tenants will be, the Hon. Minister for Food should at least be able to imagine and picture to his mind. Those lakhs and lakhs of people will be placed in a miserable position in South Kanara.

"Madam, the price has risen in many parts. I know personally that after derationing the price of rice has gone up from Rs. 25 to Rs. 35 a murre or a maund in Udupi. In Kasaragod, especially in Hosdrug it is somewhere between Rs. 45 and Rs. 50 per maund. Can you imagine the plight of the poor people or even the average man? Can he purchase one or more murras per month? Is it possible? I know, Madam, the circumstances in Udupi. Restriction is placed on persons with a certain income per month; that is, those getting Rs. 60 will not be entitled to any ration from the relief shops and a large number of them are experiencing difficulty. Even when they offer Rs. 30 or Rs. 35 per maund they are not able to get rice. That is the real situation. Therefore, Madam, it is high time that the Government here, especially the Hon. Food Minister should not sit idle and should not get any sort of satisfaction from the statements which either the Secretary of the Food Department or the Commissioner of Civil Supplies issues. Even when the Commissioner of Civil Supplies visited Mangalore and Kasaragod the other day he was surrounded by his officers.

"They put before him their own version. They take him from one place to another. A meeting is called for somewhere. He stays for an hour or two and listens to the people of the locality as well as to his own officers. Then he comes away with the version that is given to him by his own officers. These are the real facts that happen when an official goes to find out things for himself. I would rather request the Hon. Minister for Food

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to go to South Kanara *in cognito* and ascertain things for himself. Then he will know the real position. Let him go about to the houses of the people *in cognito* and listen to the talk that is going on inside. Then only he will realize what the real situation is (Interruption.) If he does not move from this place and go to South Kanara, which is at the tail end of the Province and whose voice may not be heard here, the tail may not be able to wag the body of the Province. I would say that South Kanara cannot be neglected. It is part and parcel of this Province. There are 15 lakhs of people there. Therefore, it is up to the Food Minister to go there and find out things for himself by mixing with the people there. Whatever the Food Department may say in their notes given to the Food Minister, I would appeal to him not to rely on those notes but to come along with the Members of South Kanara who are here and visit the district in their company, and find out things for himself. With these words, I strongly support the adjournment motion of my hon. Friend Mr. Karanth."

* SRI N. S. VARADACHARI:—"Sir, it may seem rather curious that I rise to make a few suggestions in connection with the trouble which does not concern areas other than South Kanara. I soon predict a period of great difficulty for food throughout the Province. (Muhammad Raza Khan Sahib: 'God forbid.') In fact, we must be energetic enough to avert serious crises and with the fullest co-operation of all, it should be possible to tide over the difficulties in the Province. South Kanara brings to my mind the peculiar nature of the area. In fact, it would be difficult to understand the position in South Kanara unless you know the peculiar geographical conditions there. Its rice is grown not as in the delta. Its fields are scattered. It is a series of villages where even the distribution of letters by post takes one whole day. For instance a village may be as big as nine or ten square miles. I had occasion to see in Mr. Karanth's own constituency numerous rivers which are flooded during the monsoon making transport impossible. The tiny hamlets are situated on hill slopes, sometimes inaccessible by road. All these add to the difficulties of an already delicate situation. Without going into the merits of the case, which have already been put forward by my hon. Friends from South Kanara, I would only say that the peculiar conditions obtaining there make the problem much more difficult there than elsewhere. I would also like to say this. If South Kanara was a deficit district and intensive procurement was made there, it would perhaps have been, I say wisely, policy to keep the procured grain in reserve in that very district for the difficult time that lay ahead. If it is a deficit district and conditions are pretty bad, even now, without going into past history, I say that we must avoid two real difficulties. One is people live in scattered hamlets far away from real relief. Their rice has already been taken away from them by a policy of intensive procurement; and so some relief is necessary for such a district. We must have relief shops, perhaps many more

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than what we have at present. Secondly, you know that transport becomes difficult with the monsoon. A many sided system of transport organized by road, rail and river would perhaps take the grain more quickly in South Kanara than any one particular mode of transport. This is the suggestion that I make to Government. In fact, Sir, I know the conditions in this behalf in the area adjacent to Payyanur in Malabar. They are, bad communications and organized opposition by the Communists to the movement to and fro of grains. It is a very delicate situation. I would not like to say a word which will increase difficulties by statements that we have got to make on the floor of this House in respect of this district. The danger, according to me, is not one of failure of stocks. The mathematical accuracy of Government statements, I do not dispute for one moment. The methodical arrangement of these stocks in areas where deficits are likely largely to occur and where relief ought to be given, is the real problem. I do not apprehend a big famine on account of the failure of stocks. But it is a price famine that I apprehend. Price famines are more dangerous than failure of stocks, which lead ordinarily to famines in the ordinary sense of the term. It is the price famine that is the real danger. In my own district, the other day, a member of the Constituent Assembly wrote that rice was selling at Rs. 1-12-0 per Madras measure. I am myself a trustee of an institution in my district, and I could not obtain rice for a particular good purpose though I tried hard day after day to secure rice and transport it to the place to which I desired it should reach. This is a very difficult situation. People may have money, but may not have enough to purchase rice at the price at which it would be available to them at any particular moment. It is this condition that I dread. It would be the best thing to avoid the dangers of such a price famine, and try by quick and efficient governmental action to reduce all the risks of this set of circumstances occurring anywhere in a deficit district. Beyond this, I do not wish to say anything."

MAHIN SCHAMNAD SAHIB BAHADUR:—"Sir, I belong to Kasaragod taluk in South Kanara district. My taluk is the worst of the taluks in South Kanara. Mr. Karanth said that second crop had failed. But in Kasaragod taluk even the first crop was a failure on account of heavy floods and rain. Second crop failed for want of rain. Kar crop also failed. Even the little rice or paddy which the people had with them before decontrol had been taken away by Government by procurement. So after decontrol people are left helpless. People have begun to starve. These troubles are mostly due to the transport of rice from Puttur taluk in South Kanara district to Malabar stealthily and without permits. Rice is being taken away stealthily by lorries and carts. These lorries pass through Vittal and Kanhangad. There is a police station in Vittal, and these lorries with rice *murras* pass via Vittal to Malabar. These lorries proceed to Malabar with the connivance of the police at Vittal

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station. There are checking officers and chowkidars. They are all paid bribes and they give all facilities to carry away the rice *murras* in lorries as quickly as possible. By the time the rice *murras* reach Kanhangad and the district boundary, they have to spend about five to six hundred rupees on the way to pay bribes to all these checking officers. It does not affect them, but it affects the purchasers, just like the sales-tax. The rice purchased at Puttur at the rate of Rs. 20 per *murra* is sold in Kanhangad at Rs. 50 per *murra*. When it reaches Malabar, it is even more, though the ceiling price per *murra* is Rs. 12.

"Another difficulty is no permits are issued to genuine people to bring rice. Most people in the villages are starving, and they are not allowed to bring rice from Puttur and other places. They are not given permits. But lorries and carts are allowed to carry away rice bags without permits. There is a river on the way called Tekkil. No lorry or cart can proceed without crossing that river. If there is any check on both sides of the river, no rice *murras* can be taken away from South Kanara to Malabar. There is no proper check. When I impressed these matters in a meeting held when the Food Commissioner had been to my district, they told me that I should find out how many *murras* had been taken away in a month and if it was more than the required quantity, they might make enquiries for checking them. I told them I could not afford to go and remain there in my old age and note the *murras* passing that way. (Laughter.) I told them that if the officers visited the village and made enquiries, and encouraged the people to give them information about the carrying away of rice *murras*, they would get all the information that is necessary.

5 p.m. "Therefore, I request of the Government two things. One thing is to issue permits freely to genuine dealers so that they may take the rice to the villages and distribute it to the people. Another thing is to stop the easy transport of rice stealthily through lorries and carts to Malabar. With these words, I resume my seat."

SRI U. PADMANABHA MALLAYYA:—"Madam, Deputy Speaker, while speaking today, I am reminded of the day when there was a discussion on decontrol and derationing here. It was a bad time when I took part in that debate. At that time also, I reminded the House of the peculiarity of our district. On that occasion, I did say that inasmuch as ours is a deficit district, inasmuch as our second crop had also failed and inasmuch as there was intensive procurement, the question of decontrol would work a great hardship in our district. It has proved to be so today. I cannot understand why the Government have been going on saying that our district is a surplus district. Let me assure the hon. Members that it is not with the intention of getting something more that I say that ours is a deficit district. It is no pride to say so. On the other hand, I would be really proud if our district is a surplus district so

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that we may be in a position to supply the deficit districts. It is not also easy to make this a surplus district. It is going to be a deficit district for a long time to come because we cannot have any major irrigation projects in our district in order to make it a surplus district in the near future. Therefore, it is taken for granted that ours is a deficit district. Government statistics will themselves prove that we have not been able to meet our requirements and that for the past two or three years, our district had to be supplied with about 15,000 tons annually over what we produced. But, now, Government say, yours is a surplus district; therefore, we would give you the same ration as the other parts of the Province. I say that is not a correct policy of the Government to declare our district as surplus and then to give us the reduced quantity of ration. As Mr. Karanth has rightly pointed out, apart from the intense procurement and failure of second crop, our stocks also were depleted to the extent of 6,800 tons which went to Malabar. Certainly it was needed there and we did not grudge it. We shall always be glad to help other districts but it must be understood that to that extent our stock also got depleted. Government has got the responsibility to supply us rice at a reasonable price. The price has gone up to Rs. 30 or Rs. 20 per *murra*. It must be noted that the maize which was found to be unpopular last year, will certainly be unpopular this year as well. Moreover, we do not eat millet at all. Therefore, I urge upon the Government to see that as much rice as possible is made available to us. (At this stage, Mr. Speaker took the Chair.) Sir, it should not be said that because we are beggars, we cannot be choosers and that we should take the maize as well. Now, Sir, the statistics supplied by Mr. Karanth should not be taken to be an exaggerated one. When we were in Udipi the other day in connexion with the Aliyasanthana Bill, we found that as statutory rationing in that place was removed, the immediate result was that rice was not available to the persons there. They also told us that rice was available only at exorbitant rates of Rs. 20 or Rs. 30 per *murra*. In fact, I did see that some middle-class families have migrated into the statutorily rationed areas. When such is the case with the middle-class people, hon. Members may well imagine how difficult it must be for the poorer classes to maintain themselves in that area. Udipi taluk is considered to be a surplus taluk. When the people of that taluk are suffering, hon. Members can understand the position of the South Kanara district. (One hon. Member: What is a *murra*?) A *murra* is a maund of rice. I think Government will be satisfied with the statistics that have been furnished by Mr. Karanth and I hope they will come forward to give us the help that is absolutely needed, because there is a lot of discontent in our district for want of rice."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Mr. Speaker, Sir, it is cruel destiny that has brought us to strange bedfellowship, myself and hon. Mr. Karanth, who has moved this adjournment motion. Mr. Speaker, Sir, every word of what he

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has said, I echo because every word of that speech applies to my district as well. Just for a moment imagine that if you substitute North Arcot for South Kanara, the entire account that has been rendered by Mr. Karanth on the floor of this House will be perfectly true. But, what is the remedy? It is no use accusing because we know that it is with the utmost reluctance that Government gave up control and they now experiment on decontrol which is going to cost many lives. Already there are stories that cases of silent starvation are increasing in my district and I am afraid that if conditions are allowed to continue like this, there may be, as hon. Sri Karanth has apprehended, even deaths resulting from starvation. Already there are some deaths due to starvation but probably they are not officially taken cognizance of. Happily for us, there is this thing. The Hon. the Premier and the Hon. the Food Minister will shortly be at Delhi for attending the Food Conference and I am sure they will certainly take stock of the situation in this Province and suggest ways and means to that conference to see that they abandon the present costly experiment of decontrol. Well, Sir, whatever may be the merits of decontrol in other directions, in the matter of food, I do not think we can any longer continue this experiment. Already, we know that prices are very high. Even in my own district, rice is selling at Re. 1-2-0 per seer. When we are not able to get rice at that rate, how can you expect our toiling millions with such a hopeless standard of life to purchase rice at Re. 1-2-0 per seer? Therefore, in the name of humanity, in the name of the poverty-stricken millions of our country, I appeal to this Government to take this matter as a matter of great urgency and to see that not only stocks are easily moved to places which are deficit but also to see that rationing is restored."

* SRI V. RAGHAVAYYA:—"Mr. Speaker, Sir, when Mr. Karanth was plaintively appealing to the Government from time to time and asking how people will live, I thought the Government were going to say 'live like church mice'. The conditions brought about by famine, I think, are more man made than God made. It is the inefficiency of the department that is more responsible for the famine conditions than starvation natural and simple. I can give you instances and statistics to show how after decontrol has been introduced, many people have given up their stocks and stocks flew into the market more freely. Mahatma Gandhi had said several times that decontrol would prevent hoarding and black-marketing. That is one of the most important contributions that he had made before his death for the lasting benefit of this poor country. But our Government took that advice only in half and they have both control and decontrol at the same time. Therefore, neither fish nor flesh seems to be the policy of this Government in regard to this matter. If you decontrol, stocks will flow from one district to another. Sir, I come from a surplus district and I know that movement is being hampered by these controls. I take this

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opportunity to say that even recently tickets have been sold by Government servants to the agriculturists for some dramas or charitable performances and the price of these tickets were deducted from the bonus amounts that were payable to the ryots. That is the way in which charitable performances are going on. If you forcibly deduct the cost of the tickets from the bonus amounts, how are you going to induce the ryot to grow more food? Therefore, it is no wonder that the police people and the Revenue authorities meet with so much trouble and rioting in the villages. You approach the ryot; you ask him to give his paddy and tell him that he should apply for bonus. He applies urgently but still he does not get the bonus. Sir, I know that even last year's bonus was not paid to him. First of all, you say that you would pay the whole bonus in cash, then you say that you would pay half in cash and half in the shape of manure. But even from that half cash amount, you deduct the cost of the ticket for the drama or other charitable performance or which you ask the ryot to purchase tickets. If the Government wanted to spend money on charitable purposes, they could as well spend the amount from their own funds. Sir, that is the position obtaining with regard to this bonus in several districts. I saw even the other day that lots of bags of rice were being removed stealthily from the Nellore district. The Revenue authorities do not help you in checking and seeing that these stocks do not go out of the district and the policemen also do not help you, though they are there to check and prevent any illicit movement of foodstuffs and to save the fair name of the Government. All this arises because, the Government does not follow Gandhiji's advice *in toto*. Therefore, please take up courage and boldly say 'we decontrol' then rice will travel from Almora in the north to Rameswaram in the south. If you do not want to do so, revert back to control as before. There will be at least some consolation for you.

"Sir, my point is that Government should be more reasonable to the producers. If you want to give something to the ryots, give it in cash. That would have been much better. Last year, Sri Prakasam said, I will give the ryot bonus instead of purchasing stocks at huge price. He paid the bonus in cash straightway and that at the door of the ryot. The result was that the ryots gave away their stocks voluntarily. The Hon. the Premier is the Vice-President of an organization which has collected about Rs. 40,000 in my district and wanted to collect more. I had to intervene and stop it. Again, Sir, Government servants should not go about selling tickets and then deduct the cost from the bonus amount. Therefore, I say that you should make the bonus system really useful and effective.

"Sir, another point is that you have also to teach a lesson to the ryot and not pamper to them. Whenever a member of the Legislative Assembly or even a Minister approaches the big ryots for procurement, they say 'no' to them. I wish to request the Hon. the Premier to issue instructions that every Minister should

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go round the surplus districts and find out for himself the actual stock in each district. It is a necessity because, in these days, we, members of the Assembly and even members of the Treasury Benches are more or less at the mercy of the ryots. Therefore, I say that sternness has to be used by the Government where it has got to be used.

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"Sir, if you waver, the whole fabric will go to dogs. My suggestion, therefore, is, be stern, be firm, give bonus in time, get the stock and distribute it throughout. Finally, I would say, if you want to relieve distress, open fair price shops as abundantly as possible and for God's sake, whip up your men, who have not been doing their business well, to work intelligently and efficiently."

* THE HON. DR. T. S. S. RAJAN:—"Sir, I am very thankful for the members from South Kanara for the very strong and effective way in which they have presented their case before this House. A lot of strong language was certainly used and those of us who are in the Treasury Benches are not strangers to it. And when it concerns the question of food, I should expect something stronger than what has been said. But as far as the Government is concerned, I want to assure them that the concern of the food position is not only that of members of South Kanara but of the Government as well and every district in this Province, which we have undertaken to administer, is entitled to the same kind of attention and care at the hands of the Treasury Benches. Therefore, in managing and distributing a vital necessity as food for the people of our district, we show no difference. That is my first statement. Good and very strong advice was given to me that I am enjoying the cool air under the *panka* in the Secretariat. Well, Sir, I have no objection if members will remove my *panka* because I am sitting only near the beach and I can very well dispense with it. But I don't know what hon. Members will say if all these *pankas* are removed in the month of May and they are asked to sit here. This is only by the way. I may remind hon. Members who talk of *pankas* and writing on sheets of paper that I have been a humble farmer working under the fierce sun and I have produced food not only for myself but for our people as well and sold tons of it to the Government while my friends lectured from the Council Chambers and practised in Law Courts. In a situation of that sort, when the prime need of the country is food and food for everyone, I should naturally expect everyone to do his best instead of asking a farmer like me not to sit under a *panka* and write thesis on food from the material supplied to me by my subordinates. I would like to know whether hon. Gentlemen like Mr. Karanth who has been an ex-Minister of the Province and that too a Revenue Minister should advise me so. He should have been also advised by the same department, i.e., the Revenue Department, the Civil Supplies Commissioner and Collectors and so on. Well, if he found it easy enough to carry on . . . (Interruption by Mr. Karanth.) I just want to tell him that it is not because the machinery is bad except

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perhaps I am bad and inefficient. If I could administer my department without the Secretariat, without the Revenue Board, without the Collectors and without all the agencies that are provided for, I should be extraordinarily clever and if Mr. Karanth has found it possible to rely on the departmental figures, I only wish he conceded the same to me. He should allow me to carry on the administration with such agencies—good, bad and indifferent—and with such powers and supervision as I have over them, to carry this Province through a very difficult period. Very few realize and certainly those who have offered criticisms realize the position in the sense in which we, the Government, understand it. This Province is short of food. We grow food and yet we do not grow food enough for all our people throughout the year and therefore we are making a plan taking into consideration the rain, the failure of monsoon, imperfect procurement and black-marketing in grains, and all those illicit agencies which are working in spite of all the vigilance of the Food Department. I can say that the South Kanara district, apart from the statement made by my friend Mr. Karanth, has been receiving greater attention than all other districts. All our main agencies have been there and so far we have served them well in the previous years according to rationing. It is only recently there has been some trouble and to let you know what the trouble is you must allow me to make a statement in my own way. The statement before me is prepared by the Food Department and the Civil Supplies Commissioner. I am not able to dispense with the Food Department. But one thing which I would like to state is that these statements are based upon statistics which have been found true by the working of it for the last so many centuries in the Revenue Department and during the last five or six years of food administration in this Province, and that is the only answer I give for that statement.

"Sir, the normal area under paddy in the South Kanara district is 589,000 acres and the normal production of rice is 246,000 tons. I want these figures to be followed carefully because after all, I am explaining my position only in terms of the figures that are before me and which guide me in the administration of the Province. The population of the district in terms of adults is 1,298,400. The *per capita* normal production works out to 424 lb. *per annum*. This compares very favourably with the production figures in South Arcot and Tiruchirapalli, where the normal *per capita* production is 428 lb. and 363 lb., respectively."

SRI K. R. KARANTH:—"May I ask, Sir, what is the authority for all this . . ."

THE HON. DR. T. S. S. RAJAN:—"This is all your own figures of last year, Sir."

"It should be remembered in this connexion that these two districts are normally treated as surplus districts and have been exporting rice to deficit districts. I am giving a statement of facts about Tiruchirapalli and South Arcot districts as that they can be put side by side with what is being done in South Kanara to enable

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hon. Members to have a comparative estimate of the production and the population and so on. People will then have a correct picture of the situation.

"Sir, the latest estimate of the production of rice in South Kanara district for 1947-48 is 220,000 tons. This estimate takes into account the adverse seasonal conditions, which have affected the outturn of the second crop in the district. The seasonal factor reported by the Tahsildars was 86 per cent of the normal for both the crops put together. The seasonal factor according to the Collector was 87 per cent. The seasonal factor adopted by the Board of Revenue was only 82 per cent, taking also into account the damage suffered by the second crop. It may be mentioned in this connexion that the estimate of the District Agricultural Officer was 95 per cent of the normal in the case of the first crop and 80 per cent of the normal in the case of the second crop. It will thus be observed that the seasonal factor adopted by the Board was more conservative than what was reported by the Revenue and the Agricultural departments. There is no reason why this estimate should not be accepted, when similar estimates for the other districts have been found to be correct. Thus the criticism that is advanced in certain quarters, that the Board had blindly adopted certain estimates, is far from correct.

"Sir, taking the current year's estimated production of 220,000 tons into account, the annual *per capita* production works out to 349 lb. against a normal of 424 lb. This gives more than 1 lb. per adult per diem. As the *per capita* rice production for 1947-48 for the entire Province is only 13.8 oz. per adult per diem, it cannot be denied that South Kanara is in a much better position than most of the other districts. For a comparison, I may mention that this year's *per capita* rice production for South Arcot and Tiruchirapalli districts is less than 300 lb. per annum.

"Sir, it is stated in certain quarters that South Kanara was helped to the extent of 17,000 tons of foodgrains in each of the past three years and therefore requires help to that extent at least during the current year. This statement also is not correct. In 1945-46 the district, no doubt, imported 8,629 tons of rice but exported 10,020 tons to Malabar and was thus a net exporting district to the extent of 1,391 tons. In 1946-47 however the district imported 13,548 tons but exported 5,537 tons to Malabar and thus had a net import of 8,011 tons. Besides rice, the district also received some small allotments of milo and wheat.

"Sir, it has been urged that the decontrol and derationing was introduced at a most inopportune time in the district. This too is not a correct statement of facts. The announcement of the Government of India about decontrol was made only on the 10th December 1947. The main harvest in South Kanara took place in October and the yield was more or less normal. The harvest of the second crop was expected in February 1948. Therefore, it was not inopportune to introduce decontrol in December close on the heels of a normal harvest of the main crop and about six weeks before the second crop harvest. It has also been suggested that

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the derationing was ordered after an intensive and effective procurement. I have only to point out that the target for procurement for 1947-48 for South Kanara is only 40,000 tons out of a total production of 220,000 tons and it is therefore less than one-fifth and the actual procurement, i.e., 32,000 tons, is less than one-seventh, which is much less than last year's procurement either for this district or for the Province. Therefore the argument that we have taken all the grain from South Kanara is not correct. 5.30 p.m.

"At the time of decontrol, South Kanara had the following stock of foodgrains:—

(Stock as on 25th December 1947.)

	TONS.
Rice	23,963
Wheat and wheat products	77
Millets	7

The stocks have never fallen below 10,000 tons in any week following decontrol and up to the present moment, and even at the rate of offtake during the period, when total rationing was in force in the district, this would last for two months. It is therefore wrong to say that Government decontrolled at a time when the stocks were low.

"Even at the time when Government ordered derationing of rural areas in this and other districts, they had in view a situation, when stocks might go underground or sell at high prices. It was to meet such a situation that the Government directed all Collectors including the Collector of South Kanara to open as many relief shops as may be necessary in the rural areas, to provide some ration to such of those people, who were unable to obtain their requirements in the open market. The Collector of South Kanara deferred the opening of relief shops in view of the approaching second-crop harvest. But when the second-crop failed partially and when scarcity of foodgrains began to be felt, arrangements were made for opening relief shops. One hundred and sixty-three relief shops have been opened so far to serve 276 villages and more will be opened if the situation demands it. The Collector has been given full discretion in regard to the opening of new relief shops.

"As in the case of all the other districts, the scale of ration to be issued from the relief shops in the district was originally fixed at 3 oz. rice and 3 oz. maize. Government are aware that 6 oz. would be inadequate for an adult but in derationed areas people are free to purchase foodgrains in the open market also. The Collector of South Kanara gave the Board to understand, presumably at the instance of the people of the district, that they would not touch maize if it was supplied to them and would only give it to their pigs and cattle.

"Sir, it is not our intention to convert the people of South Kanara into pigs and cattle. It is our intention to give food to every good citizen of a free country. We are getting maize from far off South America at 3 to 5 times the price of rice. Any day,

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diet to diet, as a doctor I can say that maize has far more caloric value than rice. Two or three ounces of maize are equal to 10 ounces of rice. Maize is generally refused by the people who are not used to it. But as the quantity of rice has become reduced, we have to make up the caloric contents by giving maize. There is not much complaint from those who have taken it. In an area like Tinnevely where people are accustomed only to rice, the average consumption of maize is going up by leaps and bounds. The weekly disbursement is going up to about 2 to 3 thousand tons. People have learnt how to make edible things out of it. In fact, most of our friends who have the nice loaf of bread at fancy price to eat are eating maize alone without realizing what they are doing. There is nothing injurious about it. Only in the beginning people who are not used to it may find a certain amount of difficulty. We are passing through a critical period. We are not producing enough food for our people. We are getting maize at five times the price of rice from every corner of the world. The food is scientifically certified to be correct and we are distributing to the extent necessary. We must be congratulated for doing it instead of being criticized in this way.

"The Government of India promised $4\frac{1}{2}$ lakhs of tons of rice, but they have now asked us to take some maize in the place of rice, because imports have not arrived. For the people of South Kanara, 10,000 tons of Pakistan rice have arrived and they are being unloaded at Calicut. We have been diverting all available quantities of rice to South Kanara and Malabar. We have got enough stock in South Kanara and Malabar. Those of you who have read the weekly reports that we publish for the information of the legislators and the general public, the reports regarding the stock position, the forecasts, etc., will have noticed the assurance given by the Government of India that no man will be allowed to starve for want of food. Reference was made to the statement of Pandit Jawaharlal Nehru at Vizagapatam. Ships are now arriving in South India day in and day out and stocks are literally poured into South India to avoid famine. Therefore, if, on a certain day, there is a certain difficulty in a particular district, it does not deserve all the harsh words that have been spoken in the Assembly to-day. We have pushed forward our schemes to the best of our ability. We are not doing anything without consulting the public. Every step taken in the Food Department, the world knows. The public is taken into confidence. Under the circumstances, when I heard the remarks made by responsible people here, I was taken aback.

"Someone said, Sir, that he found a man dead on the road in Madras. Could we say that we have stopped deaths in this Province? Perhaps hungry people die quicker and in more numbers. But to say that they saw a man dead on the road on account of starvation and that the Government is responsible for it, is a charge which I cannot at all understand. Whenever a question of death from starvation came to our notice, within 24 hours we had the thing investigated, verified and certified by the medical men. Of

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course, anybody could criticize the certificates and say that the man did not die of dysentery and so on. If it is argument, you can argue anyway you like. It is a question of fact.

"Sir, a nutrition officer visits district after district and sends us fortnightly reports showing how the nutrition affects the health of the people there. Wherever his survey indicates malnutrition, special foodstuffs like milk tins and vitamin tablets are sent. But we have been accused of thoughtlessness, neglect and indifference. Our integrity and capacity are questioned by statements made in the most irresponsible manner in this House. To these I have made a suitable reply. -

"I was saying, Sir, that the people of South Kanara were reported not to be willing to take maize. Hence, the Board could not make any allotment of maize to the district. Relief shops could therefore give only 3 oz. of rice. In the circumstances, the criticism that the people were given only 3 oz. of rice with no alternative foodgrains lacks accuracy. But under the instructions of the Government, the Board has since allotted some quota of maize, which will be distributed through the relief shops in addition to rice. It is made to appear in some quarters as if maize is forced on South Kanara alone. This criticism is based on a misconception of facts. Only a small quota of maize has been allotted to the district, when compared to the quantities supplied to other deficit districts. It has to be remembered in this connexion that though our rice deficit this year is over $9\frac{1}{2}$ lakhs, the Government of India have promised only 150,000 tons in the shape of rice the bulk of the remaining 250,000 tons out of the quota of 4 lakhs of tons promised by them, will be received in the shape of maize alone. In fairness, therefore, South Kanara must take its share of maize just like the other districts in the Province if the district could not manage without imports.

"The scale of ration to be issued from relief shops all over the Province has since been increased to 8 oz. per adult per diem out of which 3 oz. will be rice and 5 oz. millets including maize. But in regard to South Kanara, Ramnad and Tinnevely, which have got a larger percentage of rice-eating population than the other deficit districts, the Government have specially ordered, that the rice part of the ration should be 4 oz. against 3 oz. in other districts. Instructions have also been issued to give one week's rations at a time in these districts instead of three days' rations. Further, 10,000 tons of Pakistan rice have been allotted to South Kanara district and it would be arriving there in two or three days, if it has not already arrived. Thus, South Kanara has been accorded a much better treatment than any deficit district in the Province.

"In order to curb the tendency for prices to rise, the Government have instructed the Collector to watch the situation carefully and to open more relief shops wherever necessary. They expect that the regular weekly issue of ration through the relief shops at controlled prices will also have the effect of bringing down the prices.

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The Government have also instructed the Collectors of all districts including South Kanara to convert maize into flour before issue through the relief shops.

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"Much has been made of the fact that transfer of 10,000 tons of rice was ordered from the district to Malabar. The facts are that in December the stock position in Malabar became alarmingly low. At that time, South Kanara had in stock nearly 24,000 tons of rice which represented about five months' requirements. The Board therefore ordered the transfer of 10,000 tons from South Kanara to Malabar. That is all we have done and we have not committed any grave sin in having done that. Actually, however, only 6,855 tons were moved from the district, when further despatches were stopped. It should be remembered in this connection that when South Kanara was in similar difficulties, the Board ordered the transfer of stocks from Malabar to South Kanara earlier in 1947. This was done on grounds of common humanity to enable the neighbouring district to tide over the crisis. In fact, if South Kanara goes down it would be given and so what is the crime in this. As a matter of fact, when we go into facts and figures, this is the bare truth. The Board has necessarily to make such inter-district transfers in the interests of equitable distribution and it is not fair that South Kanara district should protest against this transfer.

"Before closing, I wish to add that the Civil Supplies Commissioner, Mr. Hejmadi, visited Kasargod and Mangalore recently to gain first-hand knowledge about the conditions in the district. He has also discussed the question with the District Food Committee. In the course of the tour, he also inspected some relief shops and found that people were not averse to taking maize. He has instructed the Collector to open as many more relief shops as he considers necessary. It is, therefore, incorrect to say in these circumstances that nothing has been done for South Kanara or that the district has been abandoned. On the other hand, the facts mentioned above will show clearly that South Kanara has been accorded a much better treatment than most other districts and if still South Kanara wants more rice or only rice, it can be done only at the expense of the deficit districts, where the conditions are worse.

"Sir, I have only to make one observation by way of reply to Mr. Hussain. He asked me to go with him *in cognito* at nights into the streets of South Kanara to see how the stock position there is. No doubt it is very good. I am sure any Minister who has got the strength, time and vitality and if he could get something substantial, may undertake to do it. As long as the life in me lasts, I am prepared to go and if Mr. Hussain comes with me and shows the houses where people have stored the rice, I am prepared to take necessary action. I throw this challenge to him. I had been to South Kanara a number of times and I know what exactly is the difficulty there. If he only cares and puts his back and takes all the resources at his disposal to prevent all the smuggling in South Kanara, he will be doing a great help indeed. On

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the other hand, he looks to the surplus districts and charges the Government by saying that they are keeping quiet. I think that is too much imagination that could be expected of party politics. As a matter of fact, with the urge to serve the people and there is the desire to discharge one's duty—I am much older now than in the years when I was young—I can still claim to have done my work and I propose to do it to the best of my ability if only friends like him would come forward and help me in the task. As Mr. Hussain asked me to visit South Kanara, I would ask him to give me that help, but he has not done so. On the other hand, in an adjournment motion, he says go and see what is happening in the neighbouring district. Of course, I am prepared to go and it is not as if I hesitated to go to the real place where there was trouble. I have done that as an ordinary worker. I have done so while I was Minister for Public Health and I am prepared to do it now as Minister for Food, which is more important than any other portfolio in the hands of a Minister. It is not a question of preparedness or the want of anything else but it is a question of grave situation that has to be taken into consideration. Am I not to take the Tahsildar or the Collector or the staff concerned if I want? It is merely childish to go at nights, change one's dress and so on, as suggested by my Friend, as if I do not know what is happening in those places. I know what is going on. I know something more than what my hon. Friend knows. Huge efforts are being made there and I know even these will not solve the problem, but I am only making this as a personal answer to the charge made against me by my hon. Friend.

"I am very grateful to this House and to Mr. Karanth in particular for having brought the situation in South Kanara to notice about which he has been feeling strongly for the past few months. I may assure him that I have given my personal consideration in all the possible ways that I have described to-day. I may also assure him that I am prepared to give still further assistance and all assistance possible to South Kanara with the resources at my disposal and at the same time be fair to district to district and not be unfair to anybody either in the west, east, south or north. I may, however, give the assurance that to-day our food position is not acute. It is such that we can, given a little goodwill and a little sympathy, tide this Province over for the next few months. I am absolutely certain about that because of our confidence and the great help we are getting from the Government of India. Enormous quantities of food come everyday through various steamers that touch our ports. I can see before me a growing reserve; I have got a reserve of 4 lakhs of tons of rice now on hand and I have also got so much of maize before me, as also other grains. After all, my friend has merely to go round Avadi and see the number of godowns working under a Deputy Collector and the whole staff of Entomologists who are working there to preserve the stock of our food. If he could only see that, I am sure, he will be more convinced than debating in this House as to what is being done by

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the Government to give food to the people, and to secure the food that has been bought so that it may serve the needs of the people of this country in a state in which they can eat, live and thrive. That is exactly what I feel is the duty of the Government which we have been trying to discharge all these months. Let me again assure you, if you show us any place where exactly a weak spot lies, we will be there and see what can be done. With your help and sympathy I think there is no need to worry ourselves about the Communists. They starve just as every Congressman starves and I should feed the Communists as much as I should feed a Congressman. In spite of the trouble he gives and in spite of all that he is doing to pull me down from the Government, I still feel he is a man of this country, born in India. If he is going to give trouble, I know how to deal with him but still I will give him food and that is the only solution as far as I know. I do not believe in prosecution as it has been done all these six long years in this Province. I know chowkidars, hundreds and thousands of them, who have become millionaires and they are also our own people. You have to feed them too even though we know that so much of money has come into the pockets of these people. Sir, public morality has been blown into the winds by this control. The moment the control goes, I am sure, the normal human character will come up and our country will certainly be safe."

* SRI K. R. KARANTH:—"I thank you, Sir, and the Hon. Minister for allowing me a few minutes so that I may reply. Because I thought I would not have an opportunity of replying I intervened when the Hon. Minister was speaking. As an essay on figures, his speech was a brilliant exposition, but I am sorry to say when I asked the Hon. Minister what was the authority for saying that so many thousands of tons of rice were in the district—it is all built upon arithmetical calculations and nothing more—he shows the statement of the Food Secretary. The trouble is that the speech which he read was prepared by the Food Secretary and the arguments we members have advanced here were not anticipated by him. My point was not that ten thousand tons should not have been taken to Malabar, but what I said was, by taking that you created a local situation. The Hon. Minister also said that I had also been in charge of the administration and I must rely upon the figures prepared by the department. It was a little of a personal attack but it does not matter. May I tell him that I never relied fully upon my official figures that were placed before me. He also referred to my being a lawyer but I tell him that my practice of the law tells me, never to take anything for granted. People here, in the Secretariat, are very clever. If the Hon. Premier wants to intervene I shall gladly sit down; otherwise when things are said without others being able to hear them it is difficult to reply. It is not always good to make statements based upon figures prepared by someone else. At least there were a dozen responsible members who supported me but not one of them according to the Minister is correct. On

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the other hand, when the difficulty is there, when people cannot get rice, when the district is considered deficit according to the statement of the Hon. Minister and the statement of the Food Secretary I referred to shows 34,000 tons as deficit. There was no answer to all that. When I read from the Collector's letter of 2nd January which says, 'the district is normally a deficit district that in the present year the deficit is going to be 30 thousand tons', there is not a word of reply in regard to that. For Heaven's sake, when responsible people in the district who have seen things for themselves come and tell you, give them credence for at least 10 per cent of what they say if you cannot give them cent per cent, but do not rely entirely on departmental figures. That is all my request. To all the points I have raised no answer has been given but the Minister simply says, that the district is surplus even when his own subordinates say it is not so. I am sorry, I cannot agree with much of what he has said about the food situation. We know it and we do not want to minimise it. We are not irresponsible men as it might be imagined but the trouble is, we are in the district and we know that a good deal of mismanagement is going on and the Hon. Minister asked my friend, Mr. Hussain, to go and stop smuggling there. Where is your Police? At best the local authorities can do it. As my hon. Friend, Mr. Schannad from Kasargod said, he knows of things happening there, it is the fault of those who are running the administration and it is not for the M.L.As. to prevent the smuggling. It is the duty of others appointed and paid for the purpose. The Minister merely ignores all these things and gives only 3 ounces and says he is doing great justice and things like that. It is not proper. If after all these debates, he had said, I would give you 2 ounces more, that would have been at least something. On the other hand to simply say that he cannot raise the ration beyond three or four ounces the people cannot be grateful for the statement. As regards maize also, it is all very nice to read about it in books. I will ask the Hon. Minister, how much maize he is himself eating per day. (The Hon. Dr. T. S. S. Rajan: I have been used to bread made of maize for so many years.) I am quite sure that he is certainly getting more than 8 ounces at least of rice and maize only as a supplement. (The Hon. Dr. T. S. S. Rajan: I have no ration card for rice.) That is exactly the trouble. He is able to eat the finest rice which he is getting from his farm, whereas, I get rice from the ration shop and I know what it is. I have seen his farm. When he was not in office I paid a visit to his farm and stopped with him for a day or two. I admire his energy. I have also got a cutting of the statement he made on the 7th of September which appeared in the 'Hindu'. He stated therein that he took much more from the people of my district than what he was prepared to give them. Therefore, Sir, it is no answer for people like me who have got families to live on 8 ounces day after day and month after month whereas he can get 10 to 12 ounces from his farm. Maize becomes a luxury for those who can get it as a supplement but not for those who have to eat

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it or to starve all the time. Therefore, I have to say, I am gravely dissatisfied with his statement. The difficulty in my district is there is mismanagement. Government must prevent the smuggling that is going on. Take hold of the stock from the rich people and distribute equitably to the people who are starving. It is no excuse to say that we are not giving him any help, whereas it is all due to the maladministration that is going on in the district. My hon. Friend from Tanjore said that in his district they could have rice in any quantity at less than controlled rates. Sardar Vedaratnam, I suppose, knows things better”

MR. SPEAKER:—“ It is now 6'o clock and the debate automatically ends. I adjourn the House to 11 a.m. on Monday, the 26th April 1948.”

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APPENDIX I.

[Vide answer to unstarred question No. 34 asked by Sri M. Kanniyappan at the meeting of the Legislative Assembly held on the 21st April 1948, page 213 supra.]

Electrical and Mechanical Department in Government Press.

Designation.	Scales of pay prior to 1st January 1947.	Scales of pay as per G.O. No. 74 Finance, dated 6th February 1947.	Scales of pay as per G.O. No. 916 Finance, dated 24th November 1947.	Qualification.
(1)	(2)	(3)	(4)	(5)
1) Electrical and Mechanical Engineer.	200—307—380 40/2—500.	..	..	No person shall be eligible for appointment— (a) by direct recruitment— (i) if he has completed 30 years of age on the first day of July of the year in which the selection for appointment is made; and (ii) (1) unless he possesses a degree in Mechanical Engineering of the University of Madras obtained before 1933 or a degree in Electrical Engineering of the University of Madras obtained in or after 1933; and (2) has had practical experience in factory workshops or electrical undertakings for a period of not less than three years; and (b) by recruitment by transfer from any other class or service unless he— (i) possesses a degree in Mechanical Engineering of the University of Madras obtained before 1933; or diploma in Electrical and Mechanical Engineering of the College of Engineering, Guindy, obtained before 1933; or a degree in Electrical Engineering of the University of Madras obtained in or after 1933; or a diploma in Electrical Engineering of the College of Engineering, Guindy, obtained in or after 1933; and (ii) has had practical experience in factory workshop or electrical undertakings for a period of not less than three years. Practical knowledge and experience of the duties to be performed in the post. Practical knowledge and experience of the duties to be performed in the post.
(2) Chief Electrician and (4) Fitter Mastril, (3) and (5) Assistant Electrician, Grade I Assistant Mechanic, Grade I.	50—4/2—70 38—4/2—40 32—35.	90—5—131 (E.B.) 10—150. 45—3—30 (E.B.) 2—1/2—85.	90—5—130 (E.B.) 11—150. 70—4—110.	..

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APPENDIX II.

[Vide answer to unstarred question No. 36 asked by Sri G. Kumaraswami at the meeting of the Legislative Assembly held on the 21st April 1948, page 215, supra.]

List of irrigation works (Major and Minor) that are being carried out this year (1947-48) in the North Vizagapatam district.

1. Schemes in charge of the Public Works Department—Nil.

2. Schemes in charge of the Revenue Department.

CHICACOLE TALUK.

Repairs to—

1. Aringarayudu tank of Vanjangi.
2. Sonthi Appaigadu tank of Anupolu.
3. Pedda tank of Tandamvalsa.
4. Chinna tank of Tandamvalsa.
5. Masahe tan of Singupuram.
6. Duvva othakara of Boddapadu.
7. Jaggilbanda of Boddapadu.
8. Kanagal banda of Boddapadu.
9. Rachakarna of Boddapadu.
10. Krishnammaidu tank of Budithi.
11. Lachmunaidu tank of Budithi.
12. Krishnadasu tank of Budithi.
13. Nikkumusalit tank of Budithi.
14. Kamulikara of Budithi.
15. Rayanabanda of Purushotapuram.
16. Chinnakayanamu of Purushotapuram.
17. Peddikayanamu of Purushotapuram.
18. Kottakaraka of Purushotapuram.
19. Lingam tank of Ampolu.
20. Bukedala tank of Jamivalsa.
21. Marrikara of Jamivalsa.
22. Sobhanadri tank of Jamivalsa.
23. Ganguluvani tank of Marivalsa.
24. Kotta tank of Domarlappalli.
25. Tivva tank of Domarlappalli.
26. Kamba'a tank of Venkatabada.
27. Banabala tank of Venkatabada.
28. Krishnamma tank of Elamanchili.
29. Nallanna tank of Elamanchili.
30. Vura tank of Elamanchili.
31. Menda Naidu tank of Budithi.
32. Appihvani tank of Chingavalasa.
33. Jazamadhasagaram of Chingavalasa.
34. Raminaidu tank of Chingavalasa.
35. Karrivani tank of Chingavalasa.
36. Ura tank of Chingavalasa.
37. Tatibanda of Chingavalasa.
38. Supply channel to Kottamala tank Ippili.
39. Supply channel to Peddagundaru tank Ippili.
40. Supply channel to Kasimatantivani tank of Ragolu.
41. Supply channel to Peddala tank of Althar.
42. Supply channel to Gundam tank of Korlam.
43. Field channel in S. Nos. 36 and 41 of Ragolu.
44. Nandigadi tank of Paddapadu (flood damages).
45. Naira tank of Naira (flood damages).

PALKONDA TALUK.

1. Jaggandera tank of Gopalapuram.
2. Amadala tank of Gopalapuram.
3. Yerra tank of Gopalapuram.
4. Kurmandor tank of Chinnagore.
5. Yerra tank of Narasipeta.
6. Lakshmisagaram of Veerabhattam.
7. Dalinaidu tank of Parampeta.
8. Bokkalamvani tank of Peddasaram.
9. Pettacheruvu of Karagara.
10. Gonglavani tank of Karagara.
11. Leinidu tank of R. Gumada.
12. Akaram tank of R. Gumada.
13. Sangamaidu tank of R. Gumada.
14. Gollavani tank of R. Gumada.
15. Gudalla dora tank of R. Gumada.
16. Ravicheruvu of K. Gumada.
17. Ghanalla cheruvu of K. Gumada.
18. Gumpi anubanda of K. Gumada.
19. Thamminaidu tank of K. Gumada.
20. Chinna tank of Neekavada.
21. Gedilpunu of Chilakalipalli.
22. Kamasalibanda of Chilakalipalli.
23. Lakshminna Patnaik tank of Chilakalipalli.
24. Thammaidu tank of Chilakalipalli.
25. Ura tank of Chilakalipalli.
26. Varahapuram of Chilakalipalli.
27. Gedda tank of Devakavada.
28. Kottapalivani tank of Devakavada.
29. Baddi tank of Kodisa.
30. Nayudu tank of Kodisa.
31. Gangavani tank of Kodisa.
32. Kottalavani tank of Kodisa.
33. Kottalavani tank of Thivvada.
34. Chintala tank of Thivvada.
35. Pillani tank of Thivvada.
36. Manga tank of Thivvada.
37. Pakaru tank of Thivvada.
38. Padireddivani tank of Thivvada.
39. Pottinaidu tank of Thivvada.
40. Kotta tank of Thivvada.
41. Ganganna tank of Arasada.
42. Ramachendru tank of Arasada.
43. Pothivanakara of Arasada.

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PALKONDA TALUK—cont.

44. Kondalakara of Arasada.
45. Arunga tank of Arasada.
46. Eelinaidu tank of Arasada.
47. Ravikara of Arasada.
48. Bankibanda of Arasada.
49. Kotta tank of Arasada.
50. Pottivan tank of Arasada.
51. Telukulavani tank of Arasada.
52. Amudalaka tank of Arasada.
53. Pedachakal tank of Arasada.
54. Asarikara of Arasada.
55. Chinnakara tank of Arasada.
56. Chinnakara of Arasada.
57. Pinnastamma tank of Arasada.
58. Lathchanaka tank of Arasada.
59. Yerra tank of Mulakalavasa.
60. Yendavalutthanna tank of Mulakalavasa.
61. Gedakala tank of Mulakalavasa.
62. Ura tank of Velagavada.
63. Nalla tank of Velagavada.
64. Lakka tank of Singannavasa.
65. Boddu tank of Singannavasa.
66. Satesagaram of Singannavasa.
67. Nalla tank of Singannavasa.
68. Padaraju tank of Vone.
69. K. Ramayya tank of Bukkuru.
70. Baminaidu tank of Mandaveti.
71. Dabaji tank of Akkara.
72. Buradavadi tank in S. No. 107 of Mukundapuram.
73. Karanabani tank of Akkarapalli.
74. Buradavadi tank of Mandarada.
75. Gadivani tank of Mandarada.
76. Regulavasa tank of Govindapuram.
77. Kidavani tank of Govindapuram.
78. Moditavadi tank of Govindapuram.
79. Kandanavani tank of Govindapuram.
80. Barrapalivani tank of Chintalapeta.
81. Chilakalavani tank of Chintalapeta.
82. Raju tank of Ramarajapuram.
83. Ravaji tank of Lodai.
84. Gotta tank of V. P. Peta.
85. Komali cheruvu of K. njangi.
86. Thentuvani tank of K. njangi.
87. Manyam tank of K. njangi.
88. J. linaidu tank of K. njangi.
89. Vemureddi tank of K. njangi.
90. Pinnamali tank of Iruvada.
91. R. Venkayya tank of Iruvada.
92. Venkatappa tank of Iruvada.
93. Puligora Naddivani tank of Iruvada.
94. Penninti Yerranna tank of Iruvada.
95. Joganna tank of Iruvada.
96. Subbadu tank of Iruvada.
97. Chavani tank of Maruvada.
98. Penugali tank of Maruvada.
99. Chintala tank of Maruvada.
100. Peddinti tank of Nigurvada.
101. Karasiddi tank of Nigurvada.
102. Kondacheruru of Nigurvada.
103. Jagabanda of Nigurvada.
104. Papaya tank of Chilakalipalli.
105. Pedacheruru of Chilakalipalli.
106. Jungle clearance Jaggandera tank of J. Gopalapuram.
107. Jungle clearance Amudala tank of J. Gopalapuram.
108. Jungle clearance Yerra tank of J. Gopalapuram.
109. Mallidam and supply channel of Sivi-danda.
110. Amma tank of Vone.

NARASANNAPETA TALUK.

1. Marri tank of Gendivala.
2. Nigalakarra of Velusoda.
3. Narasannapeta tank of Guggila.
4. Kambala tank of Paruvada.
5. Kuravasa tank of Gathalavasa.
6. Kari tank of Bhimapuram.
7. Karri tank of Koduru.
8. Yaguva tampara of Maghavaram.
9. Gudavani tank of Boddavasa.
10. Taranka of Tamarapalli.
11. Kummurapuni of Kotabommali.
12. Kakaravani tank of Chinnadurgam.
13. Ravadaparasadi tank of Chinnadurgam.
14. Burjanarayudu tank of Narayanavasa.
15. Ammagari tank of Rana.
16. Papaya tank of Rana.
17. Achivani tank of Gollipalli.
18. Munikoti Lathanna of Jalumuru.
19. Tunkkara Kamayya Kotta tank of Salavaru.
20. Gunubolu Sanyasi tank of Salavaru.
21. Thammayya tank of Salavaru.
22. Pedda tank of Peddagum.
23. Vinagalabanda of Peddagum.
24. Kallinaidu tank of Peddagum.
25. Chinallamma tank of Akkanda.
26. Gangujola tank of Akkanda.
27. Ralla tank of Akkanda.
28. Ullagal tank of Akkanda.
29. Sanna tank of Akkanda.
30. Machavani tank of Akkanda.
31. Garupuvani tank of Akkanda.
32. Onakalavadi tank of Akkanda.
33. Malabada of Kotabommali.
34. Naradalikara of Golliputti.
35. Sagaraju tank of Mohiddinpuram.
36. Luvvika of Mohiddinpuram.
37. Sothanadri tank of Bhyriuram.
38. Gollabanda of Bhyriuram.
39. Ravakana tank of Ramayyavasa.
40. Sanyasi tank of Jammu.
41. Narayanakara of Jammu.
42. Kasi tank of Gollipalli.
43. Jaggu tank of Kotabommali.
44. Kurinagundam of Thamarapalli.

ICHAPUR TALUK.

1. Beela tank of Kapushudli.
2. Yerra tank of Lilagam.
3. Lingala tank of Lilagam.
4. B. deput tank of Lilagam.
5. Supply channel to Akkaperumal tank of Bilagam.
6. Supply channel to Kota tank of Belagam.
7. Burlaputti tank of Kapushudli.
8. Purushottam tank of Lolagam.
9. Chittinaidu tank of Lolagam.
10. Kotta tank of Lolagam.
11. Podiabanda of Lolagam.

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ICHAPUR TALUK—cont.

12 Gundam tank of Lolagam.	25 Podiabanda of Rajapur.
13 Ghani cheruvu of Lolagam.	26 Mittanabanda of Rajapur.
14 Vancham tank of Putiadala.	27 Jamukera tank of Rajapur.
15 Yera tank of Rajapur.	28 Kinji tank of Rajapur.
16 Palakanda of Karidi.	29 J. gi tank of Bodagam.
17 Yerra tank of Khojiria.	30 Nakka tank of Khojiria.
18 Mangalavani donka of Kaniti.	31 Bandirevughani of Belagam.
19 Challirevu tank of Kavti.	32 Voora tank of Karapadu.
20 Mahendra tank of Karapadi.	33 Flood damage repairs to Kamangeddi of Muchindia.
21 Damuni tank of Vinjagini.	34 Right bank of Padmapur Gedda of Dharmapur.
22 Neradu tank of Bodagam.	
23 Devalam tank of Vijagini.	
24 Jami Appaiah tank of Rajapur.	

APPENDIX III.

[Vide answer to unstarred question No. 38 asked by Dr. S. Subrahmanya Ayyar at the meeting of the Legislative Assembly held on the 21st April 1948, page 216, supra.]

[SUBJECT.—Scheme for the production of ergot by the Agricultural Department.]

In February 1943, the Government sanctioned the proposal of the Director of Agriculture for the production of ergot of rye in the Nilgiris for a period of one year in the first instance under the direct supervision of an Assistant Mycologist. The work was started in April 1943 and the scheme was enlarged in April 1944 and was sanctioned for three years. The scheme originally aimed at the production of one ton of ergot in 1944 with progressive increase in subsequent years. Production is now restricted to the 1944 level for which there is firm demand. The question of continuance of the scheme during 1948-49 is under consideration.

2. The work was originally started on an one-acre plot at the Agricultural Research Station, Nanjanad, with rye seed and fungus cultures supplied by the Government Mycologist, Coimbatore. Private land owners were also encouraged to grow rye on their lands for ergot production. In 1943-47, 79 acres were reported to have been cultivated with rye in the subvention farms and 22 acres in the Agricultural Research Station, Nanjanad. A subvention of Rs. 70 per acre was paid to the growers for the preparation of lands, sowing, weeding, etc. The Agricultural Department purchased the crude ergot from the growers at Rs. 1-4-0 per lb. The product was sold to private firms at a rate fixed by Government as the anticipated demand by the Director-General, Indian Medical Stores, did not materialize. There was, however, enough demand in the open market. In 1946-47, 866 lb. are reported to have been sold to private firms. The Surgeon-General was asked to obtain his supplies from the production of ergot under the scheme and not to place indents

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elsewhere. In September 1947, 1,200 lb. were ordered to be transferred to the Indian Medical Stores Depot for supply to Government hospitals and other medical institutions. The following table shows the expenditure and receipts on the scheme during 1944-45 to 1946-47:—

	1944-45.	1945-46.	1946-47.	Total.
	RS.	RS.	RS.	RS.
Actual expenditure	20,234	19,440	21,780	61,454
Receipts	4,319	28,307	32,445	65,071

3. The ergot grown originally on the Nilgiris had an alkaloid content 0.19 per cent, calculated as ergotoxine. From this material numerous sclerotia were analysed by the Mycology Section individually and those that exhibited the highest alkaloid content were utilized for bringing the fungus into culture. During the second year there was an improvement of the alkaloid content to about 0.30 per cent. Further selections were continued and at present the average alkaloid content of the bulk produce has been raised to 0.39 per cent. All the firms who purchased this ergot have uniformly pronounced that the quality of the Nilgiri ergot is very good. A new selection is reported to have been made from the produce of 1946-47 and multiplied for spray inoculation in the next season. It has been proved both by chemical and biological assay that the latest produce contains double the alkaloid content of the best imported stuff. The B.P. standard for the drug is only 0.19 per cent. The following figures show the alkaloid contents of ergot produced by various countries of the world:—

Russia 0.06 per cent.

Spain 0.20 per cent.

Germany 0.09 per cent.

India (Madras) 0.39 per cent (attained in 1946).

4. To give a more substantial inducement to the ryots than mere subvention in order to make them pay greater interest to the production of ergot, the Director of Agriculture has suggested the outright purchase of dry ergot at Rs. 12 per lb. and semi-dry ergot at Rs. 10 per lb. without payment of any subvention. The Government have approved the Director of Agriculture's proposal.

5. The crude ergot produced by the department is now processed at the Indian Medical Stores Depot, Madras, into Ergota Preparata and Extractum Ergotae. The products are stored by the Indian Medical Stores Depot for supply to Government hospitals and other medical institutions maintained by local bodies at prices given in the latest priced vocabulary of the Indian Medical Stores Depot.

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APPENDIX IV.

[Vide answer to unstarred question No. 39 asked by Sri K. Shanmugam at the meeting of the Legislative Assembly held on the 21st April 1948, page 217 supra.]

(The figures are as they stood on 1st January 1948.)

District.	Deputy Registrars of Co-operative Societies.	Co-operative Sub-Registrars.	Senior Inspectors.	Junior Inspectors.
(1)	(2)	(3)	(4)	(5)
(a)—				
Vizagapatam	1	11	36	11
Chicacole	1	2	14	4
East Godavari	1	7	26	40
East Godavari Land Mortgage Banks Circle (North)	1	15	..	..
West Godavari	1	4	28	18
Kistna	1	5	23	17
Guntur	1	3	28	33
Anantapur	1	8	29	24
Bellary	1	7	31	6
Cuddapah	1	8	25	11
Kurnool	1	6	17	6
Chittoor	1	11	23	8
Nellore	1	4	24	16
South Kanara	1	6	21	11
Madras	1	7	45	11
Madras Land Mortgage Banks (Central)	1	11	..	1
Madras Handloom Weavers' Provincial Co-operative Society	4	..	..	..
Madras House Construction Society	1	..	..	..
Registrar's Office, Madras	3	8	23	30
Chingleput	1	11	25	20
South Arcot	1	4	19	20
Tanjore	1	10	14	22
Kumbakonam	1	4	15	22
North Arcot	1	7	27	17
North Arcot Katpadi Co-operative Township	1	..	..	..
Trichinopoly	1	6	23	27
Madura	1	5	30	24
Ramnad	1	6	43	13
Tinnevely	1	8	30	23
Tinnevely (Procurement)	1	..	..	..
Malabar	1	6	25	27
Malabar (Procurement)	1	3	22	1
Coimbatore	1	11	70	19
Coimbatore Land Mortgage Banks Circle (South)	1	13	..	1
Nilgiris	1	2	9	5
Salem	1	5	35	14
Total	41	224	785	502

(b) Harijan officers, their names, service and qualifications—

Deputy Registrars—

(Nilgiris) Ootacamund. Sri A. Venkatesan, B.A.; D.F.A.—1st February 1941 (by recruitment); L.—Tamil and Telugu.

Co-operative Sub-Registrars—

1 East Godavari .. Sri K. Suryanarayana, B.A.; D.F.A.—2nd May 1940 (by recruitment); L.—Tamil and Telugu; Q.—Co-operation, Banking, Book-keeping and Auditing (II Class), Second-class Language Test in Tamil and Accounts.

NOTE.—Q = Qualification. D.F.A. = Date of first appointment. L = Language.

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Co-operative Sub-Registrars—cont.

3 Cuddapah .. Sri A. Balanaganna, B.A.; D.F.A.—3rd May 1940 (by recruitment); L.—Telugu and Kannada; Q.—Co-operation, Auditing, Banking and Book-keeping (II Class) and Accounts.

3 South Arcot .. Sri S. Ratnavelu; D.F.A.—6th August 1932; L.—Tamil; Q.—S.S.L.C., Book-keeping and Banking (Lower), Co-operation and Auditing (II Class) and Accounts.

4 Coimbatore .. Sri P. Raman, B.A.; D.F.A.—5th October 1937 (by recruitment); L.—Tamil and Malayalam; Q.—Co-operation, Auditing, Book-keeping and Banking (II Class), Accounts and Language Test in Malayalam.

Senior Inspectors—

1 Vizagapatam .. Sri G. Ramamurthi; D.F.A.—24th February 1937; L.—Telugu; Q.—Intermediate, Book-keeping, Co-operation, Banking and Auditing (II Class).

2 East Godavari .. Sri Ch. Lakshmaniah; D.F.A.—15th February 1943; L.—Telugu; Q.—S.S.L.C., Co-operation (I Class), Banking, Book-keeping, Auditing (II Class) and Typewriting (Lower).

3 Bellary .. Sri G. Thirumalaiooss; D.F.A.—16th October 1937; L.—Telugu; Q.—Intermediate, Co-operation, Auditing, Book-keeping and Banking (II Class).

4 Nellore .. Sri K. Subbayya; D.F.A.—22nd October 1943; L.—Telugu; Q.—S.S.L.C.; Co-operation, Auditing, Banking and Book-keeping (II Class).

5 Cuddapah .. Sri P. Venkatasubbayya; D.F.A.—15th October 1937; L.—Telugu and Tamil, Q.—S.S.L.C., Co-operative Training, Co-operation, Banking, Book-keeping and Auditing (II Class) and Second-class Language Test (Tamil).

6 Do. .. Sri M. Gangulappa; D.F.A.—13th October 1934; L.—Telugu; Q.—S.S.L.C., Co-operation, Auditing, Book-keeping and Banking (II Class).

7 North Arcot .. Sri P. Sellamuthu; D.F.A.—30th January 1932; L.—Tamil; Q.—Intermediate, Co-operation, Book-keeping, Auditing and Banking (II Class).

8 Ramnad .. Sri R. Kandaswami; D.F.A.—21st January 1935; L.—Tamil; Q.—Intermediate, Typewriting (Lower), Co-operation, Auditing, Banking, Book-keeping (II Class) and Accounts.

Junior Inspectors—

1 East Godavari .. Sri R. Naresimham; D.F.A.—3rd July 1920; L.—Telugu; Q.—S.S.L.C. and Book-keeping (Advance Fitments).

2 Do. .. Sri K. Kotiah; D.F.A.—15th August 1944; L.—Telugu; Q.—Intermediate and Auditing.

3 Do. .. Sri N. Narayudu, B.A.; D.F.A.—1st January 1945; L.—Telugu; Auditing and Book-keeping.

4 Do. .. Sri S. Anandaro; D.F.A.—8th June 1946; L.—Telugu; Q.—S.S.L.C. and Banking.

5 Guntur .. Sri Y. Masthan; D.F.A.—15th August 1944; L.—Telugu; Q.—Intermediate, Auditing, Co-operation, Book-keeping and Banking (II Class).

6 Do. .. Sri P. Venkateswarlu; D.F.A.—15th January 1945; L.—Telugu; Q.—Intermediate, Typewriting (Lower), Book-keeping, Co-operation, Banking and Auditing (II Class).

7 Madras .. Sri A. Padmanabhan; D.F.A.—18th October 1938; L.—Tamil; Q.—S.S.L.C.

8 Do. .. Sri P. Pichaimuthu; D.F.A.—1st January 1945; L.—Tamil; Q.—S.S.L.C.

9 Do. .. Sri N. Subramanyam; D.F.A.—1st January 1945; L.—Tamil; Q.—Intermediate (Part II).

10 Do. .. Sri M. S. Thangaraj; D.F.A.—5th June 1946; L.—Tamil; Q.—S.S.L.C.

NOTE.—Q = Qualification. D.F.A. = Date of first appointment. L = Language.

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Junior Inspectors—cont.

11 Chingleput ..	..	Sri S. Arumugam; D.F.A.—18th August 1945; L.—Tamil Q.—S.S.L.C., Co-operation, Auditing, Banking and Book keeping (II Class).
12 Kumbakonam ..	..	Sri P. Nalluswami; D.F.A.—28th April 1944; L.—Tamil Q.—S.S.L.C. and Book keeping (II Class).
13 Do. ..	..	Sri C. Murugesan; D.F.A.—8th January 1945; L.—Tamil Q.—S.S.L.C.
14 Trichinopoly ..	..	Sri C. Vellaiswami; D.F.A.—18th August 1945; L.—Tamil Q.—S.S.L.C.
15 North Arcot ..	..	Sri C. Vadivelu; D.F.A.—16th February 1922; L.—Tamil Q.—S.S.L.C. and Book-keeping (Junior L.C.C.).
16 Madura ..	..	Sri S. Thangavel; D.F.A.—24th June 1924; L.—Tamil Q.—S.S.L.C. and Book-keeping (Junior L.C.C.).
17 Do. ..	..	Sri S. Perumal; D.F.A.—24th April 1944; L.—Tamil; Q.— Intermediate, Co-operation, Auditing, Book-keeping and Banking (II Class).
18 Do. ..	..	Sri K. Subrahmanyam; D.F.A.—1st January 1945; L.—Tamil; Q.—S.S.L.C.
19 Do. ..	..	Sri M. Rangaswami; D.F.A.—1st January 1945; L.—Tamil; Q.—S.S.L.C.
20 Tinnevely ..	..	Sri H. Gunasreedharan; D.F.A.—1st January 1945; L.—Tamil; Q.—Intermediate (incomplete), Tamil Proficiency Test (Higher) and Book-keeping.
21 Coimbatore ..	..	Sri R. Venkataraman; D.F.A.—17th April 1944; L.—Tamil; Q.—Intermediate (Part II only) and Banking (II Class).
22 Salem ..	..	Sri M. Rajagopalan; D.F.A.—2nd January 1945; L.—Tamil; Q.—S.S.L.C. and Co-operative Training.
23 Do. ..	..	Sri P. Pappen; D.F.A.—3rd June 1946; L.—Tamil; Q.—Inter- mediate (Parts I and II) and Co-operative Training.

NOTE.—Q = Qualification. D.F.A. = Date of first appointment. L = Language.

APPENDIX V.

[Vide answer to unstarred question No. 43 asked by Sri S. A. Devanayaga Iyah at the meeting of the Legislative Assembly held on the 21st April 1948, page 219 supra.]

Districtwar list of the temples in the Province under the control of Hindu Religious Endowments Board that are yet to be notified.

Serial number.	Name of district.	Number of temples with gross incomes of Rs. 200 and above a year.	Number of temples yet to be notified.
(1)	(2)	(3)	(4)
1	Vizagapatam ..	478	473
2	East Godavari ..	805	799
3	West Godavari ..	642	631
4	Kistna ..	623	618
5	Guntur ..	1,214	1,206
6	Cuddapah ..	217	216
7	Kurnool ..	772	770
8	Bellary ..	295	293

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Serial number.	Name of district.	Number of temples with gross incomes of Rs. 200 and above a year.	Number of temples yet to be notified.
(1)	(2)	(3)	(4)
9	Anantapur ..	183	183
10	Nellore ..	323	320
11	Chittoor ..	154	138
12	Chingleput ..	335	330
13	Madras City ..	189	189
14	North Arcot ..	301	301
15	South Arcot ..	567	564
16	Tanjore ..	1,029	1,021
17	Tiruchirapalli ..	679	673
18	Madura ..	250	244
19	Ramnad ..	288	283
20	Tinnevely ..	463	459
21	Salem ..	315	313
22	Coimbatore ..	531	550
23	Nilgiris ..	18	18
24	Malabar ..	989	983
25	South Kanara ..	322	319
Total		12,002	11,894

APPENDIX VI.

[Vide answer to unstarred question No. 44 asked by Sri A. Vedaratnam Pillai at the meeting of the Legislative Assembly held on the 21st April 1948, page 219 supra.]

Statement showing the number of liquor permits issued districtwar in the Province from 1st January 1948 till 22nd March 1948.

District.	Europeans.	Anglo-Indians.	Parais.	Other Indians.	Others.	Total.
Bellary ..	..	..	..	..	..	..
Anantapur ..	..	..	..	..	..	..
Cuddapah ..	..	..	..	..	..	..
Kurnool ..	..	..	..	..	..	..
Guntur ..	12	..	..	2	..	14
Nellore ..	2	..	..	4	..	6
South Kanara ..	..	2	1	18	..	21
Malabar ..	19	2	2	12	..	35
The Nilgiris ..	48	3	1	13	1	65
Chittoor ..	..	..	..	3	..	3
Salem ..	5	..	..	..	..	5
Coimbatore ..	29	2	..	2	..	33
North Arcot ..	2	..	..	1	..	3
Tanjore ..	1	1	..	1	..	3
Tiruchirapalli ..	2	1	..	..	..	3
Madura ..	8	..	..	..	..	8
	128	11	4	55	1	199

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APPENDIX VII.

[Vide answer to unstarred question No. 49 asked by Sri S. Nagappa at the meeting of the Legislative Assembly held on the 21st April 1948, page 221 supra.]

Statement showing the municipalities from which representations were received by Government for derationing and the action taken by Government.

District.	Name of town.	Action taken by Government.
1 Anantapur ..	(i) Anantapur .. (ii) Hindupur. (iii) Tadpatri. (iv) Guntakal (Pan-chayat area).	Rationing has been removed in all the four towns with effect from 28th March 1948.
2 Bellary ..	(i) Bellary .. (ii) Adoni. (iii) Hospet.	Rationing will be removed in all the three towns with effect from 11th April 1948.
3 Kurnool ..	Kurnool ..	Rationing has been removed with effect from 28th March 1948 in Kurnool as well as Nandyal.
4 Chittoor ..	Tirupati ..	Rationing has been removed with effect from 28th March 1948.
5 Vizagapatam ..	(i) Vizagapatam .. (ii) Vizianagaram. (iii) Chicacole .. (iv) Bilipatnam. (v) Anakapalle.	Rationing has been removed in these two towns with effect from 4th April 1948. Rationing has been removed in these three towns with effect from 14th March 1948.
6 Chingleput ..	(i) Chingleput .. (ii) Kancheepuram ..	Rationing has been removed in this town with effect from 28th March 1948. The question of removing rationing in this town is under the consideration of the Government.
7 Coimbatore ..	(i) Erode .. (ii) Udumalpet. (iii) Pollachi. (iv) Coimbatore ..	Rationing has been removed in these three places with effect from 28th March 1948. Government have decided to continue rationing in this town for the present.
8 The Nilgiris ..	(i) Ootacamund .. (ii) Coonoor.	The question of removal of rationing in these towns has yet to be examined.
9 Madura ..	(i) Madura .. (ii) Kodikkanal. (iii) Dindigul. (iv) Bodinayakanur .. (v) Periakulam. (vi) Palni.	Rationing has been removed in these three towns with effect from 14th March 1948. Rationing has been removed in these towns with effect from 22nd February 1948.
10 Ramnad ..	(i) Srivilliputtur .. (ii) Rajapalayam. (iii) Virudhunagar .. (iv) S. vakasi. (v) Devakottai.	Rationing has been removed in these towns with effect from 4th April 1948. Rationing will be removed in these towns with effect from 11th April 1948.
11 Tinnevely ..	(i) Tinnevely cum Palacottah. (ii) Tuticorin.	The question of derationing these towns is under the consideration of the Government.

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District.	Name of town.	Action taken by Government.
12 South Arcot ..	(i) Cuddalore (ii) Villupuram.	} These towns have been derationed with effect from 14th March 1948.
13 Tiruchirappalli ..	(i) Srirangam .. (ii) Tiruchirappalli (iii) Karur.	.. Rationing has been removed in this town with effect from 8th February 1948. } Rationing has been removed in these towns with effect from 14th March 1948.
14 North Arcot ..	(i) Tiruvannamalai .. (ii) Vellore .. (iii) Gudiyattam. (iv) Vaniambadi. (v) Tirupattur.	.. Rationing has been removed in this town with effect from 1st February 1948. } Rationing will be abolished in these towns with effect from 18th April 1948.
15 Salem ..	Salem ..	.. The Government have decided to continue rationing in this town for the present.
16 Malabar ..	Whole district ..	.. The question has yet to be examined.

APPENDIX VIII.

[Vide item IV (2) page 242 supra.]

L.A. BILL No. 7 OF 1948.

(As passed by the Assembly.)

A Bill to prohibit transfers of certain lands and buildings by managers of educational and other institutions in the Province of Madras.

WHEREAS it is expedient to prohibit transfers by managers of educational and other institutions in the Province of Madras, of lands and buildings acquired with the aid of Government grants, or from the Government; It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Aided Institutions (Prohibition of Transfers of Property) Act, 1948.

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

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) "Government" means the Provincial Government;

(2) "institution" means—

(a) any college, school or other place in the Province of Madras which is intended for an educational purpose and includes libraries, playgrounds, hostels and quarters for the residence of teachers and servants;

(b) any hospital, dispensary or nursing home in the Province and includes quarters for the residence of doctors, nurses and servants;

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(c) any other institution or class of institution in the Province notified by the Government in the *Fort St. George Gazette*;

(3) "manager" means the owner, trustee or other person who has power to transfer any land or building belonging to an institution, and includes a local authority;

(4) "transfer" includes sale, exchange, mortgage, lease or gift.

3. (1) Where before or after the commencement of this Act—

(a) any land or building has been acquired, constructed, improved, or altered for the purposes of any institution with the aid of any grant made from the revenues of the Government, or

(b) any land or building has been transferred by the Government for use for the purposes of any institution, then, notwithstanding anything to the contrary in any other law for the time being in force or in the deed of transfer or other document relating to the land or building, it shall not be transferred without the permission of the Government under sub-section (2); nor shall the land or building be used except for the purposes of the institution or purposes similar thereto or be kept vacant without being used for any purpose, without the permission of the Government.

(2) The Government may, in their discretion, by order, permit the transfer of any such land or building if—

(i) the transfer is made in furtherance of the purposes of the institution or of similar purposes approved by the Government, and the assets resulting from the transfer are to be wholly utilized in furtherance of the said purposes;

(ii) the transfer is made only in part in furtherance of the purposes aforesaid provided repayment is made to the Government of such portion as the Government may deem proper in the circumstances of the case, of the grant referred to in sub-section (1), clause (a), or of the current market value of the land or building referred to in sub-section (1), clause (b), or of both, as the case may be;

(iii) the transfer is made for any other valid reason, provided repayment is made to the Government in full of the grant referred to in sub-section (1), clause (a), or of the current market value of the land or building referred to in sub-section (1), clause (b), or of both, as the case may be.

Explanation.—When granting permission under clause (i) or (ii) for the transfer of any land or building, the Government may impose such conditions as they deem fit to ensure that the assets resulting from the transfer are utilized wholly

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or in part, as the case may be, in furtherance of the purposes referred to in those clauses; but a contravention of any such condition imposed on the transfer shall not invalidate the transfer.

(3) If any such land or building is transferred without such permission, the transfer shall be void and of no effect.

4. If, in any case, the Government, after giving the manager of the institution concerned a reasonable opportunity to make his representations in regard to the matter, are satisfied that the provisions of section 3, sub-section (1), have been contravened in respect of any land or building, they may, by order—

(a) if the land, or the land on which the building stands, belonged to the Government and was transferred by them for the purposes of the institution, direct the Collector to take possession of the land and of the building, if any, standing thereon, or at their option, direct the manager to pay to them in full the current market value of the land (together with that of the building where it was also transferred by them) and also the amount of the grant, if any, made by Government for improving, altering or constructing the land or building;

(b) if the land, or the land in which the building stands, did not belong to the Government, direct the manager to repay in full the grant made by the Government, or at their option, direct the Collector to take possession of the land and of the building, if any, standing thereon, in which case, the Government shall pay to the manager any amount spent by him or his predecessors-in-title from the funds of the institution for the purpose of acquiring the land and constructing or acquiring the building, if any, thereon.

5. (1) Every order passed by the Government under section 3 (2) or 4 shall, subject to the provisions of sub-sections (2) and (3), be final and shall not be liable to be questioned in any Court of Law.

(2) (a) The manager of the institution in respect of which such an order is passed, not being a local authority, may, on the ground that the amount repayable or payable by or to him has been wrongly fixed in the order, apply to the District Judge having jurisdiction over the area in which the property in question is situated or if the property is situated in the presidency-town, to the Principal Judge of the Madras City Civil Court, for fixing such amount correctly in accordance with the provisions of section 3 (2) or 4, as the case may be.

(b) Such application shall be made within sixty days from the date on which the order is communicated to the manager.

(3) The District or City Civil Court Judge shall determine the amount which is properly repayable or payable

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by or to the manager in accordance with the provisions of section 3 (2) or 4, as the case may be, and such determination shall be final and shall not be liable to be questioned in any Court of Law.

6. (1) When, in pursuance of an order under section 4, the Collector takes possession of any land or building by himself or through another, it shall vest absolutely in the Crown free from all encumbrances other than those existing at the commencement of this Act or created with the permission of the Government after such commencement.

(2) If the Collector or any person authorized by him in this behalf is opposed or impeded in taking possession of any land or building under this Act, he shall if he is a Magistrate, enforce the surrender of such land or building to himself; and, if he is not a Magistrate, he shall apply to a Magistrate, or within the presidency-town, to the Commissioner of Police, and such Magistrate or Commissioner shall enforce the surrender of the land or building to the Collector.

(3) Whoever opposes or impedes the Collector or any person authorized by him in taking possession of any land or building under this Act shall be punishable with imprisonment which may extend to six months or with fine which may extend to five thousand rupees or with both.

(4) Any land or building which vests in the Crown under sub-section (1) shall be used by the Government, so far as may be, only for purposes similar to those for which it was being used before such vesting.

7. Any sum required to be repaid or paid to the Government in pursuance of section 3, 4 or 5 may, without prejudice to any mode of recovery provided in any other law for the time being in force, be recovered from the properties of the institution or from the manager thereof as if it were an arrear of land revenue due from such institution or manager.

8. (1) The Government may, by notification in the *Port St. George Gazette*, make rules not inconsistent with this Act for carrying into effect the purposes thereof.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the court-fees payable on the applications referred to in section 5, sub-section (2);

(b) the procedure to be followed in respect of such applications;

(c) the payment of the costs incurred by the parties in connexion with such applications.

THE MADRAS LEGISLATIVE ASSEMBLY.

Monday, the 28th April 1948.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASUBRAMANIAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Handing over of politicals to the Nizam's Government.

* 315 Q.—SRI N. VENKATA SUBBAYYA: Will the Hon. the Premier be pleased to state—

(a) whether the Madras Government have agreed to hand over politicals to the Nizam's Government;

(b) if so, under what arrangement;

(c) whether the Nizam's Government is handing over goondas and others from their territory, wanted by our Government in connexion with crimes committed by them in our area, or whether they are helping our Police in the investigation of crimes in their area; and

(d) if not, why not?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—“(a) The answer is in the negative.

“(b) Does not arise.

“(c) & (d) The extradition of offenders to and from the Hyderabad State is governed by a treaty, which is still in force by reason of the Standstill Agreement concluded with the Hyderabad State. Instances have come to notice which showed lack of co-operation on the part of the State police in the State area in the investigation of crimes by the police of this Province. These cases are reported from time to time to the Agent-General to the Government of India in Hyderabad for necessary action.”

SRI N. VENKATA SUBBAYYA:—“With reference to the negative answer to clause (a), may I ask if it is not a fact that Mr. V. Dasappa, a State Congress worker, was handed over by the Subdivisional Magistrate, Bellary, to the Nizam's Police, and if so, whether the Hon. Minister would be pleased to enquire into the matter?”

THE HON. SRI B. GOPALA REDDI:—“The Government have no information in the matter, but if it is definitely put down as a question to the Government, we would certainly make enquiries into the matter.”

SRI N. VENKATA SUBBAYYA:—“With reference to the answer of the Hon. Minister to clause (c), may I ask, Sir, whenever

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there is no co-operation in regard to the crime in border areas, what steps the Government have taken to investigate into those cases by our Police themselves even though there is no co-operation?"

THE HON. SRI B. GOPALA REDDI:—"In some cases, they have given back the accused and in some cases they have not. Whenever they have refused to co-operate with us, we have to report to the Agent-General in Hyderabad and there is nothing else which the Provincial Government can do in the matter."

SRI B. S. MURTHI:—"May I know, Sir, whether the Government are aware that when some persons were being brought from Munagala via Kothanda, the Nizam's Police have forcibly seized two persons who belonged to the Dominion of India and what steps the Government have taken to get them back?"

THE HON. SRI B. GOPALA REDDI:—"As far as I am aware they were subsequently released."

SRI N. VENKATA SUBBAYYA:—"My point is, Sir, whether our Police cannot go into the Nizam's territory and conduct investigation with the permission of those authorities?"

THE HON. SRI B. GOPALA REDDI:—"They may not co-operate. They have prohibited our Police from entering their territory without prior permission and we are asking the Hyderabad Government through the Government of India to rescind those orders."

SRI V. RAGHAVAYYA:—"Are the Government aware, Sir, that there is a general feeling in the country, ever-growing, that our Police are not able to show stiffness, and where it is much needed in the border areas they are behaving like gentlemen of Sir Roger de Coverley's type?"

(No answer.)

SRI B. S. MURTHI:—"Sir, are the Government aware that there are nearly 90 persons in Munagala who are not able to be brought into Bezwada, because our Police are afraid that while being escorted, these persons will be snatched away at Kothanda and, if so, what the Government are going to do in the matter because that place is very congested and all the persons cannot be accommodated there?"

THE HON. SRI B. GOPALA REDDI:—"I saw in to-day's papers that they have all been brought to Bezwada."

Alleged setting fire to Harijans' houses in the Kuruvampatti village.

* 316 Q.—SRI P. KAKKAN: Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that the houses of the Harijans are set fire to by the Caste Hindus of the Kuruvampatti village in Tiruchirappalli district; and

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(b) if so, what action has been taken by the Government for the immediate relief of the poor Harijans?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—" (a) The house of Maradan, a Harijan, was alleged to have been set fire to by the caste Hindus on 6th March 1948.

" (b) The Collector has granted a sum of Rs. 20 to Maradan for immediate relief."

SRI P. KAKKAN:—"Is it a fact, Sir, that the local Police are supporting the persons who are under warrant?"

THE HON. SRI B. GOPALA REDDI:—"No, Sir."

SRI S. C. BALAKRISHNAN:—"Sir, in view of the fact that in spite of complaints and petitions of the Harijans, no action is being taken by the Police, will the Government consider the question of appointing special Police officers to enforce the provisions of the Civil Disabilities Removal Act?"

THE HON. SRI B. GOPALA REDDI:—"Now the question of taking security proceedings against 15 people is under consideration of the Government and it is not a fact that we are keeping quiet over the matter."

SRI B. S. MURTHI:—"May I know, Sir, whether the Government will issue instructions to Police officers that wherever the Harijans are coming forward to assert their rights under the Removal of Civil Disabilities Act, sufficient protection will be given to them, so that no harassment from the unwilling orthodox caste Hindus may result?"

THE HON. SRI B. GOPALA REDDI:—"This particular faction is between Harijans themselves and it has nothing to do with the Civil Disabilities Removal Act."

SRI V. RAGHAVAYYA:—"If the culprits are traced or are traceable, may I know why they are being let off under section 107 of the Criminal Procedure Code without being booked for arson?"

THE HON. SRI B. GOPALA REDDI:—"The culprits are not traceable. That is the difficulty of the Government and so important people are being booked under section 107 of the Criminal Procedure Code."

SRI S. C. BALAKRISHNAN:—"May I know whether the Government are aware that all these troubles between Harijans and caste Hindus have arisen after the Removal of Civil Disabilities Act came into force?"

THE HON. SRI B. GOPALA REDDI:—"As I said already, this is mainly a faction among Harijans themselves, Sir."

SRI P. KAKKAN:—"May I know, Sir, what was the special instruction which was given to Police officers to make peace between the caste Hindus and the Harijans?"

THE HON. SRI B. GOPALA REDDI:—"Sir, the faction originated between the Harijans themselves and later on

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some caste Hindus took the side of one of the sections of Harijans and the house of one Marudan, a vettiyan, was set on fire and immediately the Collector gave him some relief. The culprits are not traceable but 15 persons are sought to be taken as security prisoners."

SRI M. S. PATTABIRAMIAH:—"Sir, may I know whether the Government have received any complaint about a fire incident in the Harijan village of Thippanpatti near Ambathurai very recently and that the Police in that place refused to register a case against caste Hindu culprits?"

MR. SPEAKER:—"The hon. Member may put a separate question on it."

SRI B. S. MURTHI:—"Sir, is it not a fact that in many places the faction amongst Harijans is due to the active interference of some interested caste Hindus?"

(No answer.)

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I ask, Sir, whether it is a fact that since culprits were not traceable, fifteen persons were collected somehow for punishment or were being caught hold off?"

THE HON. SRI B. GOPALA REDDI:—"They were suspected of being actively interested in the faction and encouraging one section of the Harijans against the other."

SRI V. I. MUNISWAMI PILLAI:—"Arising out of the answer given by the Hon. the Leader of the House, he said that there was faction between Harijans themselves and later on he said that there was faction between Harijans and caste Hindus—may I request him to give the correct position?"

THE HON. SRI B. GOPALA REDDI:—"I know the correct position, Sir, because I have read the reports from the Collector and the Revenue Divisional Officer. The faction originated between Harijans themselves and later on a section of the caste Hindus supported one section of the Harijans."

SRI R. V. SWAMINATHAN:—"May I know, Sir, whether these fifteen persons against whom security proceedings were taken and who are absconding, are caste Hindus or Harijans?"

THE HON. SRI B. GOPALA REDDI:—"They are mostly caste Hindus, Sir."

SRI S. C. BALAKRISHNAN:—"In view of the fact that all these troubles are due to the fact that the caste people do not want to allow the Harijans to enter into hotels, will the Government issue a Government Order instructing the Police officers to take the Harijans into hotels?"

THE HON. SRI B. GOPALA REDDI:—"This particular quarrel has nothing to do with coffee hotels but the trouble is due to something else."

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Alleged denial of Government advertisements to the "Swatantra."

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

(a) whether Government advertisements were denied to the "Swatantra" an English weekly edited by Sri Khasa Subbarao at Madras; and

(b) if so, for what reasons?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Premier):—" (a) No.

" (b) Does not arise."

SRI V. RAGHAVAYYA:—"Is it a fact that Government advertisements are not being given to "Swatantra" for the past one and a half years?"

THE HON. SRI B. GOPALA REDDI:—"The position is this. As I said already, the Government have got an approved list of newspapers and that list has been circulated to Heads of Departments and it is up to the Heads of Departments to select for advertisement whichever newspaper would be suitable for the purpose."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Whether the Hon. Minister is aware that advertisements are given to papers which support the Government and are denied to such of the papers who are not able to see eye to eye with the Government?"

THE HON. SRI B. GOPALA REDDI:—"No, Sir, it is not a fact; while on the other hand, we have a long list of newspapers approved by the Government, this list is circulated to the Heads of Departments and it is for them to choose the newspapers for the purposes of their advertisement."

SRI K. BHASHYAM:—"Is it a fact, Sir, that "Swatantra" was on the list and it has been taken out of it now?"

THE HON. SRI B. GOPALA REDDI:—"It is in the list and it has not been taken off from it."

SRI A. VEDARATNAM PILLAI:—"Will the Hon. the Leader of the House be pleased to say whether the Government is obliged or bound to give advertisements to all newspapers in this Province?"

THE HON. SRI B. GOPALA REDDI:—"No, Sir. We are not obliged to give to any newspaper."

SRI B. S. MURTHI:—"May I know, Sir, whether any instruction was given to Heads of Departments, oral or otherwise, not to encourage "Swatantra"?"

THE HON. SRI B. GOPALA REDDI:—"No instruction was given to any Head of the Department, orally or by telephone."

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ABDUL HAMEED KHAN SAHIB BAHADUR:—" May I know, Sir, whether the 'Liberator' gets as much advertisement as any other English daily in Madras? "

THE HON. SRI B. GOPALA REDDI:—" I do not know, Sir. Again, I repeat my answer. It is up to the Heads of Departments to select the newspapers concerned for giving their advertisements."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—" Apart from the list and apart from the Heads of Departments giving advertisements to newspapers, may I know what is the basis on which these advertisements are given to the papers? Does it depend on the circulation of the paper or on the whims and fancies of the officers of the Government? "

THE HON. SRI B. GOPALA REDDI:—" The Government Order is quite clear on the matter, the chief criteria being, wide publicity and rates of advertisements of the newspaper concerned."

SRI N. VENKATA SUBBAYYA:—" Is it a fact that 'Swatantra' once enjoyed an extraordinary patronage at the hands of the Government and that thousands of copies were bought and circulated freely by the Government? "

THE HON. SRI B. GOPALA REDDI:—" Not many thousands, Sir, but a few thousands were purchased by the Government sometime ago."

11-15 a.m. MOHAMED ABDUL SALAM SAHIB BAHADUR:—" Is the Hon. the Leader of the House aware that even though the 'Swatantra' is in the list of papers for which advertisements may be given it is not getting advertisements of late? "

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

SRI V. RAGHAVAYYA:—" May I know whether it is a fact that the 'Bharatadevi' and the 'Free Press' have also been bracketed along with the 'Swatantra' in the precious denial of this privilege? "

THE HON. SRI B. GOPALA REDDI:—" It is not a fact, Sir, and the hon. Member may take that information from me."

Rationing of firewood in the City of Madura.

* 318 Q.—SRI A. VEDARATNAM PILLAI (on behalf of Sri N. M. R. Subbaraman): Will the Hon. the Minister for Food be pleased to state—

(a) whether the City Food Committee and the District Food Committee, Madura, have recommended that the rationing of firewood supply in the City of Madura be decontrolled and whether the Collector also has recommended decontrol; and

(b) if so, why decontrol has not been brought into force till now?

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

" (b) The scheme of informal rationing of firewood has been withdrawn and firewood prices have been decontrolled in Madura town with effect from the 4th April 1948."

Procurement of paddy and millets in Nellore.

* 319 Q.—

[MR. SPEAKER:—" The hon. Member who put the question is not in his place and answers will be printed in the proceedings."]

SRI B. VENKATANARAYANA REDDI: Will the Hon. the Minister for Food be pleased to state—

(a) how many tons of paddy and millets in each taluk of Nellore (talukwar) were procured last year and how many tons were exported to other districts and how many tons were imported into the district;

(b) what is the quantity of procurable surplus in Kovur and Nellore taluks and how many tons are required for the other 11 taluks in the district including seeds for the coming year;

(c) why the inter-taluk movement of paddy is not allowed;

(d) whether the Government have received any representation to remove inter-taluk movements ban and allow people of the district to eat and live comfortably; and

(e) if so, what action was taken thereon by the Government?

THE HON. DR. T. S. S. RAJAN:—" (a) & (b) The information asked for is furnished in the statement placed on the table of the House.

" (c) In view of the difficult food situation and the fact that the scheme of intensive procurement continues to be in force in Nellore district, it is necessary to continue the ban on the inter-taluk movement of paddy in Nellore district as otherwise stocks will get dispersed and it will be difficult to procure.

" (d) Yes.

" (e) The Government have decided to continue for the present the existing inter-taluk ban and to allot, as they have always done, sufficient quantities of rice and other foodgrains for the upland taluks of the district."

Conference of Collectors of southern districts.

* 320 Q.—

[MR. SPEAKER:—" The hon. Member is not in his place. This will be printed in the proceedings."]

SRI S. NAGAPPA: Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that there was a conference of Collectors of southern districts to consider the food situation in these districts; and

(b) if so, what the result of the conference is?

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THE HON. DR. T. S. S. RAJAN:—“(a) Yes; on 6th March 1948.

“(b) The opinion of the Collectors on the food situation in their districts and the possibilities of further decontrol and derationing were ascertained.”

Aerodrome at Madura.

* 321 Q.—SRI K. P. KAMAKSHI CHETTIYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) the cost of construction of the aerodrome at Madura;

(b) whether the Government are going to auction the buildings constructed for the aerodrome; and

(c) what amount is expected through this auction?

THE HON. SRI H. SITARAMA REDDI (on behalf of the Hon. the Minister for Public Works):—“(a) to (c) The subject of the question relates to a Central subject and this Government have not got the necessary information.”

SRI R. V. SWAMINATHAN:—“In view of the fact that there are a large number of buildings and the aerodrome is lying without being used, may I request the Hon. Minister to make representations to the Central Government to find out ways and means of utilizing the buildings and the area?”

THE HON. SRI H. SITARAMA REDDI:—“If any set of buildings are declared surplus to requirements by the Central Government the Madras Government gets information and if they find that there is use for such buildings, they purchase them for their own use or help other people to purchase them for public purposes.”

SRI K. BHASHYAM:—“May I know, Sir, whether there is any proposal before the Government for taking up all these buildings in Madura aerodrome area for a Borstal school or some other purpose connected with jails?”

THE HON. SRI H. SITARAMA REDDI:—“The question relates to the aerodrome and as I have stated aerodromes are under the Central Government and they have not yet said that they do not want the aerodrome or the buildings ancillary to it; but when they declare that they do not want them, we do get information and then a decision will be taken by the Government as to what should be done with them.”

Point Calimere-Tiruturaipundi railway line.

* 322 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have any information regarding the extension of Point Calimere-Tiruturaipundi railway line up to Mannargudi and from Nidamangalam to Kumbakonam; and

(b) if the answer is in the affirmative, when will the construction work be taken up?

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THE HON. SRI H. SITARAMA REDDI (on behalf of the Hon. the Minister for Public Works):—“(a) There are no proposals with the Government to construct either Tiruturaipundi-Mannargudi line or Nidamangalam-Kumbakonam line for the present.

“(b) Does not arise.”

SRI A. VEDARATNAM PILLAI:—“Will the Hon. Minister be pleased to recommend to the Central Government the importance of those lines and suggest to them to open them immediately?”

THE HON. SRI H. SITARAMA REDDI:—“But the District Board of Tanjore has not recommended them, Sir. So, there is no question of this Government recommending these lines to the Central Government. It was primarily a question to be decided by the Tanjore District Board and they have not recommended those two lines for inclusion.”

SRI A. VEDARATNAM PILLAI:—“May I know, Sir, what are the lines recommended by the District Board?”

THE HON. SRI H. SITARAMA REDDI:—“I suggest a separate question might be put, Sir.”

Payment of wages to certain labourers.

* 323 Q.—

[MR. SPEAKER:—“The hon. Member is not in his place. The answer will be printed in the proceedings.”]

SRI K. ANANDAN NAMBIYAR: Will the Hon. the Minister for Public Works be pleased to state whether he has received a copy of the memorandum submitted by the Secretary and President of the Podumbu Firka Committee of the Kisan Sabha addressed to the Executive Engineer, Periyar Irrigation Division, Madura, to the effect that the wages of 300 labourers who repaired the canal in the village of Podumbu in Madura taluk should be paid; and, if so, what action has been taken on the representation?

THE HON. SRI M. BHAKTAVATSALAM:—“Yes. The copy of memorandum was forwarded to the Chief Engineer for Irrigation for necessary action. A report of the action taken on it has been called for from him. On receipt of his report such action as is considered necessary will be taken.”

Expenditure incurred by filling up the leave vacancy of the Secretary to Government, Local Administration Department.

* 324 Q.—SRI G. RAJAMANNAR CHETTI: Will the Hon. the Minister for Local Administration be pleased to state what is the amount of additional expenditure incurred on account of the leave arrangement ordered when the Secretary to Government, Local Administration Department, went on leave in December 1947?

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THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. the Minister for Local Administration):—"No additional expenditure was incurred on account of the leave arrangements ordered when the Secretary to Government, Local Administration Department, went on leave in December 1947. In fact, there was a saving."

Causeway across the river Vaigai.

* 325 Q.—SRI A. VEDARATNAM PILLAI (on behalf of Sri N. M. R. Subbaraman): Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the causeway across the river Vaigai in the City of Madura goes on repair often; and

(b) if so, what steps the Government have taken to have it rebuilt or repaired in such a way as there may not be closing of the causeway for the traffic and pedestrians?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. the Minister for Local Administration):—" (a) The causeway across the river Vaigai in the City of Madura is being maintained by the Madura Municipal Council. It is reported that it is damaged more or less every time when there is a considerable flood in the river.

" (b) The responsibility for the proper maintenance of the causeway rests with the Madura Municipal Council. The Commissioner, Madura Municipality, has reported that the surface of the causeway requires recurring annual repairs because of such damage by floods, and that the causeway was repaired on two occasions during the financial year (1947-48) against a sanctioned estimate of Rs. 3,600. He has also stated that proposals for reconstructing the causeway and providing a suitable and lasting surface are under consideration and that estimates and plans for the work are expected to be ready shortly."

SRI R. V. SWAMINATHAN:—"In view of the fact that this causeway is getting damaged frequently and there is heavy traffic in Madura City, will the Government consider the desirability of constructing another causeway?"

THE HON. SRI K. MADHAVA MENON:—"There is already a proposal for another road which will take a bridge over the river Vaigai."

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"Will the Government consider the advisability of widening the present bridge if they do not want to await information from the Government of India regarding the grant for the new bridge?"

THE HON. SRI K. MADHAVA MENON:—"I think, Sir, the proposal for the new bridge is already on the move."

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Appointment of non-officials as Special Officers for district boards.

* 326 Q.—SRI S. C. BALAKRISHNAN: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether there is any proposal to appoint non-officials as special officers for district boards; and

(b) whether it is proposed that some of the M.L.As. also may be appointed as special officers?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. the Minister for Local Administration):—" (a) No.

" (b) No."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"May I know what exactly the difficulty is in holding the elections for district boards?"

THE HON. SRI K. MADHAVA MENON:—"The question is with reference to the appointment of non-official special officers and the question of election to district boards does not come in at all, Sir."

Auction sales for the collection of tangedu bark in Anantapur district.

* 327 Q.—SRI A. RAYAPPA (on behalf of Sri T. Viswanathan): Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether auction sales for the right to collect tangedu bark in Anantapur Forest Division were held in March 1947 for leases commencing from 1st April 1947;

(b) whether leases were ordered only late between July 1947 and December 1947 and not on 1st April;

(c) whether as a result of the delay in ordering the leases there was a considerable fall in production of the bark;

(d) what the total estimated quantity of deficit collection was as a result of the leases not being entered into on the 1st April;

(e) what the estimated losses to contractors are; and

(f) what financial losses were suffered by the Government through the delayed leases?

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

" (b) Orders of confirmation were issued in June 1947 in respect of all the leases except in the case of three firkas, viz., Kambadur, Kundurpi and Beluguppa firkas in Kalyandrug taluk in respect of which orders were issued in December 1947. The delay was due to the protracted correspondence that ensued as a consequence of certain representations made by some contractors of the previous year that the District Forest Officer committed himself to the extension of the leases to them for 1947-48 and that the sales should either be stopped or not confirmed.

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"(c) The answer is in the negative. The bark is there and it grows better with the passage of time. All the bark available would be extracted sooner or later. The periods of collections vary with different parts of the division and consequently the delay even in cases where the collection is made normally from April to June is only to be construed as a delay in placing such produce in the market.

"(d) No information is available as the contractors do not submit accounts of yield monthly.

"(e) No information is available.

"(f) There was no financial loss to Government except in the case of the three firkas of Kalyandrug taluk, i.e., Kambadur, Kundurpi and Beluguppa to the extent of about Rs. 10,000. The question of recovering the loss is under enquiry."

Cutting down of forest in the village of Paliyampathur.

* 328 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether any representation was made to the Government by the villagers of Paliyampathur of Pattukkottai taluk requesting not to cut down the forest in their village; and

(b) what steps the Government have taken on those representations?

THE HON. SRI KALA VENKATA RAO:—“(a) & (b) No such representation has been received by the Government.”

SRI A. VEDARATNAM PILLAI:—“Will the Hon. Minister be pleased to state the policy of the Government regarding deforestation and whether they have under contemplation any re-afforestation?”

THE HON. SRI KALA VENKATA RAO:—“The hon. Member might put the question to my Hon. Colleague Mr. Madhava Menon who is in charge of Forest.”

Allotment of poramboke lands in the Tiruvallur and Ponneri taluks.

* 329 Q.—SRI P. KAKKAN (on behalf of Sri O. Chengam Pillai): Will the Hon. the Minister for Land Revenue be pleased to state whether there is any proposal before the Government to allot the poramboke lands in the Tiruvallur and Ponneri taluks to those Harijans who have been cultivating those lands?

THE HON. SRI KALA VENKATA RAO:—“No; but applications have been received from certain Harijan agricultural labourers of Ponneri taluk for assignment of land, and they are under consideration.”

SRI A. VEDARATNAM PILLAI:—“Will the Hon. Minister be pleased to state whether the Government have come to a

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conclusion regarding the assignment of poramboke lands to landless labourers; if not, whether they will consider this question immediately, as the cultivation season is fast approaching?”

THE HON. SRI KALA VENKATA RAO:—“The decision will be published before the cultivation season, Sir.”

SRI V. I. MUNISWAMI PILLAI:—“Will the Hon. the Minister be pleased to state their policy regarding the assignment of lands to Harijans which is pending for a very long time?”

THE HON. SRI KALA VENKATA RAO:—“The assignment of lands available with the Government and the policy of Government regarding assignment is going to be published very shortly; Harijans also will be assigned such lands.”

Application from political sufferers for assignment of land.

* 330 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) how many applications were received by the Government from political sufferers for the assignment of land; and

(b) whether the Government have any idea of extending the time for the receipt of such applications from political sufferers who have not applied till now?

THE HON. SRI KALA VENKATA RAO:—“(a) About 1,565 applications were received by Government from political sufferers for grant of land and have been sent to the Collectors of respective districts for necessary action. There is no information regarding the number of petitions received by the Collectors.

“(b) Orders have already been issued informing Collectors that applications received subsequent to 29th February 1948 and before 31st March 1948 may be treated as having been received in time and taken into consideration.”

SRI A. VEDARATNAM PILLAI:—“Will the Hon. the Minister for Revenue be pleased to state whether the Government have considered all the applications and decided to assign lands requested by the applicants before the cultivation season commences, Sir?”

THE HON. SRI KALA VENKATA RAO:—“Applications are not considered by the Government but the district Collectors are considering them; we have also instructed them to see that as far as possible such assignments are made before the cultivation season.”

SRI A. VEDARATNAM PILLAI:—“May I know, Sir, whether the Government have appointed non-official advisory committees for the assignment of lands to political prisoners?”

THE HON. SRI KALA VENKATA RAO:—“Orders are under issue.”

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BEGUM SULTAN MIR AMIRUDDIN:—" May I know, Sir, what will be the position of the new inamdars that the Government are creating by the assignment of lands to political sufferers? "

THE HON. SRI KALA VENKATA RAO:—" It is a matter for the future Government; they may also be abolished who knows, Sir."

MUHAMMAD RAZA KHAN SAHIB:—" May I enquire, Sir, whether applications have also been received from Muslims who went to jail during the Khilafat Movement; what is the policy of Government and are such people entitled to assignment of lands? "

THE HON. SRI KALA VENKATA RAO:—" If any gentlemen have gone to jail in the Khilafat Movement (it was also sponsored by the Congress in those years) they will certainly get lands."

SRI K. BHASHYAM:—" With reference to the answer of the Hon. Minister that orders are being issued in respect of non-official bodies, will he give us a purport of the Communique to be issued? "

THE HON. SRI KALA VENKATA RAO:—" Non-officials committees are appointed for each district, normally three people in each district, to aid Collectors in the distribution of lands very early and also to aid political sufferers in selecting lands for assignment."

SRI K. P. KAMAKSHI CHETTIYAR:—" Sir, in places where there are no revenue lands will the Hon. Minister assign lands from forest areas to the political sufferers."

THE HON. SRI KALA VENKATA RAO:—" If the areas can be deforested without any danger to the growth of forests, that can be done."

MUHAMMAD RAZA KHAN SAHIB:—" While appreciating the policy of the Government in giving retrospective effect, i.e., going back as early as 1921, may I know whether the Government will also give lands in future to such as may go to jails for one political reason or other? "

THE HON. SRI KALA VENKATA RAO:—" That is a matter for my successors to consider and it is not for me."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—" May I know, Sir, if they could immediately alienate their lands? "

THE HON. SRI KALA VENKATA RAO:—" A restriction is placed against that. They cannot alienate and when they alienate the lands revert to the Government."

SRI R. V. SWAMINATHAN:—" May I know how long it will take to finalize the orders, Sir? "

THE HON. SRI KALA VENKATA RAO:—" As I told the House, Sir, we want to finalize it before the coming cultivation season."

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DR. M. J. SAMUEL:—" Is it the policy of the Government to take away lands from Harijans and other Scheduled Castes who are cultivating them under the Sivaijama cultivation and give them away to political sufferers? "

THE HON. SRI KALA VENKATA RAO:—" It is not the normal policy of the Government to do any such thing; if there are any extraordinary cases, it will be considered by the local authorities."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—" Will the statement make it clear as to whether the Committee and the Collectors will interfere with persons in possession of lands and assign them in favour of political sufferers? "

THE HON. SRI KALA VENKATA RAO:—" There is no question of disturbing people already in possession of the lands; if they were in possession of lands with the authority of the Government, they will not be disturbed at all; but if certain people of their own accord took the law into their own hands and stepped into certain lands, their case will be considered and if there are reasonable grounds, they will be evicted irrespective of the facts that they will be assigned to political sufferers or not."

MUHAMMAD RAZA KHAN SAHIB:—" Is it not the policy of the Government with regard to assignment of lands that financial position of the intended beneficiaries should be the criterion otherwise everybody who has gone to jail at some time or another will be entitled for the assignment of lands? "

THE HON. SRI KALA VENKATA RAO:—" We have made a rough survey of this and as I have answered already on the floor of the House that people who have already got a reasonable extent of lands are very few and this question need not be taken into consideration."

MUHAMMAD RAZA KHAN SAHIB:—" Is it a fact that that some of the M.L.C.'s who have gone to jail some decades ago, are also applicants for land assignment? "

THE HON. SRI KALA VENKATA RAO:—" After all the whole movement ran for the last 2½ decades."

SRI B. S. MURTHI:—" May I know whether the Government are contemplating to constitute similar committees for the assignment of lands to the landless poor? "

THE HON. SRI KALA VENKATA RAO:—" If it is necessary we will consider that aspect."

SRI A. VEDARATNAM PILLAI:—" Have the Government under contemplation any monetary contribution to help to start cultivation immediately? "

THE HON. SRI KALA VENKATA RAO:—" Such a thing is under the active consideration of the Government; but I am

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awaiting the reports from Collectors and they are expected by the 30th and when we know the total number and the financial implications we will decide."

SRI B. S. MURTHI:—"Will the Hon. Minister be pleased to see that lands in possession of Harijans for the last four or five years under the Grow More Food Scheme will not be disturbed by the present policy of the Government?"

THE HON. SRI KALA VENKATA RAO:—"I am not going to give any such promise; if they had entered upon the lands without authority, let them be Harijans or Srijans, all will have to be evicted."

SRI B. S. MURTHI:—"Is the Hon. Minister aware that all these lands were given to the landless Harijans by the Government for bringing them under cultivation under the Grow More Food Campaign, and after five years are the Government justified in taking away these lands?"

THE HON. SRI KALA VENKATA RAO:—"My Friend is entirely wrong. There are many Harijans who have entered upon land without any kind of authority. The cases of those who have entered upon land with authority will be considered with reference to the local position."

SRI B. S. MURTHI:—"May I request the Hon. Minister to give an assurance that the Harijans who have been cultivating with the permission of the Government will not be deprived of the land?"

THE HON. SRI KALA VENKATA RAO:—"I do not give a categorical assurance. But such cases will be very favourably considered."

SRI M. S. PATTABIRAMIAH:—"May I know whether the non-official committees appointed by the Government have ever met and whether they are contacting the applicants?"

THE HON. SRI KALA VENKATA RAO:—"My hon. Friend has not followed my answer. I said that there was a proposal to constitute the committees. The committees have not yet been constituted, and how can they contact the applicants?"

SRI S. C. BALAKRISHNAN:—"As many million acres of worthless dry land will be converted into wet land when the Tungabhadra Project is completed, will the Government purchase and assign all such lands to the poor landless people including Harijans?"

THE HON. SRI KALA VENKATA RAO:—"The Government have not got money to purchase the lands. My hon. Friend will remember that to protect the interests of the poor people in the project area, a Bill was passed to the effect that anybody from outside who purchased more than the number of acres specified would be penalized."

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SRI V. RAGHAVAYYA:—"As those who live in cities and towns cannot take advantage of the offer of land, will the Government give them money grants as has been done in Bihar?"

THE HON. SRI KALA VENKATA RAO:—"Urban areas cannot be preferred to rural areas."

SRI K. P. KAMAKSHI CHETTIYAR:—"If suitable Government lands that are available are not enough, what do the Government propose to do?"

THE HON. SRI KALA VENKATA RAO:—"After the whole question is settled, the Government will consider if there are any exceptional cases."

SRI K. BOKKAI GOWDER:—"May I know whether lands leased out for cultivation under the Grow More Food Campaign will be available for assignment to political sufferers?"

THE HON. SRI KALA VENKATA RAO:—"According to the scheme of Grow More Food, the original contract was for five years. That five-year period was over by 30th June 1947. The Government extended the period by one year and the extended period will expire on 30th June 1948. The Government have to take possession of these lands first and then distribute them. Then there are lands which have been occupied without authority. The Government will have to take charge of such lands also and distribute them to the poor people and political sufferers wherever possible."

SRI G. KUMARASWAMI:—"As only about 1,565 applications for grant of land were received, will the Government consider the desirability of calling for lists of political sufferers since 1921 from the Provincial and District Congress Committees?"

THE HON. SRI KALA VENKATA RAO:—"My hon. Friend has not followed the answer correctly. I said that about 1,565 applications were received by the Government. Every Collector has received many applications. We have called for a list from each Collector and they will be available by the end of this month."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"May I know the basis on which the non-official committees will be formed and whether group affiliations will be taken into consideration?"

THE HON. SRI KALA VENKATA RAO:—"My hon. Friend is very much interested in this Government, though he does not belong to the Congress Party, never went to jail and never had any interest in political sufferers. He thinks of groups among Congressmen. That is very unfair. I can say that everyone on our side is a Congressman and Congressmen only will have representation and there are no groups as far as we are concerned."

SRI B. S. MURTHI:—"May I know whether the Government will encourage co-operative farming in the lands to be assigned?"

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THE HON. SRI KALA VENKATA RAO:—"As I have already said in the House, if a few political sufferers join together, form a co-operative society, and ask for the assignment of larger tracts, the Government will be very glad to help them in every way."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Is the Hon. Minister aware that this Province has had enough trouble from the Food Committees as group affiliations played a part in their formation and, if so, will he take a lesson from the past and see that the proposed non-official committees do not play any havoc?"

THE HON. SRI KALA VENKATA RAO:—"I do not think the hon. Member is quite correct. If there are group formations among the Members on the Government Benches here, there are also group formations among the Members of the party to which he belongs."

Working of the Births, Deaths and Marriage Registration Act, etc.

* 331 Q.—

[MR. SPEAKER:—"As the hon. Member is not present, the answer will be printed in the proceedings."]

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the working of the Births, Deaths and Marriage Registration Act, 1886, and the allied Acts in the Madras Province for the year 1946-47 is not satisfactory from the financial point of view;

(b) whether it is a fact that the expenditure is increasing while the receipts are falling on the working of these Acts; and

(c) if so, what are the steps the Government propose to take to reduce the financial commitments of the Government in that behalf?

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

" (c) The question is under consideration."

Accommodation in the hostel for health visitors in Madras.

* 332 Q.—

[MR. SPEAKER:—"As the hon. Member is not present, the answer will be printed in the proceedings."]

SRI R. NADHAMUNI REDDI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that the present location of the hostel for health visitors and the school of health visitors is at present in a place where there is no accommodation to house the entire personnel;

(b) whether it is a fact that the Director of Public Health has asked the Collector of Madras for a bigger place;

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(c) if so, whether the Collector has moved in the matter;

(d) whether it is a fact that the present place is also used as a residence by the Lady Superintendent; and

(e) whether the present Lady Assistant Director of Public Health is completing her service and is to retire in the ordinary course?

THE HON. SRI A. B. SHETTY:—" (a) Yes.

" (b) Yes.

" (c) No building has yet been allotted.

" (d) Yes. She is also the Warden of the Hostel.

" (e) The Assistant Directress of Public Health in charge of Maternity and Child Welfare has retired with effect from 30th December 1947."

Drainage scheme for Tenali town.

* 333 Q.—SRI A. KAMESWARA RAO: Will the Hon. the Minister for Public Health be pleased to state—

(a) what the estimated cost of drainage scheme for Tenali town in Guntur district is;

(b) whether the work has been started; and

(c) if not, why not?

THE HON. SRI A. B. SHETTY:—" (a) The approximate cost of an underground sewerage scheme for Tenali town will be about Rs. 30 lakhs to instal and Rs. 37,000 annually to maintain.

" (b) No.

" (c) Detailed plans and estimates have yet to be drawn up."

SRI A. KAMESWARA RAO:—"How long will it take to start the work?"

THE HON. SRI A. B. SHETTY:—"An outline of the proposals will soon be submitted by the Sanitary Engineer to the Chief Engineer. After that, detailed plans and estimates will be prepared."

SRI K. BRAHMANANDAM REDDI:—"Will the Hon. Minister visit Tenali and see for himself whether a drainage scheme is very urgently required there or not?"

THE HON. SRI A. B. SHETTY:—"Drainage schemes are urgently required in many places."

Opening of a hostel at Sattur for Harijan students.

* 334 Q.—SRI R. S. MANICKAM: Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether any representation has recently been received from the Harijan leaders of Sattur taluk regarding the opening of a hostel at Sattur for Harijan students;

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(b) if the answer to the clause (a) is in the affirmative, when the Government propose to open the hostel; and

(c) what action has been taken thereon?

THE HON. SRI B. GOPALA REDDI (on behalf of the Hon. the Minister for Rural Development):—“(a) No such representation has been received by the Government.

“(b) & (c) Do not arise.”

SRI R. S. MANICKAM:—“I know, as a matter of fact that representations were made and the question was discussed with the Revenue authorities in the locality. It is a surprise to me to receive this kind of answer. If I prove that there were representations, what action the Government will take and will they consider the matter favourably?”

THE HON. SRI B. GOPALA REDDI:—“The matter has not been represented to the Government. It might have been represented to and discussed with the Revenue authorities in the district. But the Government have no information.”

SRI B. S. MURTHI:—“May I know what the policy of the Government is in opening hostels for Harijans wherever the need arises?”

THE HON. SRI B. GOPALA REDDI:—“Certainly the Government will consider favourably.”

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

II.—MESSAGES FROM THE COUNCIL.

MR. SPEAKER:—“I have to announce to the House that in accordance with Rule 108 of the Madras Council Rules, I have received messages from the Hon. the President of the Madras Legislative Council transmitting copies of the following Bills as agreed to by the Council without any amendment:—

On 21st April 1948 the Madras Tobacco Taxation of Sales and Licensing (Re-enacting) Bill, 1948 (L.A. Bill No. 12 of 1948); the Madras Restriction of Habitual Offenders (Amendment) Bill, 1948 (L.A. Bill No. 13 of 1948); the Madras Lapsed Acts (Removal of Doubts) Bill, 1948 (L.A. Bill No. 15 of 1948); the Madras Sales of Motor Spirit Taxation (Amendment) Bill, 1948 (L.A. Bill No. 16 of 1948); the Madras Civil Courts (Amendment) Bill, 1948 (L.A. Bill No. 17 of 1948); on 22nd April 1948 the Madras Re-enacting and Repealing (No. I) Bill, 1948 (L.A. Bill No. 3 of 1948); the Madras Re-enacting (No. II) Bill, 1948 (L.A. Bill No. 6 of 1948); the Madras Re-enacting (No. III) Bill, 1948 (L.A. Bill No. 14 of 1948); The Police (Madras Amendment) Bill, 1947 (L.A. Bill No. 38 of 1947); and the Madras Aided Institutions (Prohibition of Transfers of Property) Bill, 1948 (L.A. Bill No. 7 of 1948).”

SRI R. V. SWAMINATHAN:—“On a point of information. If Members want to say anything on these Bills now, can they do so?”

MR. SPEAKER:—“No.”

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III.—GOVERNMENT MOTION.

DRAFT NEW CONSTITUTION OF INDIA.

MR. SPEAKER:—“The House will rise to-day at 4 o'clock, because the Upper House is going to sit at 5-30 p.m. I am making this suggestion to the Hon. the Leader of the House, the Leader of the Opposition and the other Group Leaders.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“Provided you are kind enough to compensate the lost time by giving it the next day, Sir.”

THE HON. SRI B. GOPALA REDDI:—“We are going to have the discussion on this subject for three full days and I don't think there will be any need to compensate the lost time, Sir.”

MR. SPEAKER:—“The Hon. Sri B. Gopala Reddi will now move the motion standing in his name.

“In this connexion my suggestion is that the Hon. Leader of the House will first move his motion. Then I shall allow all other hon. Members to move their amendments which have been given notice of, and then both the original motion and the amendments will be before the House for discussion and hon. Members may speak both on the motion as well as on the amendments. That is the procedure we have followed hitherto. If anybody wants to give notice of any further amendments, they must give them to me before lunch, because the motion was before the House for the last six or seven days.”

* SRI K. BHASHYAM:—“Mr. Speaker, Sir, so far as the consideration of Draft Constitution is concerned, a number of hon. Members have given notice of various amendments. Some more Members will be giving notice of further amendments by the lunch time. Now, Sir, according to your suggestion, each hon. Member who has given notice of amendments should simply move all his amendments together and should have to find a seconder for the same, without speaking on them or explaining his point of view. I think, Sir, that this would be a difficult affair and it would be even unfair of me to ask anybody to formally second my amendments without explaining and convincing them of the need for the same. I would therefore suggest that in the first place there should be a sort of general discussion on this subject till lunch time and then in the afternoon, when all amendments from Members have been received, each Member may be asked to move his amendments one by one and have discussions on them. It may be that in the course of the general discussion some points of doubt might be cleared and the need for moving some of the amendments might not arise at all. This procedure will give opportunity for each Member to concentrate his speech upon his amendments instead of having an omnibus discussion of all amendments put together.”

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, what the hon. Mr. Bhashyam has suggested just now is the usual procedure, but on this occasion since we are discussing a matter on which so many hon. Members desire to speak, it will become necessary for Members, if the suggestion of Mr. Bhashyam is accepted, to make speeches many times, which ought to be avoided, if possible, and the Hon. Speaker's suggestion is the only practical course that could be resorted to in order to enable many speakers to participate in this debate."

BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, my request to you is to extend the time for giving notice of amendments till to-morrow, because we did not know whether we could move amendments on this particular motion."

MR. SPEAKER:—"The hon. Lady Member ought to know that every hon. Member is at liberty to move amendments. Ignorance of rules is no excuse at all. It is only on account of the fact that this is an important subject, I have allowed hon. Members to give notice of amendments till lunch time."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I would, Sir, along with the hon. Lady Member, request you to extend the time for giving notice of amendments till the end of to-day, if not till to-morrow morning. This is a very important matter in which all are interested and many want to move amendments. I am, Sir, only asking for time till this evening, which is only a question of a few hours more."

SRI R. V. SWAMINATHAN:—"We were under the impression, Sir, that we could only have a debate on this Draft Constitution and we are not aware of the fact that we could move amendments. Now that we are told that we could do so, I submit, Sir, that time may be allowed till to-morrow morning to give notice of amendments. As at any rate since we are going to have discussions for two more days, I submit, Sir, you can extend the time at least till to-morrow morning."

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, my request to you is that since this is a very important matter, you may be considerate to the Members who did not know the rules. I do not think that it will interfere with the business of the House if you extend the time for giving notice of amendments till to-morrow morning, or at least till 4 o'clock to-day so that Members may have time to prepare their amendments."

"Another point, Mr. Speaker, that I should like to know is whether you are going to fix any time-limit for each speaker. I hope you will allow full latitude to us to give expression to our views, because this is a matter of great importance affecting the well-being of the people of this country."

MR. SPEAKER:—"I am not going to fix any time-limit for speakers now, but as the debate progresses, we shall consider about it. I want also to know the number of Members who are going to take part in this debate."

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, on the question of extending the time for giving notice of amendments, I may suggest for your consideration, Sir, that since these amendments are going to be merely formal, the Hon. Speaker need not stand on the decision that he has already given in a way but that he may kindly extend the time till to-morrow morning."

SRI K. BRAHMANANDAM REDDI:—"Mr. Speaker, the point that I want to submit is this. We were under the impression that there will be only a sort of general discussion on the Draft Constitution and that amendments such as we move in the case of Bills were not allowed in this case. But since we now understand that we can also move amendments, we have to make a closer study of the subject . . ."

MR. SPEAKER:—"Hon. Members might remember that previously we had discussions in this Assembly,—not during my time, but many years before—on the Simon Commission's Report and the Report of the Joint Select Committee and members were allowed to move amendments. This is only a formal matter and Members can move amendments."

SRI K. BRAHMANANDAM REDDI:—"Therefore, Sir, inasmuch as we have to make a closer study of the subject, I request you, that time may be extended till to-morrow morning so that hon. Members might have time to study and move amendments. That is all my submission, Sir."

* SRI K. BHASHYAM:—"Mr. Speaker, if you are going to allow time till at least to-morrow morning for the receipt of amendments, what are we going to do in the mean time? Are we going to move amendments which are already given notice of or are we to defer them till to-morrow? I therefore submit, Sir, that my suggestion to have a general discussion of the Draft Constitution to-day may be accepted. The moving of amendments may take place to-morrow when all the amendments have been received. This will avoid overlapping of amendments and facilitate expedition of business and, as I said already, many of the amendments might be withdrawn, if certain points of doubt are cleared during the general discussion. Then, Sir, with regard to speeches on amendments, you may perhaps fix a reasonable time-limit, so that Members may not repeat their points again."

SRI A. KAMESWARA RAO:—"Suppose an amendment is carried, what will happen, Sir?"

MR. SPEAKER:—"They will simply be forwarded."

"Now, as there is a general desire on the part of many Members that I should extend the time for the receipt of amendments till to-morrow, I have no objection to extend it. All amendments should be handed over into the office before 10 o'clock to-morrow morning. Regarding amendments already given notice of, they can be moved now."

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M. MUHAMMAD RAZA KHAN SAHIB:—"Sir, with reference to an unfortunate attack the other day on my esteemed Friend, Mr. Vedaratnam Pillai, and another friend of his by some mob in Tanjore, it appeared in the papers that a message was received from His Excellency Sri C. Rajagopalachari, the Governor of West Bengal, that when an M.L.A. is attacked, he should simply laugh and keep quiet. Sir, I submit that this will give an inducement to the public outside that they could attack any M.L.A. they like, because they had been advised to simply laugh and keep quiet. I want an assurance from the Hon. Leader of the House that all protection will be given to M.L.As. particularly when they go back to their constituencies, as otherwise people outside will think that the M.L.As. will simply laugh and keep quiet when they are attacked. I therefore want protection from the Government and from the House, Sir."

THE HON. SRI B. GOPALA REDDI:—"Mr. Speaker, I move—

'that the Draft of the new Constitution of India as settled by the Drafting Committee appointed by the resolution of the Constituent Assembly of August 29, 1947, be taken into consideration.'

"Hon. Members are aware of the importance of this motion and the discussion that follows. It is only natural that peoples' representatives in this Assembly should like to express their views on the Draft Constitution of India. The fundamental law of the country is of utmost importance for any State, and specially when it has won its freedom very recently. The entire shape of things to come will, to a large extent, depend upon the apparatus we invent and install.

"After long agitation and tough struggle put up by our people we have won freedom for the people. High expectations have been roused that there would be a break from the past and a new era of progress and prosperity would be assured to the people. The expectations have to be fulfilled and the aspirations realized before we can derive the fullest benefit from this hard-won freedom. Oppositional politics and agitational struggles must yield place to hard work and toil and to constructive statesmanship and administration. The technique that was good against an alien Government must be discarded and a new technique which will strengthen us internally must be evolved. With the huge responsibility we have undertaken, our approach to problems and their solutions must undergo a change and we ought to undertake the task of governing our country with idealism coupled with realism. We have to work in a different altitude and atmosphere altogether and our Constitution must help us to forge ahead with implementing our awakened aspirations.

"A Constitution to be workable must act as an incentive and as an inspiration and must throw open new vistas for the leaders of the people to think and act in a progressive manner. It must also regulate peoples' desires and canalise them so that what is desired is well regulated and utilized to the fullest benefit of the

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people. A Constitution must regulate without impeding, help without hampering. Otherwise a machinery that ought to help people to progress will become a dead-weight and may be used by reactionary forces to the detriment of the people. If peoples' ambitions are not realized through the process of Constitution, revolutions become available alternatives which will only mean gambling with peoples' future. A Constitution should not be too rigid or too flexible. It must be able to bend to the will of the people without breaking. But if it is too easily amendable it creates considerable uncertainty which is not desirable for the orderly progress of a State.

"All the different organs of the State must function unfettered, but without conflict. They must combine independence with harmony and with a sense of adaptability to the exigencies of times. They must inspire necessary confidence in the people that they are acting promptly, efficiently and justly. The State machinery, while in motion must have its internal checks and balances, so that there is an automatic process of correction, if anything goes wrong. The Legislature must keep its watch over the Executive without unnecessarily interfering into details of administration. The Judiciary must keep its eye on the Executive and on the Legislature and see whether they are functioning according to the law of the land and the Executive also must lead and direct and carry the Legislature with it without offending the Judiciary. The Executive is responsible for the proper manning of the Judiciary. In short it must be like the Solar system where every orb has its own motions and rotations in its own sphere while conforming to the rules of the general system. Though they are moving in space at terrific speed there is a perfect understanding between them. A clash and conflict means only conflagration and they know how to avoid such catastrophies.

"I want hon. Members to examine our Draft Constitution from this angle and scrutinize it.

"The post-war world of today is in the throes of great excitement and we see the display of ideological conflicts everywhere. Things have not settled and people seem to be at the parting of ways, some going to the right and some left. India too will have to go through this turmoil and decide for herself how she wants to progress towards her next stage of development, namely, economic freedom. That exploitation should cease and every encouragement should be given to backward areas and people is a universally accepted principle and unless every section of the community also joins in the march of progress, it won't be a real progress. In social advancement, if one section is far behind others, it is sure to create discontent and discontent is the cradle of all revolutions. Wide disparities in the opportunities afforded to people is another factor which is bound to create bitterness. If Swaraj were to mean anything to the general totality of people it must strive and move on towards economic democracy. Empires and spheres of influence must cease and exploitation of man by man should be a thing of the past. Then only peace can be established internationally and nationally. I visualize for India a Socialist State

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where man is given the fullest opportunity to rise to the highest position in the State. A strong India is not only essential for her own sake but for the sake of balancing of powers and ultimately for the establishment of peace in the world. It is a necessity of international importance.

"Democracy should not mean lowering of standards either in character or in administration. The vigilance of democracy must be such that it must demand exclusion of any lowering of moral values. If a race connives at or tolerates corrupt leadership, it can't expect to have any orderly Government. A nation gets the leadership it deserves and unless people are constantly watchful leaders in authority may lead them into dubious paths. The satisfaction of the people does not depend solely on the constitution of the country. A constitution may be very good but the people who control the machinery and administer the constitution will, to a great extent, make the people happy or unhappy. It is the human personality that administers the law that matters most, than the letter of the fundamental law. French constitution was drafted by all the wise men of France. But France did not enjoy a perfect type of administration. Applied constitution which is administration is the thing that matters in making people contented. The purity of democracy must be retained without allowing it to degenerate into mobocracy, which is the parent of anarchy and confusion. All progress must be orderly and such progress alone is sustainable.

"From the Simon Commission days to the Constituent Assembly times, we have made a big march and we are on the eve of producing an agreed constitution. But alas, Indian unity had to be sacrificed due to the logic of the two-nation theory that was propounded. War quickened our pace towards independence and division and even the attempt of the Cabinet Delegation to retain a Common Centre, however feeble, proved abortive. The June 2nd plan conceded Partition at last.

"The Constituent Assembly and the Draft Constitution of India prepared by it are the biggest achievements of Dr. Jawaharlal Nehru who first visualized a Constituent Assembly for India. He dreamt of it and ceaselessly worked for it until at last he became the Father and the Leader of the Constituent Assembly.

"As we look at the objectives or the Fundamental rights, both justiciable and non-justiciable, embodied in the Constitution, we see the personality of Dr. Nehru and his vision of a Free India. It is but right that we should recall to our mind in grateful appreciation the signal services rendered by Dr. Nehru for bringing us to the stage of a Draft Constitution prepared by the representatives of people. While the Mahatma strove for Swaraj, Dr. Nehru was striving for things to be done after Swaraj.

"It is the earnest desire of the framers of the Constitution that they want to take the minorities along with them but not by artificially creating separate constituencies and with weightage of seats. But the Draft Constitution, wants, as it is realized on

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all sides, that no minority should feel uncomfortable under the future Constitution of India. Minorities which were pampered by an alien administration may feel that they are losing something which they were enjoying hitherto. Separate electorates which paved the way for a good deal of mischief and disruption are to be wiped out. It must be with the general consent and approval of the people in a locality that a candidate should be returned either to the Dominion Parliament or to the State Legislature. Separate versus joint electorates was a very intricate problem which agitated our minds right from 1916 and separate electorates are going to be a thing of the past. Likewise weightage given is also being removed. For a limited period, seats are reserved for some of the important minority communities. At the request of women themselves, no seats are reserved for them in the Draft Constitution, either in the Centre or in the States. They have to struggle and fight with men to capture seats. Labour and Commerce too will not get any reserved seats.

"The Premier of the Province will be called hereafter the Chief Minister and the President of the Legislative Council the Chairman to distinguish him from the President of the Republic. The Accountant-General will be called the Auditor-in-Chief. The fortunes of the Advocate-General are linked with the Chief Minister. Under Article 145 the Advocate-General retires from office upon the resignation of the Chief Minister of the State.

"The omission of Andhra, Tamil Nad, Kerala and Karnataka separately in the list of States came to many of us as a disappointment and I am sure the Constituent Assembly will take early steps to divide India on linguistic basis. At the same time no thinking Indian can encourage aggressive provincial feeling which is in evidence in many quarters of late. The mischief that was wrought previously emanated from religious minorities and the future weakness, if proper steps are not taken betimes, may emerge from narrowminded aggressive Provincial feelings.

"It is unnecessary for me to dilate on the main provisions of the draft: how the President and Vice-President are elected, how the Dominion Parliament is composed and how State Legislatures and Executives are formed, etc. I shall refer only to the controversial matter as how best to get a Governor of a State appointed. After a heated debate in the Constituent Assembly at an earlier stage, it decided to have the Governor elected by the adult population of the State. That is, he and the Chief Minister will be elected more or less by the same people and the elected Governor will be a mere Constitutional head. The Drafting Committee in Article 131 has recommended that the Governor may be appointed by the President from a panel of four candidates to be elected by the Members of the State Legislature, in accordance with the system of proportional representation by means of single transferable vote. It is open to the Members to express their views whether the Governor should be elected directly by the people or nominated by the President from a panel.

"The State Legislative Assembly shall not have more than 300 or less than 60 members. Generally one representative is

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provided for a lakh of population and the Legislative Council, if any, will not exceed 25 per cent of the strength of the Assembly of which one half shall be elected on a functional basis, one-third by the Assembly and the remainder will be nominated by the Governor.

"While the general contour of the Constitution is on the British model of having a Cabinet form of Government where the Prime Minister is the pivot, they have also taken some aspects of the U.S.A. constitution of having a President elected by an electoral college, but without going to the people. He has none of the powers of the American President for he is only a Constitutional head. He is more like the French President.

"About Financial allocations between the Centre and States, an Expert Committee was appointed by the President of the Constituent Assembly to report on the financial allocation between the Centre and the Provinces. That Committee made some recommendations with regard to income-tax, corporation-tax, Central excise duty on tobacco, etc. But the Drafting Committee did not accept any of them for the time being and merely contented by recommending that *status-quo-ante* may be maintained and a Financial Commission may go into the question after a period of five years. That is a great disappointment to all the provinces, for the provinces are charged with the responsibility of Education, Health, Communications, Irrigation, etc., but they are unable to find the necessary finances now for undertaking their expansion schemes under these heads. It cannot be too late for the Constituent Assembly to do something to help these provinces financially.

"While we plead for effective Provincial autonomy, no patriotic Indian will ever desire to have a feeble centre which in any emergency cannot take effective measures to defend its own territory. We want a strong centre, strong but not in the sense of having too many subject under it. The Draft Constitution follows the lead given by the Government of India Act of 1935 in dividing the lists of subjects into Union List, State List and thirdly the Concurrent List.

"The merger and accession of States is also a healthy sign of the times and it is but right that we should congratulate the rulers of the States for having allowed the peoples' will to prevail. Either they have kept themselves aloof from the administrative functions or they have satisfied themselves by being Constitutional rulers by conferring responsible Government on the people.

"Before I conclude, Sir, let me say that this Assembly had the good fortune of sending 49 representatives to the Constituent Assembly and many of them have played a notable part in the deliberations of that Assembly and in the drafting of these proposals. Our senior statesmen, notably, Sir Alladi Krishnaswamy and Sri N. Gopalaswamy Ayyangar have contributed largely to some of the vital decisions taken by the Constituent Assembly. Some of the junior comrades too like Mr. Nagappa have taken a keen interest and made their presence felt in the Assembly.

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"I commend, Sir, the Draft Constitution of the Free India to the House and I hope members will speak on the questions that are dealt by the Draft Constitution."

MR. SPEAKER:—"Mr. Bhashyam will now move his amendments and then somebody will second them." 1: noc

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I not speak, Sir?"

MR. SPEAKER:—"Will the hon. Leader of the Opposition kindly resume his seat? Let the amendments also be moved and seconded and both the main motion as well as the amendments will be under discussion."

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"May I make a submission, Sir? Though you have asked members to move amendments it is not necessary to prevent any other member from being allowed to speak. Particularly, Sir, the Leader of the Opposition would like to speak. I would suggest for your consideration, Sir, that the Leader of the Opposition may be allowed to speak. Then Mr. Bhashyam may move his amendment. When you give a direction that members may first move amendments it does not preclude any member being allowed to speak on the motion itself before any other member moves any amendment. Or after one or two amendments have been moved you may allow another member to speak on the original motion itself."

MR. SPEAKER:—"This is a formal rule which everybody knows and it is not as if the Leader of the Independent Group does not know it. What I suggest is for the sake of saving time. Ordinarily he can move every amendment and there can be a discussion on every amendment. That is why I suggest that he can move his amendments formally and there can be a discussion on the amendments as well as the original motion. That is what we have been doing here. We have done it in so many cases before. We did so when the food situation was taken into consideration in 1947. I allowed the Leader of the House to move the motion. The hon. Members will now move their amendments and then both the motion as well as the amendments will be before the House for discussion."

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"The situation is very much different, Sir. An important resolution like this is very much different from any other Bill where amendments are moved. Here the Leader of the Opposition likes to speak. He comes from a different school of thought and it will be in the interests of discussion if you would be pleased to allow the Leader of the Opposition to speak on this occasion. The Leader of the Opposition has got a peculiar position in matters of this type and I think it will only be right if you could allow the Leader of the Opposition to speak. We are only anxious to know the view point and he represents a different school of thought."

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MR. SPEAKER:—"I think the Leader of the Independent Group has evidently misunderstood me. I never objected to the Leader of the Opposition speaking. What I suggest is in order to save time. Otherwise we can simply have a general discussion on the motion. That is what it will come to. The point I am suggesting is that both the original motion and the amendments may be before the House for discussion."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On a point of information, Sir. I want to know the exact procedure you are adopting. I do not understand it as it is, Sir. I want a little clarification. Are you allowing other members now to formally move their amendments without making speeches? Then I have also got an amendment which I have already given notice of."

MR. SPEAKER:—"Will the Leader of the Opposition kindly resume his seat? The hon. Member Mr. Bhashyam will formally move his amendments. Swami Sahajānandam also has an amendment to move. He will also move his amendment. After they are formally moved the original motion as well as the amendments will be before the House for discussion. Then the hon. the Leader of the Opposition may speak. I will give him the first chance."

MUHAMMAD RAZA KHAN SAHIB:—"No speech for the hon. Member Mr. Bhashyam, Sir."

MR. SPEAKER:—"No speech. He will formally move his amendments."

* SRI K. BHASHYAM:—"I think I have not gained my point at any rate. The point I want to make out is this. If you really want to have a discussion on the general principles of the various provisions of the Draft Constitution apart from the amendments it is one matter. If you really want to concentrate attention on the principles of the various amendments moved that will be a different matter altogether. To have both these clubbed together and then make speeches on both is a matter which perhaps may be inconvenient to many members. That is my submission. If you still feel that everybody may move his amendments formally and have them seconded and then there may be a general discussion on the amendments and the original motion, then I shall move my amendments. I move, Sir, the amendments which I have given notice of and which are in printed from before the House."

"Add the following at the end:—

and on such consideration, this Assembly is of opinion that—

(1) in the matter of citizenship rights in clause (a) of Article 5, there should be positive enactment to the effect that the citizen should have either permanent abode in India or must have

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the intention to reside permanently here and also that in Explanation (ii) to that section the period of one month required for residence before the citizenship is acquired is too short a period and ought to be at least six months;

(2) "freedom of worship and religion" be added to the list of Fundamental Rights in Article 13, clause (1);

(3) that in the Explanation under Article 19 (1), the measurement and size of the kirpans to be worn and carried by the Sikhs as part of their religion should be defined;

(4) in Article 45, the term of the office of the President be extended to seven years;

(5) in Article 47 (1) (b), the age of the President be raised to 40 years;

(6) in Article 55 (3) (b), the age of the Vice-President be raised to 40 years;

(7) in Article 63, it should be made clear that the age restrictions either for appointment or for retirement should not apply to the Attorney-General for India;

(8) in Article 67, clause (2), item (a), the words "law and medicine" may be added;

(9) in Article 67, clause (7), with regard to the representation in the House of the people of territories other than States, the Parliament shall make provision for consulting in the best way possible, the wishes of the people of the State;

(10) in Article 82, clause (3), the Constitution Act may provide for forfeiture of the seat of a member in the House on account of absence, but power should be given to the Parliament to reinstate the member if reasons given for his absence are satisfactory to the House;

(11) in Article 83 (1), with regard to the disqualifications for membership, the age-limit need not necessarily be coincident with that of the voter but it should be prescribed at 25;

(12) in Article 102, relating to the powers of the President to promulgate Ordinances, provision may be made (1) for requiring the President to consult the Council of Ministers before the issue of an Ordinance and before he expresses satisfaction that an emergency exists; and (2) in clause (3), instead of restricting the power of the President in the issue of the Ordinances to matters on which the Parliament is competent to enact, the provision may be made general so as to include provincial and concurrent subjects also as in some cases an emergency may arise which may require such action to be taken in respect of them also;

(13) in Article 103—

(1) in sub-clause (2), in the matter of appointment of Judges to the Supreme Court, the provision for the consultation of the Judges of the Supreme Court and of the High Courts in the States as may be necessary for the purpose is not clear and the personnel of the Judges who must be consulted, should be specified;

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(2) in sub-clause (3) (b) the words "just preceding the date of appointment" may be added after the words "ten years" and before "an advocate"; and

(3) in Explanation to sub-clause (3), the judicial office must be more clearly defined and must be an office of a grade not less than that of a District Judge;

(14) in Article 111, clause (1) (a), for the words "twenty thousand" the words "ten thousand" may be substituted;

(15) in Article 115, the power of the Supreme Court to issue directions by way of *habeas corpus*, etc., need not wait till the Parliament passes law to the effect, and such power may be conferred on them by this Constitution Act itself;

(16) in Article 131, relating to the election of the Governors, the alternative system may be approved;

(17) in Article 132, the term of office of the Governor should be extended to seven years so that the elections to the various Legislatures should not be coincident with the election of the Governor himself;

(18) in Article 134, the age-limit for a Governor should be raised to 45;

(19) in Article 145 (1), it may be made clear that the age restrictions for the retirement or appointment of Judges should not apply to the Advocate-General;

(20) in Article 148, the Legislature shall consist of only one House;

(21) in sub-clause (3), item (a) of Article 150, the words "Law and medicine" may be added;

(22) in Article 188 (1), relating the powers of the Governor during grave emergencies, provision must be made that the Governor shall not act in this matter except upon the advice of the Council of Ministers and that in case of difference of opinion between him and the Council he should refer it to the President for final decision;

(23) in Article 193—

(1) the age-limit for the retirement of High Court Judges in the States may be fixed once for all at 65 instead of leaving it to the Legislature of the State to prescribe the age;

(2) in Explanation 1 to clause (2), the judicial office referred to must be of a grade not less than that of a District Judge.

(24) in the Seventh Schedule—

(1) in List I, the following be added as a new item 40 (a) after existing item 40:—

"(40) (a) University education—Scientific Research";

(2) in List II, in item 18, the words "and 40 (a)" shall be added after "40";

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(25) in section 138, in the provision to allow the President to make such provisions as he thinks fit for the discharge of the functions of the Governor in any emergency, a clause may be inserted so as to compel the President to consult the Council of Ministers before doing so;

(26) the President must also be authorized to transfer a case from the High Court of one State to that of another in extraordinary circumstances, as provided for in section 25 of the Civil Procedure Code;

(27) in Article 216, in sub-clause (2), where provision is made that no law made by Parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation, it must be made clear whether it means extra-territorial beyond India or will have operation even in case where the Provincial Government has exclusive jurisdiction;

(28) in section 220, the division of powers between the provision in this section for the Legislature of the State to make laws with respect to the constitution and organization of the State High Court, and the power given in Chapter VII, Part VI—High Courts in the States, to the President for the purposes of appointment, etc., should be clearly defined;

(29) Article 228 be omitted;

(30) in the matter of protection of minorities there must be a provision enjoining the President to appoint a Commission at least at the end of ten years to investigate the conditions of socially and educationally backward classes;

(31) in the Seventh Schedule, the words "other than mechanically propelled vehicles" in item 19 of List II—State List, and also item 21 in List III—Concurrent List be omitted."

SRI R. VENKATA REDDI:—"I second the amendments, Sir."

MR. SPEAKER:—"The amendments of Mr. Bhashyam as well as the Draft Constitution are before the House for discussion. Properly speaking, Mr. Bhashyam should have read all the amendments one by one. But the list of amendments being long, I do not want to trouble Mr. Bhashyam. The motion as well as the amendments are before the House. Is Swami Sahajanandam moving his amendments now?"

SRI A. S. SAHAJANANDAM:—"No, Sir."

MR. SPEAKER:—"The Leader of the Opposition will now speak."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Am I to move my amendments, Sir?"

MR. SPEAKER:—"If he wants he can move them now."

SRI K. BHASHYAM:—"Then it will be moving the amendments piecemeal. That is what it comes to."

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MR. SPEAKER:—"I wish to know from the Leader of the Opposition whether he is moving his amendments now."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I am in your hands, Sir."

MR. SPEAKER:—"The hon. the Leader of the Opposition may move his amendments formally."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, I move that—

'Add the following at the end:—

"and on such consideration this Assembly is of opinion that the following amendments should be made in the Draft Constitution of India for making it more satisfactory:—

(1) In the preamble, for the word 'Republic' after the words 'Sovereign Democratic' the word 'State' shall be substituted.

(2) In Article 10 (2) the words 'backward' shall be omitted.

(3) In Article 10 (4), for the article 'a' occurring between the words 'person professing' and 'particular religion' and between the words 'belonging to' and 'particular denomination' the word 'that' shall be substituted and the words 'to which that institution belongs' shall be added at the end.

(4) In Article the words 'to which that person does not belong' shall be added at the end.

(5) In Article 22 (3) for the word 'providing' the words 'being permitted to provide' shall be substituted, and between the words 'Institution' and 'outside' the words 'in, or' shall be inserted.

(6) In Article 23 (1) between the words "script and" and 'culture of' the words 'or' shall be inserted.

(7) In Article 35 the following proviso shall be added at the end:—

'provided that any group, section or community of people shall not be obliged to give up its own personal law in case it has such a law.'

(8) In Article 60, the proviso to sub-clause (1) shall be omitted.

(9) In Article 131 for the existing article and its alternative the following shall be substituted:—

'the Governor of a State shall be elected according to the system of single transferable votes by a college of electors which shall be composed of the members of the Legislative Assembly of a State, the members of the Legislative Council

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where there is one, the Presidents for the time being of the District Boards in the State and the Chairmen of the Municipal Councils in the State'

and consequential amendments be made in other Articles.

(10) Article 223 shall be omitted.

(11) Article 226 shall be omitted and consequential amendments be made in the other Articles.

(12) In Article 292, the following shall be added at the end:—

'(2) The seats reserved under clause (1) for the minority communities shall be filled by the members of the respective communities elected by Constituencies of voters belonging to the said respective communities.'

The present Article shall be renumbered as 292 (1).

(13) In Article 294 (1) the following shall be inserted as clause (2):—

'(2) The seats reserved hereby for the minority communities shall be filled by the members of the respective communities elected by constituencies of voters belonging to the said respective communities'

and the other sub-clauses be renumbered accordingly.

(14) In List I in the Seventh Schedule—

Item 5 shall be omitted.

The following words shall be added at the end of item 13:—

'In consultation with the respective States where subjects of the State List are concerned'

Items 31, 32 and 91 shall be omitted.

(15) In List III in the Seventh Schedule, items 17, 18, 19, 20, 21, 23, 24, 30 and 31 may be omitted and entered under List II "''"

MUHAMMAD RAZA KHAN SAHIB:—"I second the amendments, Sir. On a point of information, Sir, I want to know whether we are considering the Draft Constitution and also the draft report read out by the Hon. Mr. Gopala Reddi." 12-15 p.m.

MR. SPEAKER:—"The report is not a motion."

MUHAMMAD RAZA KHAN SAHIB:—"Sir, I have not made my position clear. There is the Draft Constitution and there is also the draft report of the Leader of the House. Is that also under discussion?"

MR. SPEAKER:—"The motion under discussion has already been circulated to hon. Members."

SRI T. S. PATTABHIRAMAN:—"Sir, the Leader of the Opposition has moved certain amendments. We are in the dark and we do not know what those amendments are."

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MR. SPEAKER:—"The amendments are being reneued. They will be circulated to hon. Members shortly."

* M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Mr. Speaker, Sir, we are really grateful to Almighty Providence that we are having this opportunity of discussing and considering the Draft Constitution of Free India. We really feel very proud that we have come to this stage, we are now a free people and that we are going to govern ourselves under a new Constitution which we are giving to ourselves. This is a very important matter which affects the life of the country and the people vitally. Though much of the future depends upon the way in which this Constitution is being put into force, I may say that much depends also upon the Constitution itself—the lead which it gives and the guidance which it affords to the people. Therefore, we must consider very deeply and dispassionately the subject that is before us here. I would beg of every member to view in a disinterested and dispassionate manner any views that may be placed before the House. I would beg of them to dismiss for a time the prejudices that have come round our vision and clouded the atmosphere of the country, unfortunately, for some time past. As this is a thing which is going to affect our country for a very long time, I make this special request. Constitutions are not changed easily. Therefore, it is that when we are going to put the Constitution on the Statute Book we should pay every possible thought and calm consideration to the subject. Sir, the Drafting Committee has bestowed much attention and labour on the work before them. We are really grateful to them for saving much of our time by themselves having given so much thought and consideration to the subject. What the drafting Committee has evidently done is that evidently they have taken the framework of the Act of 1935 and drawn for details from various other Constitutions of the world. For my part, I would have very much preferred them to have pictured to themselves the conditions, past and present, prevalent in this country and then to have set about drawing the Constitution, basing the same upon the picture they have so drawn. I feel the picture that is before us in the shape of the Constitution gives an uneasy and complex feeling. An ex-Judge of the Madras High Court recently said that almost every article of the Constitution required alteration or amendment. I feel that he is correct in that point of view. Now, I have given notice of a number of amendments only to show my idea in this respect as well as in certain other respects. Those amendments are to be taken by no means as exhaustive or comprehensive. The amendments are only illustrative of my point of view. Now coming to the name, we find that the name as given in the Draft Constitution is 'Sovereign Democratic Republic'. This is in accordance with the Resolution passed by the Constituent Assembly at the beginning. The Chairman of the Drafting Committee, the Hon. Dr. Ambedkar, has given notice of an amendment to the effect that the word 'State' should be substituted for the word 'Republic'. One of the legal authorities of our own City said recently that this referred to the relation of this country to the

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British Commonwealth, that there was time for considering that relationship in future and that, therefore, there was no harm in adopting the word 'Republic'. The point, to my mind, really is this. It is not a question of future. What is the present position itself? Now, as a matter of fact, our country is a member of the British Commonwealth. Now the fear is, if the Constituent Assembly adopts these words 'Sovereign Democratic Republic', that connexion may be ruptured automatically leading to complications. It is only to make that point clear, I think, the Hon. Dr. Ambedkar has given notice of his amendment. I think he is right and I am one with him in that amendment."

THE HON. SRI B. GOPALA REDDI:—"Ireland calls herself a Dominion Republic and she is a member of the Commonwealth to-day."

* M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"All right, Sir; when did she adopt that word 'Republic' and what were the things she had before her when she adopted that word? All these are points to be taken into account. We as things are to-day, happen to be a member of the British Commonwealth. Do we want to break away that connexion? There is nobody pleading for that connexion. But Dr. Ambedkar's suggestion is that we should do it in a constitutional and proper way. It is for that purpose he has tabled an amendment. After all, we need not make much of this matter. I only wanted to say I thought that Dr. Ambedkar was right in making this suggestion."

"Sir, the Leader of the House referred to Provincial autonomy in his speech commending his motion to the House. I find not much of Provincial autonomy in the Draft Constitution as it is presented to us. That is why I said that we ought to have taken the conditions of the country into consideration, pictured the present conditions as well as past traditions of the country, and then made the Constitution to suit the conditions of our country. We have all been talking of village autonomy, the good that it will do to the country, and the necessity for ushering the old system of village autonomy in the country. But I find that the Draft Constitution has not got even much of Provincial autonomy, not to speak of village autonomy. The Provincial autonomy and the powers of the States are whittled down. The Centre is overweighed with powers. Such an arrangement is not suited to our country, which is a country of long distances and huge population. In such a country, the States or the Provinces must be given full powers to manage their own affairs and to ensure the welfare of the people according to the local conditions. It is only the Provincial Government that will be in intimate touch with the people of the Province, and, therefore, it stands to reason that the Provincial Government must be left with as much powers as possible. The Centre must concern itself only with co-ordination and similar subjects that are in addition to the matter of defence. This kind of arrangement is necessary not only or maintaining efficiency but also for ensuring the welfare of the people of the Province. The Drafting Committee itself had

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before them many instances of this Provincial autonomy being incorporated in the various Constitutions of the world. Therefore, I do not want to take the time of the House by referring to examples and instances. But, I may however, say that whatever may be the case of other countries, we must take the conditions of our country into consideration. As I said before, our country has got a population of more than 30 crores. An attempt to give this country a unitary type of Government will not be conducive to the interests of the people as a whole. Perhaps the Drafting Committee felt, as also many others, that centralized Government is a good thing for this country, and that otherwise it would lead the country to disintegration. I do not think there is reasonable ground for this feeling, because I want to draw your attention to the case and history of the Dominions incorporated in the British Commonwealth of Nations under the the Westminster Statute. These Dominions are fully sovereign States. They are independent. They can do anything. They may declare war or they may not go to war even when their own mother country is at war. This is the freedom they have got. But what has happened in the past as well as in the present? In the two world wars, these people found themselves together with Great Britain. They gravitated, and they came in as a matter of fact. They all acted as if they were people of one country. One Dominion is at one end of the world and another Dominion is at the other end of the world, and there are oceans and countries between them. There are hostile nations between these people, and yet these did not prevent them from coming together for the purpose of common defence. Therefore, I say that it is not true to say that Provincial autonomy and decentralization will lead to disintegration. That contention is belied even by this one factor which I have cited. It is not so much unitary type of Constitution that is going to make the people come together or live together as the relationship which this Constitution and the people, who are going to put it into action, are going to forge and create. If the liberty of the Province is overridden frequently by the Centre, as it would happen under the present Constitution, then it will surely produce discontent and friction. It is such friction and discontent that will lead to disintegration. Therefore, in the interests of the unity of the country, in the interests of the integrity of the country, and in the interests of the welfare of the people, Sir, the Provinces must be left with their full powers. Then again, I am afraid—my fear is based upon history and facts—that over-centralization and over-weighting the Centre with powers will lead to Fascism, and you know, Sir, where Fascism leads to. It may seem all right for a time, but it does not lead to lasting results. We know what misery and what trouble such a state of affairs bring upon any country. Therefore, I would plead and urge that Provincial autonomy—both in the spirit and the letter—ought to be maintained in the Constitution. Sir, it is with this object that I have proposed certain amendments. Even by accepting and putting into effect all my amendments, I do not say that Provincial autonomy will be secured. Sir, as I have told you at the beginning, they are only illustrative

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and they are examples of what I think in the matter. In this connexion, Sir, I want to give one instance why we want Provincial autonomy, because it is only the Provincial Governments that are endowed with duties towards the people of the country touching their direct needs and they only know how to satisfy the people. To give a very recent example, Sir, you know that there was a great cry in this Province for raising the price of rice. The Hon. the Premier of this Province wrote to the Central Government on this matter; he also went to Delhi with other Ministers and pleaded with the Central Government and made representations to the Central Government on this matter. But, what was the effect? They could not do anything in this matter. Even though a number of Ministers went to Delhi and personally represented this matter, they were not able to get the thing done. It will not always be possible for the Hon. the Premier to go to Delhi every now and then and to represent these matters. That is why I want, Sir, that the Province should have powers to deal with such matters affecting the lives of millions of people. That is why I want, Sir, the powers of the Province or the State should not be curtailed in any way.

“ Then, Sir, some of the provisions of the Draft Constitution give residuary powers to the Centre. The 1935 Act left it out without saying anything about it. But, now, Sir, I find that Article 233 definitely places these residuary powers in the hands of the Centre. Then, again, Sir, item 91 in the Union List, that is List I in the Seventh Schedule, also places residuary powers in the hands of the Centre. Therefore, Sir, I am proposing certain amendments for these two items, namely, that Article 223 and item 91 in the First List of the Seventh Schedule be omitted. It is for the purpose of maintaining the right of Provincial autonomy that I have proposed these amendments. Sir, there are various articles which really encroach upon the powers of the Province. For instance, Article 60 provides for the conferring of executive powers on Union authorities or it empowers the Union authorities to give directions to the State where subjects of Concurrent List are concerned. Here, too, I do not want any inroads to be made into the affairs of the Province. The dissenting minute in the Draft Constitution says that instead of giving collateral powers with regard to concurrent subjects, the whole power or subject may be transferred to the Union. The argument is very subtle. Sir Alladi Krishnaswami Ayyar who gave this minute of dissent says that if any matter enumerated in the State List has assumed national importance, it ought to be transferred to the Union List. He says that the whole of such a power must be transferred to the Union. I do not understand the logic of this argument. As a layman, I may say that the powers of the Provinces should be there. Provinces also are patriotic. They are also concerned with the defence of the country in times of national emergency. You can really trust the Provincial Governments to do what is good not only to the Province but also to the country as a whole. Therefore, there is no necessity to ask the Provinces to transfer such power.

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"Sir, as I indicated previously, Articles 223, 226 and 228 are also articles which deal with powers with which the Centre will override the Provinces under certain circumstances. Then, again, Sir, in the First List in the Seventh Schedule, you will find that item 5 refers to the industries of war and it is too comprehensive. It may cover anything under the sun. It says: 'Industries declared by Parliament by law to be necessary for the purpose of defence or for the prosecution of war.' Therefore, the criterion is only a declaration by Parliament that such and such an industry is necessary for the defence or prosecution of the war and then it automatically goes to the Centre. Sir, these Lists are placed with the idea that the Provinces will not be sufficiently co-operating with the Centre in times of emergency or other necessity for putting into operation measures for the defence of the country. Sir, it is really a very drastic item. Therefore, it is that I have proposed an amendment for this, namely, that this item may be omitted from this List.

"Then, Sir, item 13 deals with participation in international conferences, associations and other bodies and implementing of decisions made thereat. There again, the Constituent Assembly and the Committees constituted by the Constituent Assembly probably thought that this item should be put in List I. But, Sir, it was pointed out to them with force and reasonableness that there are certain matters here, such as international conferences, in which the Provinces may be vitally interested. In such cases, it is but just and reasonable that the Provinces also must be taken in consultation. Therefore, I have given an amendment which requires the Central Government to take in consultation the respective States where subjects of the State List are concerned.

"Then, Sir, I come to item 31. There are also several other items. As I told you at the beginning, I am only giving examples to show how many subjects are concentrated in the Union Government. For example, item 31 deals with airways, aircraft and air navigation, provision of aerodromes, provision of aeronautical education and training and regulation of such education and training provided by State and other agencies and item 32 deals with the National highways declared to be such by Parliament by law. Sir, establishment of airways, aircraft and air navigation, national highways and waterways are placed in the first list. These are subjects which must really come to the Provinces. Then, Sir, as I have already stated, the words the residuary powers ought to be really removed from that list with respect to these items.

"Then, Sir, coming to the third list, the Concurrent List. items 17, 18, 19 and 20 should really be transferred to the second list, that is the Provincial List or the State List. Item 17 says: "Burials and burial grounds; cremation and cremation grounds."

SRI K. BHASHYAM:—"The hon. Member is reading item 17 in the second list."

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* M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Yes, Sir. I am sorry. Item 17 in the third list refers to "Legal, medical and other professions". Sir, these are subjects over which the Centre is sought to be given powers. Again item 18 relates to newspapers, books and printing presses and item 19 refers to lunacy and mental deficiency, including places for the reception or treatment of lunatics and mental deficient. These subjects can safely be left in the hands of the Provinces and Provinces can be expected to co-ordinate with each other in these matters. It is necessary and legitimate to expect a Province to come into contact with other Provinces or States in dealing with these matters. Therefore, I say that the Central Government who have framed this Constitution should not have proceeded with a suspicion over the Provinces and think that they will be kicking frequently over these matters. Therefore, Sir, if these and similar changes are not made, the Provinces will only be glorified district boards. If it is decided to have a Province of that character, then we need not go into the paraphernalia of having a Governor and the members of the Legislature at the cost of crores of rupees to the people. Sir, these things have got a meaning only when they are given effective powers. Therefore, Sir, I plead with the powers that be that these things must be given a dispassionate consideration and the Constitution must be amended accordingly.

"Then, Sir, I want to speak on one or two other matters. Article 35 deals with a uniform civil code and says under non-justiciable rights, that the state shall endeavour to secure for the citizens a uniform civil code throughout the territory of India. You know, Sir, this is a country which has got personal law in abundance. Therefore, Sir, nothing should be done to give discontent to the people by encroaching upon their personal law and I have proposed a proviso to this article 35, namely: 'provided that any group, section or community of people shall not be obliged to give up its own personal law in case it has such a law'."

SRI K. BHASHYAM:—"It is a directive principle; it is not a non-justiciable right. It is only an endeavour to secure for the citizens a uniform civil code and it does not affect the right of anybody."

* M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Even at the beginning, Sir, I said, it is a non-justiciable right. Is it as a matter of fact, a directive principle? Now, Sir, what is the meaning of a directive principle? It would be put into force in some form or other and the Government would take action in these matters. Is there any direction in that article by which the personal law will not be affected?

"Then, Sir, Article 131 deals with the Governor's election. 12-45
Two alternatives are given in the Constitution. I do not think, p.m.
Sir, that either of the alternatives is alright. Instead of that,

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I propose that the Governor might be elected exclusively by the province by a college of electors composed of Members of both the Houses of Legislature where there happens to be an Upper House and also the Presidents of the District Boards and the Chairmen of the Municipalities in the Province"

THE HON. SRI B. GOPALA REDDI:—"If the District Boards are alive by that time"

* M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Only if they are there.

"Then, Sir, this is a matter which concerns the province and therefore the province must be given the exclusive right of choosing its own Head. We need not leave it in the hands of the President. That is one thing.

"Secondly, coming to the other alternative of having him elected by adult franchise in the province, it might be pointed out that we shall have this election exclusively in this province. It is quite true, but see the difficulties and hardships of such an arrangement as that. Sir, five crores of people in this province have to elect the Governor. It means not lakhs but crores of rupees of expenditure in electing one Governor. All that for what purpose? To elect a figure-head. But then, when you elect him by universal adult franchise, there is bound to be friction between him and the Premier and the other Ministers who are after all elected by only one constituency in the Province. Therefore he will have a moral right and moral force behind him to assert himself under certain circumstances. Therefore, for the smooth working of the Constitution, I do not think that the election by the adult franchise is a salutary provision. Therefore, I have given a third alternative.

"Then, Sir, another small matter. In article 10, they speak of some special representation being given to certain classes of citizens who in the opinion of the State are not adequately represented in the Services under the State. Therefore the Drafting Committee has inserted the word 'backward'. I do not think that word is necessary. It is superfluous because the other clause makes it clear. They might be backward to-day and another class may become backward to-morrow. Therefore, whoever is the class, which, in the opinion of the State, is not adequately represented, shall have that special representation. That is a small matter which I thought I might bring to the notice of the House.

"Sir, then again in Article 10 (4), they speak of appointing a man of one religion to manage the affairs of the institutions of the same religion. I only amend it to the effect that the person appointed to an institution will be a person of the religion to which that institution belongs. Perhaps the idea of the drafters is that, but however to make it clear I have given that amendment.

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"Then, Sir, I come to the question of religious instruction. There are a number of Articles concerning this in the Constitution which deal with this question of religious instruction. Article 22 (1) says:

'No religious instruction shall be provided by the State in any educational institution wholly maintained out of State funds.'

I think, Sir, for ensuring the neutrality of the State, such a provision is not necessary. After all, everybody in the country is religious. They want religious instruction to be given to their children. Under compulsory primary education, Sir, you will not expect people to provide separate arrangements for imparting religious instruction. It is not really practical politics and when the people find that they are not able to give religious instruction to their children, there will surely be discontent among the people not only amongst the minorities but also amongst the majorities. Therefore, I think there is no harm and it is not in violation of the neutrality of the State if religious instruction is given to the people in their own religion. I find, Sir, that such a provision is made in a number of foreign Constitutions. In the Swiss Confederation, it is said:

'That no tax shall be levied for any religious purpose but taxes may be levied for religious purposes from the people who belong to that very religion.'

Article 49 says:

'No person may be compelled to pay taxes the proceeds of which are specifically appropriated in payment of the purely religious expenses of any religious community of which he is not a member.'

This is the nature of the amendment I am giving under Article 22 of our Constitution. Therefore we have got a precedent in another Constitution belonging to Europe.

"Sir, I said the provision of religious instruction need not be repugnant to the democratic idea or the neutral position of a State. In Yugoslavia we find this provision. In Article 16 of the Constitution of that Kingdom, it is said:

'Religious instruction shall be given in conformity with the wishes of parents or guardians, according to the various religions and in harmony with their principles.'

And then, Sir, they even speak of funds with reference to such purposes. In Article 12, they say:

'So far as the State Budget may provide funds for religious purposes, these funds shall be divided amongst the various recognised religious bodies in proportion to the numbers of their adherents and according to their actual proved necessities.'

That is the way to deal with religion.

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"Then, Sir, another important reference I would like to place before you and that is this. In the Constitution of Poland, Article 120 says:

'In all educational establishments for the instruction of young people who have not reached the age of eighteen years, controlled in whole or part by the State or by local, autonomous bodies, the teaching of religion is compulsory for all pupils. The direction and control of this teaching is the province of the particular religious body, without prejudice to the supreme right of control reserved to the State educational authorities.'

This is a provision made in one of the European countries. Then, again, Sir, in the Czechoslovakian Constitution, we find a reference to a similar subject. Article 132 says:

'In towns and districts where a considerable proportion of Czechoslovak citizens belong to a minority as regards race, religion or language, and where sums of public money are set aside for educational purposes in the State or municipal budgets or otherwise, a due share in the allocation and use of such sums shall be accorded to such minorities, within the limits of the general regulations concerning public administration.'

Here, what I want to point out is that these European Constitutions do not fight shy of making provision and making allotments for religious instruction and for the development of the cultures of the various people in the country.

"Then, again, I refer to Muir's Protection of Minorities. In Poland, the Jews were given, because they were a minority there, certain rights. There it is said:

'That the public funds allotted to Jewish schools under Article 9 shall be administered by local education committees appointed by the Jewish communities.'

Sir, here what I want to point out is that monies are being allotted to religious education by various European countries. Now, in one of Treaties sponsored by the League of Nations, it will be interesting to see that one of the terms of that Treaty is, the 'retention or restoration of the old ecclesiastical and educational privileges accorded to minorities under the law of Islam'. For they are so much taken in by Islamic rights that European powers want the restoration of those rights to the minorities in their countries. It would be more interesting to know that this demand was made by Lord Curzon on behalf of those minorities in the House of Lords on March 30, 1922. Another clause in the Minorities Treaty 'guarantees to the Saxons and Szeklers in Transylvania local autonomy in regard to scholastic and religious matters'. So, Sir, it is not a thing without precedent. A State which is taking care of all the needs of the people, must really

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cater to the spiritual needs of the people too. You must not allow the people to shift for themselves. If you bring religious instruction to public schools, it will really be a good thing, because these various religions will vie with each other in showing the best picture of themselves and in trying to establish harmony and goodwill amongst all people. After all, we should not attribute to religions the troubles which our friends are evidently having in their minds. It is really a misunderstanding of religion that has led to these troubles and I say, if people only understand their respective religions aright, these troubles would have been minimized. The European thinkers are coming to that view. Even such a paper—which has got least to do with religion—as the *London Times*, has been advocating the introduction of religious instruction in public schools and among other schools as well. There are Western writers who say that it is religion which is a cure to all the present ills of the world. When the Western world which went away from religion is now returning to the path of religion, it is not good for us to go backwards. Therefore, in the interest of the people, I would request that this recommendation may be made to the Constituent Assembly that provision for religious instruction be included in the constitution of the country.

"Sir, I now come to another subject about which the Hon. Leader of the House made certain unkind remarks. I mean separate electorate. I have given notice of certain amendments to introduce separate electorates for minorities. What is separate electorate? It is only the right of self-expression. You want to give representation to all the people. Therefore, you are giving representation to every section of the people. That means allowing the people to speak what they have got in their own minds, by allowing them to have their own representatives.

"Sir, certain things might have happened when you had this arrangement in the country but you should not attribute everything to separate electorate. Great thinkers and great leaders agreed to separate electorates in 1916. They did not do it in a huff or hurry. They deliberated over the matter for a number of years, from 1909 to 1916, and at last agreed to this salutary arrangement. It was the opposition to this compromise that was the cause of the trouble. When a compromise is reached after due consideration, it must be respected. After a long dispute this Pact was arrived at in 1916 between the Organization of the Muslims and the other people. If the thing was left there, people would have gone their way and there would not have been any trouble. We have various communities in the country. You do not call Hindus as Muslims or Christians as Muslims. You do not want Hindus to become Muslims or Muslims to become Hindus against their will. You want them to maintain themselves in their respective religions if they please. It is said that separate electorate means introducing religion into politics.

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"Sir, it is not separate electorate that is introducing religion into politics. The conditions are already there. The separate electorate is brought in to meet that condition. In certain countries, communities are divided on a basis other than religion, such as language or race which is immutable. Writers and thinkers say that it is no good at all. It is not good at all for a community to be divided from other communities on the basis of language or race because you are not going to change your race or language. Once you are born in a race, it cannot be changed. They prefer that if these communities have to be divided, they may be divided according to religion. Sir, nobody ushers religion into politics. It is there and we must take stock of it and meet the situation. Then only there will be harmony and contentment among the people. It is not the Muslims alone whose community is based on religion. Take the Hindu community. What is it that it is based on? Is it language? No. From the Himalayas to Cape Comorin they speak more than fifteen languages. Is it race? No. There are so many races which came into India over thousands of years. We call them one community, the majority community, because they have got amongst them certain common religious beliefs, e.g., the *karma* theory and its corollaries like reincarnation and so on. There is nothing else that they can point out which makes them one community. Again, they have also been elected under separate electorates by non-Muslim and non-Christian voters. Do they feel that they are not able to understand the needs of the Muslims in the villages. The Leader of the House will never agree to the proposition that because he has been elected only by the Hindu voters, he is not in a position to speak for or understand the needs of Muslims. So those who are elected under separate electorates cannot be said to be incapable of representing others in certain matters in addition to representing their own community. When the demands of the minorities are satisfied, there will be contentment in the country and good relationship between the people. They will work with the other elements of the population in a harmonious spirit. It is in that spirit that this question must be dealt with.

"Sir, this question of special provision for minorities is not peculiar to this country. Such cases are there in abundance in Europe from where we take our democratic and political and other inspirations. In Albania, there is provision for the rights of minorities. Article 4 includes a special stipulation that 'an electoral system giving due consideration to the rights or racial, religious and linguistic minorities will be applied in Albania.'

"Apart from this Constitution which is the exclusive affair of a particular country, there are international treaties called Minorities Treaties which have been sponsored by the League of Nations which include very important provisions for minorities. Some of them relate to Czechoslovakia, Poland, Yugoslavia, Greece, Rumania, Turkey, Hungary and Bulgaria.

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"Sir, in Egypt, the Copts are a set of Christians who are in a minority of about three to four per cent. When Egypt wanted to attain independence, the rights and privileges of the minorities entered the field of consciousness. The Copts asked how independence and freedom would affect them. The Leader of the majority community gave them more than they stipulated. The Copts were perfectly satisfied. From that day, we do not hear at all about the Copts question. They feel one with the other people.

"Sir, in Palestine the people are fighting for freedom and the Christian and Muslim Arabs are together as one community. They understand each other and they do not want each to encroach upon the other. There is harmony between them. I am not urging these things in a spirit of separatism or exclusiveness but in order to infuse confidence in the minds of the people by giving them the right of self-expression. It does not mean that they are not with you. In the case of the majority community also, because they are elected by separate electorates, nobody can say that they would speak exclusively for the majority community. So, Sir, I request the leaders concerned to look at this matter dispassionately and without prejudice. We are considering the fate of this country. I request them to accede to this very reasonable demand of the minorities. I am sure, the Muslim minority and other minorities will all be one with you in defending the honour, freedom and independence of the country. Come what may, they will stand fast with the others. I only want you to enable them to make that stand without any kind of suspicion or uneasiness in their minds about their rights. What they want is that freedom must be freedom for themselves as well as for others. When that is granted, you will no more hear of these questions. I request the Leader of the House to take a sympathetic view, that is the right view of the matter and support my point of view in this matter. At the same time, I want to reiterate the other point, namely, that Provincial autonomy must be maintained in the interests of the country as a whole, because that would contribute towards the firm establishment of the integrity of the country rather than disintegration and that has been proved by the history of other nations and the people of the world. Therefore, the Provincial Governments must make a firm stand in the matter and see that the rights of Provinces are maintained."

SRI A. S. SAHAJANANDAM:—"கனம் தலைவர் அவர்களே, இந்தியாவின் புதிய அரசியல் திட்டத்தில் 305-வது ஆர்டிகிள் (305-வது பொருளில்) 8-வது வரியிலுள்ள 'பத்து ஆண்டுகளென்பதை ஐம்பது ஆண்டுகள்' எனத்திருத்திக்கொள்ளவேண்டும்."

SRI V. I. MUNISWAMI PILLAI:—"நான் இதை ஆமோதிக்கிறேன்."

MR. SPEAKER:—"The hon. Member Mr. Hussain may formally move his amendment now and reserve his speech for tomorrow."

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p.m.

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H. S. HUSSAIN SAHIB BAHADUR:—"Mr. Speaker, Sir, I thank you for having given me this opportunity to move my amendment today. My amendment runs as follows:—

'Add the following at the end:—

"and on such consideration, this Assembly is of opinion that the following Explanation to clause (2) of Article 19, Rights relating to Religion, under Part III of the Draft Constitution of India be added:—

Explanation.—Nothing in this clause shall be deemed to affect the personal law of the religious minorities, prescribed by their religion for the regulation of their economic, financial or other secular affairs."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I second the amendment, Sir."

SRI K. BHASHYAM:—"I should like to point out, Sir, it would be better for the hon. Member to tell us the difference between this amendment and what has already been moved. Perhaps this may be unnecessary."

MR. SPEAKER:—"The hon. Member, Mr. Hussain, will explain it in his speech later on."

SRI A. S. SAHAJANANDAM:—"கனம் தலைவர் அவர்களே, இதற்கு முன் இருந்த ஹரிஜனத் தலைவர்கள் எல்லோரும் ஹரிஜனங்களுக்கு ஸ்தானங்கள் ஒதுக்கவேண்டும் என்றும் தனித்தொகுதி கொடுக்கவேண்டும் என்றும் வட்டமேஜை மகாநாட்டிலும் இதர மகாநாடுகளிலும் எடுத்துக்கூறினார்கள். அவ்வாறு கூறியபோது மகாத்மா காந்தியவர்கள் தன்னுடைய தபோ பலத்தினால் ஹரிஜனங்களை தனியாக விடக் கூடாது அந்த ஹரிஜனங்கள் ஹிந்துக்களோடு சேர்ந்து ஒருதன்மையராக இருக்கவேண்டும், ஹரிஜனங்களை தனித்தொகுதியிலிருந்து எடுத்து பொதுத் தொகுதியில் சேர்த்து அவர்களுக்காக தனியாக ஸ்தானம் வழங்கவேண்டுமென்று சொல்லியும் அவர்களுக்கு தனியாக பிரதிநிதித்துவம் வழங்கவேண்டுமென்று சொல்லியும் எரவாடா சிவறயில் உண்ணாவிருந்த இருந்துவந்தார். அதன் பிறகு முதல் தேர்தல் தமக்குள் வைத்து நால்வரை எடுத்து பிறகு பொதுதேர்தலில் நிறுத்தலாம் என்று சொன்னார். அவர்களுக்கு அன்று முதல் அதே மாதிரி நடந்துவருகிறது. அப்படி இருந்தம்கூட இப்பொழுது ஹரிஜனங்களுக்கு சரியான பிரதிநிதித்துவம் கொடுக்கப்படவில்லை இப்பொழுது கூட பார்த்தால் ஹரிஜனங்களுடைய பிரதிநிதிகளின் ஸ்தானங்களில் ஹரிஜனங்களல்லாதவர்கள் இருக்கிறார்கள். நம்முடைய சபையில் கூட அப்படி இருக்கிறார்கள். ஹரிஜனங்களுக்கு பதில் கிருஸ்தவர்கள்வந்திருக்கிறார்கள். ஹரிஜனங்களுடைய பெயரால் அவர்கள் தேர்ந்தெடுக்கப்பட்டு இப்பொழுது இச்சபையில் இருக்கிறார்கள். ஆகையால் இப்பொழுது இருக்கிற தேர்தல் முறையானது சரியான முறையல்ல.

"தமிழ் நாட்டில் இந்த முறையில் இப்பொழுது ஹரிஜனங்களுக்கு போதுமான உரிமைகளை சர்க்கார் கொடுக்கவில்லை. ஹரிஜனங்களுக்கு கொடுக்கவேண்டிய ஸ்தானங்களையெல்லாம் மற்றவர்களுக்குக் கொடுத்துக் கொண்டு வருகிறார்கள். தமிழ் நாட்டு ஹரிஜனங்களுக்கு மந்திரி சபையில் பிரதிநிதித்துவம் கொடுக்கப்படவில்லை. தமிழ் நாட்டிலுள்ளவர்கள் கேட்டும் கூட இன்னும் கொடுக்கப்படவில்லை. தமிழ்நாட்டு ஹரிஜன ஸ்தானத்தை தமிழ்நாட்டு ஹரிஜனத்திற்குக் கொடுக்கவில்லை என்பதைச் சொல்லிக்காட்ட விரும்புகிறேன்.

"இன்னும் ஹரிஜனங்களுக்கு போதுமான கூலியும் குறைந்த பட்ச கூலியும் கொடுக்கப்படவில்லை. குடி இருக்க இடம் வேண்டுமென்றும் கேட்டிருக்கிறார்கள். அதாவது ஹரிஜனங்கள் தலை வைத்துப்படுக்க வீடும்

[26th April 1948] [Sri A. S. Sahajanandam]

வயிறு நிறைய சாப்பிட உணவும் வேண்டுமென்று சொல்லிவருகிறார்கள். அப்படிச் சொன்னால் அது காங்கிரஸ் கொள்கைக்கு விரோதம் என்று நம் நாட்டிலுள்ள காங்கிரஸ் தொண்டர்கள் பிரசாரம் செய்து வருகிறார்கள். நம் அவர்கள் இப்பொழுது கேட்பதும் தவறு என்று பிரசாரம் செய்து வருகிறார்கள். இப்படி பிரசாரம் செய்து வந்தால் ஹரிஜனங்களை எப்படி, எப்பொழுது முன்னுக்கு வரமுடியும். வரமுடியாது. ஹரிஜனங்களுடைய குறைகளை தூத்துவையக இப்பொழுது மகாத்மாஜி இல்லை. ஏதாவது குறைகள் இருந்தால் அதை எடுத்துச் சொன்னால் அதற்கு உடனே பரிசாரம் தேடிக்கொடுக்க அவர் இப்பொழுது இல்லை. அவர் மறைந்து விட்டார். ஹரிஜனங்கள் இப்பொழுது சொல்வதற்குக்கூட முடியாமலிருக்கிறார்கள். இதனால் ஹரிஜனங்கள் கஷ்டமடைந்திருக்கிறார்கள். மேலும் எங்கள் கருத்தைக் குறைகளை போக்குவதற்கு தீவிரமான நடவடிக்கைகள் இந்த அரசாங்கம் எடுத்துக்கொள்வதாக இல்லை. இதற்கு முன் இராஜாஜி அரசாங்கம் எடுத்துக்கொள்வதாக அவர் பிரதமராக இருந்தபோது, பத்து சாங்கம் நடந்தபோது, அதாவது அவர் பிறதமராக இருந்தபோது, பத்து டிபுடி கலெக்டர்களுக்கும், பத்து டிபுடி சூப்பரெண்டெண்டுகளுக்கும் வேலையில் நியமித்தார்கள். ஹரிஜனங்களில் பலர் ஜில்லா கலெக்டராக வந்திருக்கிறார்கள். இப்பொழுது இருக்கிற அரசாங்கத்தில் ஒருவருக்குக்கூட டிபுடி கள். இப்பொழுது இருக்கிற அரசாங்கத்தில் ஒருவருக்குக்கூட டிபுடி சூப்பரெண்டெண்டே வேலை கொடுக்கவில்லை. டிபுடி கலெக்டர் வேலையும் கொடுக்கப்படவில்லை. இப்பொழுது இருக்கும் அரசாங்கம் எங்களுக்கு சரியான அந்தஸ்து கொடுக்காததால் எங்களுக்குத் தனித்தொகுதி வேண்டுமென்றும் தனி ஸ்தானம் ஒதுக்கவேண்டுமென்றும் கேட்க வாய் வருகிறது. அதனால் தான் அரசியல் திட்டத்தில் எங்களுக்கு ஸ்தானங்கள் ஒதுக்கவேண்டுமென்ற தான் அரசியல் திட்டத்தில் எங்களுக்கு ஸ்தானங்கள் ஒதுக்கவேண்டுமென்ற பதை சர்க்கார் கவனிக்கவேண்டியதாக இருக்கிறது. மேலும், ஹரிஜனங்களுடைய குறைகளைப் போக்குவதற்கு ஸ்ரீ பிரகாசம் சர்க்கார் ஒரு கோடியை ஒதுக்கி வைத்தார்கள். ஆனால் இப்பொழுது 2, 3 வருஷகாலமாக ரூபாய் ஒதுக்கி வைத்தார்கள். ஆனால் இப்பொழுது வருஷம் 40 லட்சம் யும் கூட சிலவழக்ககல்ல. லேபர் டிபார்ட்மெண்டில் வருஷம் 40 லட்சம் ரூபாய் செலவு செய்து வருகிறார்கள். அதனோடு இந்த கோடி ரூபாய் இந்த வருஷமும் 20 லட்சம் செர்த்துள்ளார்கள். பாக்கி 80 லட்ச ரூபாய் போக பாக்கி 60 லட்ச ரூபாய் என்னவாயிற்று என்று கேட்க . . ."

SRI P. KANDASWAMI PILLAI:—"On a point of order, Sir. Is the subject-matter before the House the Draft Constitution or the appointment of Harijans or the allotment of some amount for Harijans?"

MR. SPEAKER:—"The point is this. The hon. Member says that the Government are not recognizing the difficulties of Harijans as a community and that simply because the Harijans have not got separate electorate the Government are not able to recognize the difficulties of Harijans. If separate electorate is given, the Government will be able to look into our grievances. That is all what the hon. Member is saying."

SRI P. KANDASWAMI PILLAI:—"I wish to know if the ruling of the Speaker is that it is relevant?"

MR. SPEAKER:—"Because the hon. Member was speaking in Tamil, probably Mr. Kandaswami Pillai has not understood what he was saying."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On a point of submission, Sir. Is it not relevant for Members to put forward and describe the hardship they have got and then ask for provision for eliminating those things?"

MR. SPEAKER:—"Mr. Sahajanandam was saying that because the Harijans were not given separate electorates, they were

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put to certain difficulties and that the Government have not appointed a number of persons to this and that. That is what the hon. Member has been saying."

SRI A. S. SAHAJANANDAM:—"கனம் தலைவர் அவர்களே, நான் சொல்வதெல்லாம் இதற்கு பொறுத்தமற்றது என்று கருதுகிறார்கள். அதற்கு நான் சொல்லுகிறேன். இந்த மாதிரி காரணங்களுக்குக் காகத் தான் தனித்தொகுதிவேண்டுமென்றும் தனி ஸ்தானங்கள் ஒதுக்கவேண்டுமென்றும் சொல்லுகிறேன். இப்பொழுது முக்யமாக ஹரிஜனங்களுடைய நன்மைகள் பாதுகாக்கப்படவில்லை. இன்னும் சமமான அந்தஸ்து கிடைக்கவில்லை, சமமான உத்யோகங்கள் கொடுக்கவில்லை. அந்த மாதிரி சமமான அந்தஸ்தும் உத்யோகங்களும் கிடைத்த பிறகு நாங்களே வேண்டாம் என்று சொல்லவேண்டும். சாப்பிட உட்கார்ந்து ஒரு பிடி சாதம் சாப்பிட்டவுடன் எழுந்திரு என்று சொல்லாமல் வயிறு நிறைய சாப்பிட்டுவிட்டு சாதம் போதும் என்று நாங்களே சொல்லி எழுந்திருக்கும் வரையில் சாதம் போடவேண்டும். அதைப் போலவே நாங்களே தனித்தொகுதி வேண்டாம் என்று சொல்லும் வரையில் எங்களுக்கு பூர்ண உரிமை கொடுக்கவேண்டும். பூர்ண உரிமை கிடைத்த காலத்தில் நாங்களே வேண்டாமென்று சொல்லிவிடுவோம். இப்பொழுது பார்த்தால் இந்த பிரதமர் காலத்தில் ஒரே குடும்பத்தைச் சேர்ந்தவர்கள் மூன்றுபேர் உள் மந்திரிகளாக இருக்கிறார்கள். ரெட்டியார்கள், கனம் கோபால் ரெட்டி, கனம் ஓமந்தூர் ரெட்டியார், கனம் சீதாராம் ரெட்டி இப்படி 3 ரெட்டி மார்கள் இருக்கிறார்கள். ஹரிஜனங்கள் இப்படி மந்திரிகளாக இருக்கிறார்கள் என்று கேட்கிறேன். இதை எதற்குச் சொல்லுகிறேன் என்றால் ஒரு திருஷ்டாந்தரமாகத்தான் சொல்லுகிறேன். மந்திரிசபையில் 3, 4 மந்திரிகள் வந்தாலும் சரி தனித்தொகுதி வந்தாலும் சரி அப்பொழுது தான் ஸ்தானங்கள் ஒதுக்கவேண்டாம் என்று சொல்லுவோம். சமமான அந்தஸ்து அடைகிற வரையில் ஸ்தானங்கள் ஒதுக்கவேண்டும், இன்னும் வயது வந்தவர்களுக்கு வோட்டுமை வழங்கவேண்டும். பரிபூர்ண உரிமை அடைந்து நாங்களாகவேதான் வேண்டாம் என்று சொல்லவேண்டும். இப்படி செய்யாவிட்டால் எங்களுடைய சந்ததிகள் எங்களை பழிப்பார்கள். ஆதலால் ஐந்து வருஷம், இல்லை ஐம்பது வருஷமானாலும் எங்களுக்கு பரிபூர்ண உரிமை வரும் வரையில் ஸ்தானங்கள் ஒதுக்கவேண்டும். உரிமைகள் சமமாகவந்தால் அந்தக்காலத்தில் நாங்களாகவே வேண்டாம் என்று சொல்லவேண்டும். அந்த மாதிரியாக இந்த பத்து வருஷம் என்பதை ஐம்பது வருஷம் என்று ஒப்புக்கொள்ளவேண்டுமென்று என்னுடைய பிரேரேபணையை வற்புறுத்தக் கூட்டுக்கொள்ளுகிறேன்."

SRI B. PARAMESWARAN:—"Mr. Speaker, Sir, I do not think that within the brief space of time at my disposal . . ."

MR. SPEAKER:—"The hon. Member may continue his speech after lunch, if he wants . . ."

* **SRI B. PARAMESWARAN:**—"The Draft Constitution must be considered, on the whole, to be a sound one. In a great country like ours, consisting of so many castes, creeds and communities with sections and sub-sections with a different dialect tradition and culture, a scheme of reforms or a new Constitution which will be universally acceptable is an impossibility. So long as there are seeds of growth and development in a scheme of reform, we cannot but call it a progressive measure and give it a fair trial. The fundamental requirements of a Constitution are, it must work, it must evolve, it must be a continuing thing and it must be one of compromise. One can talk, one can rather formulate, one can make demands, but unless the forms of the Government correspond with the needs of the people, they will never sit

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comfortably upon our shoulders. Constitutions are made from the minds, experiences and histories of people and in so far as the Constitution-makers are successful in uniting our past with our future, will they be successful in devising a Constitution which will take a country to real democracy. The Constitution as envisaged in the draft seems to fulfil the necessary requirements of a good Constitution and deserves a fair trial. Some of the members of the minority communities, like the Hon. the Leader of the Opposition, seem to be dissatisfied with the Constitution. In the history of human progress, no Constitution, however well-devised, would have satisfied all the different schools of political thought. Considering the Constitution, as a whole, Mr. Speaker, the interests of the Scheduled Castes are advanced without conflict with the interests of other communities and indeed as a part of the general advancement. The introduction of adult franchise, for the first time, will not only be able to further the interests of our community, but also the interests of our country at large. In the Act of 1935, 10 per cent of the sixty million Scheduled Castes were enfranchised. In the Draft Constitution, with the introduction of adult franchise, I think, more than 50 per cent will be enfranchised. This is a right step in the direction of Democratic Government and further achievement of freedom for the Scheduled Castes. We cannot understand the importance of the Draft Constitution unless we compare the position of the Scheduled Castes before the Minto-Morley Reforms with the position of the community to-day."

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

The House then adjourned to meet again at 2-30 p.m.

(After lunch—2-30 p.m.)

SRI B. PARAMESWARAN:—"Mr. Speaker, when we compare the position of our community before the Minto-Morley Reforms and the position of our community to-day, we cannot but admit that we have made good progress. Our progress might have been slow, our progress might have been disappointing, our progress might have been mixed with evil and good, but in the light of reason and sober truth, it must be admitted that our progress was on the line of great success. Before the Minto-Morley Reforms the Scheduled Castes did not enjoy any privilege or right worth mentioning. After the Lucknow Pact, the British Government who were using the Scheduled Castes as an excuse for their continued existence in the country, thought that their position would be endangered by the Union and the Pact and therefore, in order to strengthen their position they wanted to improve the lot of the community, and so for the first time, they nominated members of our community to the legislatures, and after the Montague-Chelmsford Reforms, they started a department, which is now known as the Labour Department, for the amelioration of

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the condition of the depressed classes. After the Simon Commission's Report and the Round-Table Conferences and the epic fast of Mahatmaji at Yerawada in 1932 and the consequent Poona Pact, in the Government of India Act of 1935, the status of our community was sufficiently enhanced, by the electorate having been enlarged, by more persons having been enfranchised and by the quota of representation for the community having been increased. Therefore, Sir, one cannot but say that our progress has been steady and continuous. But economically and socially our community has not yet advanced to an appreciable extent. Of course, I do not charge all the Caste Hindus for lack of sympathy for the Scheduled Castes, but must say, that the country as a whole, is still unconverted socially. The forces of reaction are still strong in the country and I will not be surprised, if, as a result of the awakening self-consciousness and self-respect of the Scheduled Castes, the tension between the Caste Hindus and the Scheduled Castes, becomes worse. The Scheduled Castes have been enduring centuries of oppression and tyranny. It is true that the Caste men now-a-days do not guillotine the Scheduled Castes—or shoot them wholesale—yet they do things pretty thoroughly in their own way by means of ostracism and social boycott. In their fight for their freedom and rights during the last 50 years, there was no violent upheaval and ill-feeling. This was an inherent quality of our community. I am glad, Sir, that in the new Constitution, under Fundamental Rights, sufficient protection and safeguards are provided for them. But, I may tell you, Sir, no community in their position would have endured, would have borne, all these indignities and disabilities as the Scheduled Castes have done in the past. The introduction of joint electorates with the reservation of seats is a step in the right direction for the speedy amelioration of the condition of the Scheduled Castes. Reservation of seats will serve the purpose of enabling the workers and leaders of the Scheduled Castes to get into the Legislatures. If in ten years untouchability is eradicated completely and equality of castes becomes a reality, then there may be no need for reservation of seats and the constitution itself provides that it will cease to have effect, unless continued in operation by an amendment of the Constitution. These reserved seats will be filled up by election from general constituencies by members of the Scheduled Castes and they will be necessarily obliged to seek the votes of other communities and secure their support for success. This will eliminate rabid communalists. This right of Scheduled Castes to stand for seats other than those reserved, if properly used and backed up by other communities, with a vision and generosity by returning deserving candidates to legislative bodies, will pave the way, in the course of the period of ten years, for a general acceptance and agreement on the part of Scheduled Castes themselves to the discontinuance of the system of joint electorates with reservation of seats. Therefore, Sir, I strongly support joint electorates with reservation of seats, as adumbrated in the Constitution. (Muhammad Raza Khan Sahib: 'They cannot go together'.)

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"Democracy, Sir, is the best form of Government which human ingenuity has ever devised. If democracy is to function honestly and efficiently in the interests of the greatest happiness of the largest number of people, we must have well-defined, honest, well-functioning political parties and educated voters. The task of political education can only be undertaken by organized political parties. In no other country in the world democracy either on a restricted or universal enfranchise, has ever functioned successfully without a well-developed party system. Political parties with economic ideologies will arise in the future and then the Scheduled Castes will have a dominant and important part to play in raising the status of their community to a position of equality with the other communities in the country. But, to-day, Sir, the mass of poverty, the extent of illiteracy, the social obstacles in the way of improvement, the tangled undergrowth of vested interests, religious, political and economic, create and reveal not one problem but an infinity of problems. For the solution of these problems, the unstinted and harmonious co-operation of all sections of people is greatly needed. It is therefore, high time that we brush aside all considerations of personal consistency with our attitude in the past and concentrate our attention on the future. The time has come when we should settle down for the work of reconstruction in a constructive spirit. The supreme need of the hour is not mere co-operation of one party and criticism by the other, but a combination of both in one and the same party, critical co-operation or co-operative and constructive criticism. I take this opportunity of appealing to all the members of the minority communities and groups and other parties in this country to work the Constitution and give it a fair trial. After all, Sir, the test of the Constitution lies not so much in the actual wording of it but it lies in the actual working of it."

SRI M. P. PERIASWAMI :—"கனம் தலைவர் அவர்களே, அரசியல் நிர்ணய சபையில் திட்டம் தயாரித்திருப்பதைப் பார்த்துவிட்டு, ஹரிஜனங்கள் மைனாரிட்டியாக இருப்பதால், அவர்கள் பாதகாப்புக்கு பத்து வருஷ திட்டம் தயாரித்திருப்பதைப் பார்த்தால் நாம் கொஞ்சம் மனம் கலங்க வேண்டியதாக இருக்கிறது. ஏனென்றால் மகாத்மா காந்தி இருக்கும் காலத்தில் அவர் போட்ட திட்டத்தினால் ஹரிஜனங்கள் சௌகரியமாக வாழமுடியும்படியாக இருந்தது. அப்படியே அவர்களுக்கும் எங்களுக்கு சௌகரியமாக வாழ திட்டம்போட்டு வந்தார். ஆனால் இப்பொழுது பார்த்தால் பல இடங்களில், எங்குபார்த்தாலும் ஹரிஜனங்களின் வீடுகளை caste ஹிந்துக்கள் நெருப்பு வைத்து கொளுத்துகிறார்கள். இன்னும் சில இடங்களில் ஜாதி ஹிந்துக்கள் ஹரிஜனங்களை ஹிம்ஸை செய்து வருகிறார்கள். இந்த வருஷத்தில் இந்த மாதிரி நடப்பதால் இந்த பத்து வருஷ பாதகாப்பு திட்டத்தை நாங்கள் எல்லோரும் ஒத்துக் கொள்ள முடியாமலிருக்கிறோம். குறைந்தது 50 வருஷமாக இருந்தால் தான் ஹரிஜனங்கள் சௌகரியமாக வாழ முடியும் என்று நான் சொல்லுகிறேன். இந்த 50 வருஷம் ஏன் இருக்கவேண்டுமென்றால், இப்பொழுது இருக்கும் ஜாதி என்னும் எண்ணமானது மாறி, இந்த தலைமுறையில் வேறுன்றி இருக்கும் ஜாதி என்ற எண்ணம் மாறி, எங்களுடைய குழந்தைகள் சமமாக வாழ முடியும். அப்பொழுதுதான் நாங்களே வேண்டாம் என்று சொல்லும் காலம் வரும். இன்னும் ஜனங்களுடைய மனம் மாறவில்லை. அப்படி இருக்கும்போது 10 வருஷ பாதகாப்பு திட்டம் போடவேண்டுமென்று நினைத்தால் அது போதாது. ஹரிஜனங்கள் என்றும் ஜாதி ஹிந்துக்கள்

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என்ற எண்ணமும் இல்லாமல் தீண்டாமை ஒழிந்து இருக்கும் காலம் வந்தபின் தான் ஹரிஜனங்களுக்கு சௌகரியம் ஏற்படும். அப்பொழுது தான் இந்த reservation of seats இல்லாமல் இருப்பதை ஒத்துக் கொள்வார்கள். இல்லாவிட்டால் reservation of seats ஆனது ஹரிஜனங்களுடைய பாதுகாப்புக்காக இருக்கவேண்டுமென்று நினைக்கிறேன். இப்பொழுது குறிப்பிட்ட சில ஊர்களில் திருச்சி ஜில்லா, குளித்தலை தாலுகா, வேப்பங்குடியில் இன்றைக்குக்கூட ஜாதி ஹிந்துக்கள் ஹரிஜனங்களுடைய வீடுகளுக்கு நெருப்பு வைத்து விட்டதாக ரிஜிஸ்டர் வந்திருக்கிறது. சேலம் ஜில்லா, நாமக்கல்லில், சமார் 40, 50 வீடுகளுக்கு நெருப்பு வைத்து விட்டார்களாம். இன்னும் இதே மாதிரி அநேகம் ஜில்லாக்களிலிருந்தும் தாலுகாக்களிலிருந்தும் லெட்டர்கள் வந்திருக்கின்றன. ஆகையால் 50 வருஷமாவது பாதுகாப்புக்காக இருக்கவேண்டும். இப்பொழுது பாருங்கள் மந்திரிகளில் ஒருவர்தானிருக்கிறார். இப்பொழுது ஒவ்வொரு ஜில்லாவிலும், ஒவ்வொரு தாலுக்காவிலும் ஒரு சின்ன கிராமத்திலும் ஹரிஜனங்களால் பஞ்சாயத்து போர்டு சேர்மனாகக்கூட வரமுடியவில்லை. இப்படி இருக்கும்போது இந்த reservation of seats ஐ எடுத்து விட்டால் அவர்கள் ஒருபோதும் முன்னுக்கு வரமுடியாது என்பதை நான் நிச்சயமாக சொல்லுகிறேன். ஆகையால் இந்த reservation of seats என்று பத்து வருஷ பாதுகாப்பு திட்டத்தை 50 வருஷமாக்க வேண்டும். இந்த ஹரிஜனங்களும் ஜாதி ஹிந்துக்களும் சமமாக வாழும் வரையிலும் ஹரிஜனங்களும் ஹிந்துக்களும் ஒன்று என்று நினைக்கும் வரையிலும் இந்த பாதுகாப்பு திட்டம் 50 வருஷமாக இருக்கவேண்டுமென்று தெரிவித்துக்கொண்டு என்னுடைய சிறுஞரையை முடித்துக் கொள்ளுகிறேன்.”

2 45 P.M. * SRI B. S. MURTHI:—“ Mr. Speaker, we are beholden to the Constituent Assembly and the Drafting Committee for having produced a very important document which gives India an honoured place in the comity of nations. We are very much indebted to Dr. Ambedkar, who though he stood for separate electorates for a long time has now, in the larger interests of the country, compromised his position and came forward to give India a beautiful and lasting piece of legislation. India can never forget the services of Dr. Ambedkar. Some of you might have seen his speech to-day and know how he is smarting under a sense of frustration. It will be quite inappropriate if some of the Congress Members or Nationalist friends accuse Dr. Ambedkar saying: Here is a man who has been taken into the Congress Cabinet; here is a man who has been given a very important place and has been given the credit of drafting the constitution for India. At the same time, Dr. Ambedkar has accused the Congress as becoming more or less a Fascist organization; Dr. Ambedkar has also said Harijans must not join the Congress but they must create a third party and hold the balance of power. I hope, Sir, my friends will not misunderstand me if I say that it is not only Dr. Ambedkar who is suffering from this mental agony but many, scores, thousands and millions of young men from my community have such apprehensions. I want to underline the words used by the Hon. Mr. Gopal Reddi in his speech namely “Inspire necessary confidence” and I wish to ask: What have these friends of the majority community done to infuse confidence in the minds of the Harijan community? My Harijan friends who spoke before me have referred to the several difficulties that have newly cropped up for the poor Harijan, the poor Harijan tiller and the poor Harijan labourer in the various villages not only in our Presidency but all over India. We are told that society, friendship and love are

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divinely bestowed upon man; if you do not move with people in cordiality you cannot attract friends and if there is no friendship, you cannot establish society. Unfortunately, I must say the Hindu community is most undemocratic and the Hindu mind is more or less individualistic. If we cite the things that are going on under the very nose of the Government, it is dismissed just as the Hon. Mr. Gopal Reddi said the other day: “What can the Government do if the majority community boycotts the minority communities(?)” I, for my part, would ask following pertinent question: “If this constitution is intended to enable the majority rule so that they can have their say and can throttle the aspirations of the minority community?” I have been a Congressman; I have not been an insignificant Congressman; I have been working for the ideals of the Congress and I have been trying to do my best to translate the noblest ideals that have been preached by the Reserved Bapuji. But let me tell you, Sir, that my confidence has been shaken and I have lost confidence not only in my friends who are next to me but also the other friends that are in the mufassal. Freedom to-day means freedom to the Caste Hindus; independence to-day is to the rich man; the minorities, especially the Scheduled Castes because they are not so powerfully organized and aggressively out-spoken (Muhammad Raza Khan Sahib: ‘Go ahead’) as the Muslim community count for nothing. My hon. Friend Mr. Swaminathan said the other day that there were the forward Non-Brahmins and there were also the backward Non-Brahmins. Sir, these distinctions must be destroyed; but still this document does not help us to destroy them. It has been stated that untouchability must be removed and must be made a cognizable offence. Here in this very Assembly, you can see how untouchability is observed. You, Mr. Speaker, hail from our community and we are proud of you. It is for the Caste Hindus to open their eyes wide open and see. Here is a man who in the words of Manu has been an outcaste and must not even hear the reading of Sanskrit and he can never hear the Smritis. You are to-day the Smriti-kartha for the five crores of people and the same capacity Dr. Ambedkar possesses and he has brought in a draft legislation for the 30 crores of people. Like the saints of old, like Nandanar and Tiruppanalwar you will become caste-less. But what about the other Harijans? These innumerable Harijans would still remain out-castes. The Hindu community stands entrenched in full power and privilege and the Harijans are trying to assert their rights as human beings. These rights have been denied to them for centuries. This document that we are discussing to-day is more or less westernized; it does not think of India as my Friend the Leader of the Opposition said; the Centre is strong and very strong and the rights that have been enjoyed by the Provinces have been taken away and yet our Ministry is talking very highly about the Panchayat Raj and the Gramaswaraj as our ex-Premier Andhra Kesari Prakasam said. What is it that we are going to achieve by the working of democracy? I am sorry my Hon. Friend Mr. Gopala Reddi spoke not a word about it. A planning committee has been recently appointed by

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the Congress and the Planning Committee that has been appointed ten years ago with Pandit Nehru as President has not thought for a moment about the poor man; "make the rich richer" that seems to be the slogan of the Planning Committee. We do not want any rich man's exploitation; exploitation of man by man must be made punishable and made a cognizable offence. Untouchability is nothing but a social exploitation of man by man and intelligence has been prostituted here. To end all that, whatever may be the constitution that may be drawn up, it must have the poor man, the man in the street in its mind's eye and that, unfortunately, is not to be seen here. There is a talk in the air that the reservation given to minority communities will be removed because one maniac has killed Gandhiji. What has the poor Harijan to do with the assassination of Gandhiji? Gandhiji has been all along fighting a yeoman's battle for the protection of the Harijan community and the Harijans for their part have been true to him. When there was a call by Gandhiji, we all went to jails. We have the greatest regard and respect for him. We thought listening to him, that following his leadership would make up rich and lead us to the land flowing with milk and honey. What do we now see to-day; we have reached the land; but there is no milk and there is no honey; there is harassment; our people are beaten; our women are molested and when we put questions in the Assembly the Government comes forward and says: 'We are helpless and we cannot do anything if the majority community boycotts the minority communities.' Then what becomes of the fate of the minority community? I am only thinking aloud, Sir. I am asking my Hon. Friend, Bezawada Gopala Reddi. Hereafter we must call him Vizawada Gopala Reddi because the name of the place has been changed. Sir, we are changing names of places, rivers and so on, but the Hindu is not changing his heart. I say definitely that here is a man who is suffering. Mrs. Kuttimalu Amma may be a Harijan by adoption, but Sir, I am a Harijan by birth and suffering. The wearer alone knows where the shoe pinches. The question is how you can make the Harijan feel he has the rights of citizenship and full freedom. He is illiterate, unorganized and voiceless. He is made more or less a sycophant. Do you want Mr. B. S. Murthi and Mr. Muniswami Pillai to be always meek and slavish and always says. 'Well, master, what do you want us to do?' This we cannot do. Thanks to Gandhiji, we cannot do it any more. It is stated in the Bible that works without faith are dead. I want to apply that saying not only to Mr. Gopala Reddi but to people like him.

"Sir, the Harijans are willing to forget that they are Harijans. They are prepared to extend their hand of friendship and hold out the olive branch, but they want that the poor man in the street, the tiller of the soil, the hewer of wood and the drawer of water must not be made more helpless and more exploited by the callous Caste Hindu Capitalists.

"Sir, my Hon. Friend, Mr. Gopala Reddi has said that freedom must be translated into economic democracy. But yesterday

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and the day before, the leaders of the Congress were talking in Bombay in terms of socialism. The Leader of the House here talks of economic democracy an old theory of 25 years . . ."

THE HON. SRI B. GOPALA REDDI:—"Obviously the hon. Member did not listen to me. I did envisage a socialist State . . ."

SRI B. S. MURTHI:—"Sir, this young man who was complimented by the hon. Member Begum Sultan Mir Amiruddin as the most neatly dressed young man of the Assembly, I thought, would be able to give a neat solution not only for our social ills but also for our economic difficulties. Sir, handsome is that handsome does. I want the Hon. Mr. Gopala Reddi to do things as handsomely as it has been given to him by God to be handsome.

"Sir, I now come to the Draft Constitution itself. In the chapter on Fundamental Rights, all the things said by political and constitutional philosophers have been incorporated, because as my hon. Friend said, two legal luminaries of this Province have contributed to the shaping of it and my hon. Friend Mr. Nagappa also has shown his hand there. Sir, in section 11 it is stated that untouchability is abolished and its practice in any form is forbidden, and that the enforcement of any disability arising out of 'untouchability' shall be an offence punishable in accordance with the law. Sir, this law is going to be adopted sometime in June. But in this Assembly we have already passed two pieces of legislation regarding temple entry and civil disabilities. I want to point out to the Hon. Mr. Gopala Reddi that in his own district of Nellore in the village of Peddacherukuru, on the 18th of this month, one Potti Sriramulu and Jagatsingh took a batch of Harijans to the local temple, but the trustee came forward with a score of Caste Hindu youngmen and beat them black and blue. I received a telegram and sent it to the Prime Minister. I received a petition and I sent it on to the Government. But no action was taken. In the same way in several villages if a Harijan says that he wants to go into the temple and see God, he is beaten and in some places Harijans have been beaten to death. These things have reached the ears of the Government but nothing has been done. In the south in one place, after the passing of the removal of Civil Disabilities Act a Harijan who entered a barber's shop for a shave got his head shaved completely, moustache and everything . . ."

THE HON. SRI B. GOPALA REDDI:—"It is good for the summer season . . ."

SRI B. S. MURTHI:—"I want you to set an example, Sir. In Bagavad Gita it is said:

Yadadhaacharathi shreeta
Thathithadevetharo Janah.

Just as the seniors act, the juniors also follow says the Bagavad Gita. We are juniors. What is the use of experimenting upon us by shaving our moustache and everything? We follow you. You wear kunkum and go to temple and we also do the same. The Communist nowadays comes and says that there is no God

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and that religion is only an opiate. The Harijan now thinks it to be better. Whatever is shown to us we are doing. I would therefore request Mr. Gopala Reddi to do it and we will also follow it. Why do you put us to what is called vicarious suffering. The Hindu mind is always like that"

THE HON. SRI B. GOPALA REDDI:—"I am not a Hindu"

SRI B. S. MURTHI:—"Here is a concrete example. He says he is not a Hindu. That is a convenient cloak. Whenever we bring charges against Hindus the casteman says he is not a Hindu. Someone may abuse Lord Krishna and still call himself a Hindu. Sir, this sort of playing with the feelings of the minorities must be put an end to, if necessary, ruthlessly. I do not mean to cast any aspersions against Mr. Gopala Reddi. I know he has never observed caste. For 20 years we have been good friends. It is a good fortune that he is there as leader while I am still voicing the difficulties of my community. The woes of the minority are there and theirs' is a cry in the wilderness.

"Sir, why do people ask for separate electorates and reservation of seats? The Hon. Mr. Gopala Reddi was not able to understand the significance of the agitation for separate electorates. I will take you back, Sir, to the days of Montford Reforms. Then the Non-Brahmins who were nearly 95 per cent including Harijans asked for separate electorates against Brahmans are only 3 per cent. (The Hon. Sri B. Gopala Reddi: Reservation of seats?) I am talking about the negotiations that went on behind the curtain and not about the public negotiations. The English statesmen who came to enquire into the matter said: 'Why do you ask for reservation? You are 95 per cent. If you mobilize yourselves, what can this 3 per cent of Brahmans do?' Great stalwarts of the Justice Party then said, 'No Sir, we are helpless.' With riches, with social status and with power which they can use to purchase anybody and everybody, if the Non-Brahman community 25 years ago was not able to face the 3 per cent of the Brahman community who they thought were exploiting everything, what is the fate of the Harijans who are only one-fifth of the population and who are un-organized and who are poverty itself; who are always living from hand to mouth and who are living in hovels as has been described by Miss Mayo? The demand for separate electorates is due to a chronic suspicion in the minds of the people that another community is placed in an advantageous position and that unless certain constitutional safeguards are given the political aspirations of the community cannot be achieved. But personally I am not for separate electorates. I want to be magnanimous; I want to be an Indian first, Indian second and Indian last. But by my sacrifice I want all the Indians to progress and not any one individual community alone to gain power. Mr. community's sacrifice must be utilized to make the whole of India progress and it must not be exploited by one community alone to make itself more rich and more powerful."

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"Sir, we have got freedom. But where is it? The proof of the pudding is in the eating of it. The Hindus have been enjoying freedom but we have been weeping, because we are helpless. This has been brought to the notice of Mahatma Gandhi that great soul who has departed. He said that if freedom was only for few like this it would not last long. We lost freedom on account of the selfishness of certain people. We regained it because one great soul—Mahatma Gandhi—taught us all to feel that we are brethren and to utter the mantram of 'Quit India'. Once again selfishness has caught hold of the mind of the Caste Hindus. I am not talking as a mere joke. I am not of course saying that there is nothing good in the Hindus. There are Hindus like Mr. Gopala Reddi who always think in generous terms but all people are not like him.

"Sir, I have complained to Dr. Subbarayan when he was Law Minister about the woes of Harijans. I have now half a dozen complaints to make. I do not know who is the Law Minister now and I am waiting for the publication of the name in the papers. I have spoken to Mr. Gopala Reddi, but he says he is helpless and he cannot do it. If you are helpless, tell Pandit Nehru, 'For God's sake, do not pass this Constitution. You are the idol of the nation. You are preaching socialism. You have accepted the socialistic order of society both politically and economically. But the document that you are producing will only make the poor more helpless, wretched and more exploited.' If this document is passed as it is, India cannot hold the torch of equity and justice to other countries. It was my dream that India after independence would become the leader of all suppressed communities in the world. I thought that once again the glory of Asia would rise. I thought that the seat of power would be shifted from Europe to Asia because in Europe we have been witnessing a struggle only to nut mankind to slaughter. With the background of Indian philosophy, I thought, the Asiatic nations would assert themselves and wrest power from the greedy Western nations and set an example so that the ideal of 'One World' dreamt of by only forefathers and by that great American, Wendell Wilkie, would be achieved. But it seems to be receding farther and farther away. Therefore, article 305, which provides for reservation of seats for the Muslims, the Scheduled Castes, the scheduled tribes and the Indian Christians may be kept for sometime more. The period mentioned in the Draft Constitution is ten years. My friend Swami Sahajanandam proposed an amendment to make it fifty years and it was strongly seconded by my friend Mr. V. I. Munniswami Pillai. It is not a question of years. If we find that there is a change of heart among the rank and file of the Caste Hindus and that security of person and property of Harijans will be upheld and safeguarded not by law but by the mutual consent of all communities fifty years may be reduced to five, five years to two, and two years to hours and even seconds. After all, it is a question of give and take. You are not prepared to come forward and

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p.m.

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say: 'We offer the hand of friendship, we shall be brothers and comrades.' My Friend Mr. Gopala Reddi used the word 'comraderie'. There is no comraderie here. We must go forward hand in hand and say that we are brothers, brothers not in mere words, not to exploit each other but brothers in the true sense in which Mahatma Gandhi wanted us to be and for which ideal he lived and died. As long as caste system remains, each individual will prefer a man of his own caste because blood is thicker than water. I am now talking about my Harijan community and we are being termed as Scheduled Castes. If the schedule is taken away and there is no Scheduled Caste or any other caste, I will not waste the time of the House. Caste must be abolished. As long as there is caste, it will be dividing the Hindus. As long as there is division, Hindus cannot work in unison with each other and the question of all sacrificing to achieve the ideal of human perfection will not be there. Mr. Gopala Reddi is so magnanimous. But what is his remedy for the acts of his Reddi community against the landless Harijans in Nellore district? He can speak here but he cannot go and talk to them, because the caste is there. The wearing of any caste-mark or the praising of any caste must be treated as an anti-social act and made a cognizable offence. I lay emphasis on this because, as long as there is caste, there will be the corollary of out-caste. By organization and by the efforts of leaders like Mr. V. I. Muniswami Pillai, Dr. Ambedkar, Mahatma Gandhi, and Pandit Nehru, if the Harijans to-day succeed in removing untouchability, another type of untouchability will soon rise and another out-caste will come into being if caste is not annihilated. Therefore caste must be rooted out lock, stock and barrel. These are the points which I would like to stress in support of the need for reservation of seats though not for continuance of separate electorates for my community.

"I would like to impress one more point on my Hindu friends here. It is your unwillingness to compromise with the Muslims that is responsible for the unhappy division of India. You cannot say that Mr. Jinnah alone is wrong for it requires two to a quarrel. If you had said: 'India is yours, take it' as Mahatma Gandhi wanted you to say, India would not have been divided. Mr. Jinnah would have been our Governor-General or Prime Minister not as a Mussalman but as an Indian and then India would have been millionfold stronger than what she is to-day. We need not go to the United Nations Organization and the United Nations need not play their political games to adjudicate our differences. India and Pakistan are sending their representatives to the United National Organization to plead before them as though they are the dispensers of justice. This is really a thing which India never expected. It is good that Gandhiji is no more because he would not have tolerated the sorry spectacle of India and Pakistan going on bended knees and pleading for justice with people who have exploited nations for years together and asking them to decide on which side Kashmir should join. Can we not

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settle this quarrel? You have not been dealing with the questions properly and in time. Therefore I would like to utter a note of warning. In to-day's papers you see that Dr. Ambedkar has called us the Congress Harijans fifth columnists. Slightly varying the words of Lord Jesus Christ, I say: 'Father! forgive him; he knows not what he says.' I say we the Congress Harijans have been with you and fighting your battles and in a way we are also responsible for making the British quit India. What have you done to make our position better than what it was before the 15th of August 1947? Take note of the signs of the times. Don't allow the grievances that are in our minds to develop into cancers. It is enough that we have created one cancer. If the body politic of India suffers from innumerable cancers, you cannot cure. Only Asvini Devathas from Heaven must come to cure the ill. There is a volcano of unrest in the mind of the Harijan youth. I request the Government to take note of the sudging discontentment in his mind. Not only the mind of the Harijan youth, the mind of every Harijan M.L.A. here is also seething with discontentment and frustration . . ."

THE HON. SRI B. GOPALA REDDI:—"Ambition . . ."

SRI B. S. MURTHI:—"There is no ambition for us. Ambition is the privilege given to you and suffering is cast to our lot.

"I give you this warning in time. If you don't change for the better, you will see that in course of time another major community will be seceding from the Congress and organizing against you and your atrocities. My community is prepared for all sacrifices. But the caste Hindu is averse to making any sacrifice. He says: 'You suffer; I will enjoy'. We say: 'Why don't you also suffer? We will not suffer hereafter'. As long as Englishman was there, he was giving protection to the minorities. Even Mr. Jinnah is not there to-day. You are wielding power to-day and you may say with gusto:

'I am the monarch of all I survey,
My right there is none to dispute.'

But remember within two years or five years, we shall capture power. When power is in our hands, see that we shall not have vengeance against you so that we and you can enjoy the fruits of Independence—Jai Hind."

* DR. D. S. RAMACHANDRA RAO:—"Mr. Speaker, Sir, after the sentimental speeches that have been made, I find it very difficult to touch this problem on a different key altogether. The Constitution that has been placed before the country is a wonderful piece of work that has been done in a very short time. Considering the difficulties that the country had to face and the enormous complexities of the situation, it is surprising how that wonderful volume has been produced in such a short time. As one reads through the draft, one finds that every attempt has been made to foresee the difficulties and the emergencies that may arise and provide for meeting every conceivable situation. One also recognises the language of the lawyer in the drawing up of the Constitution.

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3.30
p.m.

Enormous care has been bestowed upon the production of that Constitution. In fact one found that the freedom of the human spirit suffered by the care which the Constitution-framers took. The freedom of the human soul was rather hampered by legal difficulties and legal quibbles. On the whole, it is a great work which redounds to the credit of this nation. One must remember that a Constitution, in the very nature of it, cannot be written for eternity. Things change very frequently. About this time last year, we little realized that we would be called upon to draw up our own Constitution. We dreamt that the struggle for freedom will go on for another half or a full decade and when freedom was at last wrung from unwilling hands, there would be plenty of time to think over Constitution-making. But suddenly, in the twinkling of the eye, freedom dawned on the country and it caught us, in a way unprepared. Still we are trying to make the best of a bad bargain and now we are almost in the stage of Constitution-making. In spite of its defects, it has been a great work and deserves the thanks of the nation. But there are certain points one has got to consider before accepting a Constitution of this great magnitude and intricacy pregnant with difficulties and everywhere best with complications. Sir, one thing that struck me was the danger that the country is called upon to face when the Constitution has recommended, supported and sanctified adult franchise. Those of us who have taken part in the elections during the last 10 or 15 years know how difficult it is to bring our masses into the polling-booths, how the great mass of people being illiterate, find it difficult to preserve the secrecy of the ballot, and the way in which our masses, even those qualified among them, have been called upon to exercise their vote through the help of symbols has been most heart-rending. I remember those early days when I took part in British elections. What a contrast they were to the elections that are in vogue in this country ! There, the meanest man who would go to the booth could preserve the secrecy of the ballot. He could read the name of the candidate and could vote for him in privacy and in secrecy. Here that has not held the ground to this day, with our masses still illiterate. We are going to put power into their hands and we are expecting them to vote for the ideal man through symbols and through pressure which is being brought to bear upon his vote at every polling-booth. Sir, this adult franchise is going to be a two-edged sword. It is no doubt an improvement in a way upon the past, because we all know, and we must have the courage to confess the truth, that a great deal of corruption is going on in elections and the past system encouraged corruption with the smallness of the number of voters. But now, Sir, when adult franchise is going to bring in thousands and tens of thousands and hundreds of thousands to the polling-booths, the capacity of the average individual to buy off the votes is almost an impossibility, while the party mechanism with its great principles, policies and promises, might help to influence the voter in a way, and keep corruption out of the field altogether in the future. At the same time, whether the average voter realises his responsibilities without the undue influence of the leaders, and without knowing the three Rs. whether he realises that great power that has been put into his

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hands, and whether he sufficiently realizes that he is the architect of his own future and knows that he whom he elects would be called upon not only to rule the country but also to save the country in an emergency, are all problems of very great importance which cannot be lightly brushed aside. We are practically playing with fire when we advocate adult franchise without realizing the dangers involved. While it may be good for other countries where the man and woman, the humblest and the poorest can read and write and can vote in secrecy, it is doubtful whether it may be so in this country where we have got great masses of population still steeped in ignorance and illiteracy and who have to be taught by the use of symbols to exercise their votes. It is still time for us to consider whether there is not some other way of modifying the danger and see that the proper men are elected to the proper places.

"At the same time, Sir, it must be confessed that in course of time the nation would learn these lessons. Even the most experienced countries in the West have made great mistakes. I remember, Sir, after the First World War when the British people came out victorious along with their Allies, it was the Conservative Party that fought tooth and nail against giving franchise to women, but the Liberal and the Labour Parties supported and gave franchise to women. In the elections, the Khaki won and most of the women voted for Conservatives who opposed their freedom. But soon they discovered their mistake and when the next elections came, they corrected it. Similarly, here also in our struggle for freedom we have committed so many mistakes and even after we attained our freedom, it is likely that we may commit many more mistakes. But I trust, Sir, that we shall be able to correct those mistakes as we gain experience and when opportunity is given to us. Sir, while I am not conservative enough altogether to call adult franchise unnecessary I still think that at the present stage of our constitutional progress some other method should be devised to modify or to minimise the evils that adult franchise might bring to the country.

"Now, Sir, let me just refer to the unfortunate discussion that centred upon the safeguards in the form of joint electorate. A great deal has been said for and against this joint communal electorate. I for one, Sir, never believed it in the past and I trust I shall never believe it in the future also. I have seen the difficulties in it, I have worn the shoe myself and I know where it pinches but it is often a choice between two evils, a choice between one's community and one's country. Sir, if it is a question of the country's interest to be sacrificed for the community as against the community's interest being sacrificed for the country, I would rather sacrifice the interest of my community than that of my country, but certainly not the reverse. Sir, I do not take it for granted that conditions are ideal. It is only when small men come into big places by accident and try to rule that all these difficulties and communal disharmony begin to show themselves. But when big men occupy big places, things could be done in a different way altogether, and these evils will disappear. Now let

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us glance at India. It may be news to many that in Wardha itself, all the key posts until Gandhiji's death had been held by members of the minority communities! Even in the Imperial Government of India to this day, the minority communities hold more than 50 per cent of the appointments. Sir, the fault does not lie with one party alone. It lies with both parties. The minorities must have a broad vision so that they may look round, look things at a distance, look at the future and look at the destiny of the country and prepare themselves for the future that is awaiting the country. At the same time, the majority must also realize that it has a responsibility towards the minority. No doubt we are in a transitory stage. The plumes of office and the glamour for power are dangling before our eyes. It is all simply a stampede for power and prestige and therefore it is, that all these mistakes are committed. Even the so-called majority community is not one; it is divided into a hundred-and-one communities. It is waiting just for an opportunity to get hold of the most that could be grabbed. We are all now simply enamoured of power. We are not sufficiently realizing what that power means, and what responsibility lies on the heads of those who wear the Crown. But I hope, Sir, that this is only a passing phase. I hope that in course of time, when the novelty of the situation is over, people drunk with power and got filled to the brim, will realize that that is not the way where true greatness and the country's good lie. Suppose that time comes, when people begin to realize that true greatness does not consist in grabbing wealth and power for themselves, but by giving it and sharing it with others, that will be the proudest and happiest day for India. That is the foundation upon which Mahatma Gandhi has built our freedom. He has said many times and over and over again that the true greatness of the majority consists in giving in all that the minority wants, so that he who asked for it may be ashamed to ask for more. That happened sometime ago in Egypt when the Copts, the Christian minorities in Egypt, were fighting for their rights. The Egyptian leader sent for the Copts leader and asked 'What is it that you want?' The latter replies that he wanted such and such a form of constitution with so much representation for the Christian minority. Immediately the Egyptian leader said, 'Is that all you want; well, I will give you 100 per cent more than you wanted.' The problem was solved over night.

2-45 p.m. "I remember, Sir, some years ago when Gandhiji came over to Mysore, he was staying there as a State guest. One of the leaders, a Muslim gentleman, told us gravely that if both the Hindus and Muslims will only appoint Gandhiji as an arbitrator and both parties accept his award, then India's problem would be solved and her freedom attained within 24 hours. That was a fact which nobody could deny. But neither of them had the courage to entrust Gandhiji with such a task. They paid him lip homage, but not heart homage. Therefore the problem is as it was. Still somebody must do the right thing. If the majority has not the courage to do it let the minority have the courage and do the right thing, not by demanding but by giving. Let them have it. They can't go on for centuries and centuries in this way. Try this experiment. Have

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the courage. Let us not go on blaming each other and finding fault saying that you are narrow, you are selfish and so on and so forth. If there is grit, if there is manhood, if there is decency, if there is the consciousness of what is right and what is good for the country, let us in the long run do the right thing and suffer for it temporarily. Ultimately, the right will come out successful. If we have not that strong faith in ourselves, in our country, in truth and in justice and fairplay and in God, we can never rule this country and never keep the freedom of this country. If we are going to do that let us have courage. In spite of elaborate precautions, etc., many things will have to be done as between man and man. Big things in life are not made through constitutions. It should be done as between man and man and through the law of brotherhood. It is only then that we can really achieve our manhood. It is on that manhood that Gandhiji has won the freedom of the country. Unless we keep up to that level of honesty, integrity, of fair play and justice, I would even say generosity, we can't achieve anything lasting. If the majority has not the courage of being generous towards the minority, let the minority have the courage and good sense, of being generous. Let us try that experiment for some time. India has been a slave country for 200 years. Why not we be the slaves of the majority for 25 years. Gandhiji has always said. Don't be afraid so long as the minority rules. So it is up to us never to allow ourselves to be quarrelling with each other. Let us point the finger at our own hearts. Let us learn to blame ourselves. Then the problem of communal bickerings which has been disgracing us in the eyes of the world would have solved. On the day we won our freedom, we rose like a meteor in the estimation of the world, and since then we have fallen like a rocket that has lost its glamour. Therefore it is up to us to see that this communal bitterness is not kept up before the world, namely, one community blaming the other and one religion blaming the other. Let not one community be saying that it is in the right always. On account of this communalism, we are disgracing ourselves in the eyes of the world. It does not matter who loses. Let us consider the country first and everything else next. We must be born somewhere and it is an accident we are born here. How long are we to go on like this. Provided we have got the strength of mind to will and the ability to achieve we shall see how long we can be ignored in the affairs of the country."

SRI S. GURUVULU :—“అధ్యక్ష మహాశయ, మన భారతదేశము స్వాతంత్ర్యముసాంది కొద్ది దినములైనది. మన భవిష్యదభివృద్ధికొరకు మన నాయకులు ఈ సూత్ర రాజ్యాంగ నిర్మాణముసాయిదాను తయారుచేసి మన ఎదుట ఉంచినారు. ఈ సూత్ర రాజ్యాంగ నిర్మాణముసాయిదాను నేను హృదయపూర్వకంగా విశదము చేస్తున్నాను.

“మనదేశ స్వాతంత్ర్యమునకు మూలకారకుడైన మహాత్మాజీ హరిజనోద్ధరణకై ఎంతో కృషిచేసి హరిజనులకు అనేకములగు ఉపకారములను చేసినారు. ఇప్పుడు మహాత్మాజీ మరణించినను మన నాయకులు ఆయన ఆభిప్రాయానుగుణముగనే హరిజనోద్ధరణకై కృషిచేస్తారని నేను హృదయపూర్వకంగా విశ్వసిస్తున్నాను. రాజకీయ విషయములకు కృషిచేస్తారని నేను హృదయపూర్వకంగా విశ్వసిస్తున్నాను. ఈ సూత్ర రాజ్యాంగ నిర్మాణముసాయిదాను అందరుకూడా విశదముచేయాలి. ఈ సూత్ర

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రాజ్యాంగవిధానాన్ని మనకు అమోదించి అచరణలో పెట్టినపుడే దీనిలోని మంచి విడ్డూలు మనకు బోధపడును. కాని ముందుగానే ఈ రాజ్యాంగమును అమోదించిన majority community లవారు minority community లవారలను అణగద్రొక్కడ రని సందేహించడం, ఈ విధంగా కాంగ్రెస్‌వారే రాజ్యాంగాన్ని విమర్శించడం మానేసే నేను చాలా విచారిస్తున్నాను.

“ఇప్పుడు మన భవిష్యత్తు అంతాకూడా ఈ రాజ్యాంగ నిర్మాణముమీదనే ఆధార పడివున్నది. ఇప్పుడు మన దేశంలో అనేక జాతులు, వర్గములు, కులములు వున్నవి. ఈ వివిధ జాతుల, వర్గముల, కులములవారి కందరకు ప్రయోగపడునట్లుగానే ఈ రాజ్యాంగముసాయిదాను మన నాయకులు తయారుచేసినారని నేను హృదయ పూర్వకముగా విశ్వసిస్తున్నాను. ఇకముందు మనకు అందరము ఒకే జాతికి చెందినవార మనే అభిప్రాయముతోనే ఈ రాజ్యాంగమును అచరణలోపెట్టిన ప్రజాసామాన్యాని కంతా ఎక్కువ ఉపయోగకరంగాఉంటుంది. కాని హరిజనులను అగ్రజాతులవారు అణగ ద్రొక్కుతారని, అన్యాయము చేస్తారని నిందించడంవల్ల ప్రయోజనములేదు. ఈ విష యాన్ని ప్రజాప్రతినిధులైన గౌరవ సభ్యులందరు గుర్తించాలి.

“ఇప్పుడు డాక్టరు అంబేద్కరుగారు శీర్షిక ప్రభుత్వంలో మంత్రిగా ఉండి కూడా హరిజనులు కాంగ్రెస్‌లోగాని, మరే ఇతర పార్టీలోగాని చేరకూడదని, వారు ఒక మూడవ పార్టీగా ఉండవలసినది చెప్పుచున్నారు. ఇది చాలా విచారింపవలసిన విషయమని మనవిచేస్తున్నాను. బాధ్యతగలవారే ఈ విధంగా చెబుతూఉంటే హరిజనులకు ఇతర అగ్రజాతులవారికి సామరస్యము ఏ విధముగా ఏర్పడుతుందో, అందరము ఏకో న్నుభిముగా దేశమును ఎటుల అభివృద్ధిపరచగలమో నాకు బోధపడుతులేదు.

“ఇప్పుడు మన సోదరుడు మూర్తిగారుకూడా కాంగ్రెసుకు చెందినవృత్తికి అగ్ర జాతులవారు హరిజనులకు అన్యాయముచేస్తున్నారని అన్నారు. వీరి అభిప్రాయముతో నేను ఏకీభవించలేను. ఇంతవరకు హరిజనులకు అంబేద్కరుగారు ఎక్కువ సేవచేయ గలిగినారో, కాంగ్రెసువారు ఎక్కువ సేవచేయగలిగినారో, మూర్తిగారికి తెలియని విషయముకాదు. ఇట్టి పరిస్థితులలోకూడ వారు కాంగ్రెసువారిని దుయ్యబట్టుకోవడము సమంజసముగా లేదు.

“ఇప్పుడు ప్రతివారు వారి హక్కులను (rights) కోరడము మామూలైపోయింది. హక్కులు కోరడము మంచిదికాదని నేను అనను. కాని హక్కులతోపాటు వారు, వారి కర్తవ్యమును (duty) కూడ జ్ఞాపకముంచుకొనవలసిన నేను భావిస్తున్నాను. హక్కులను కోరేటటువంటివారు, వారి కర్తవ్య నిర్వహణను గుర్తించాలి. అంతేకాని మజ్జులను majority (community) వారు అణగద్రొక్కుచున్నారు. మాకు అన్యాయము జరుగుతోంది అనడమువలన ప్రయోజనములేదు.

“అన్నిటికీ ముందు మనలో వికసితత్వము కావాలి. మనకు అందరము ఒకే దేశానికి, జాతికి సంబంధించినవారమనే అభిప్రాయంతో వర్తించాలి. అప్పుడే మనకు మన కర్తవ్యాలను గుర్తించినవారమగుదుము. మాకు ఈ శాఖలో ఉబోగములు లేవు— ఆ శాఖలో ప్రద్యోగములు లేవు అని అనడము న్యాయముకాదు. కాబట్టి మనమంద రము ఏకాభిప్రాయంతో ఈ నూతన రాజ్యాంగ నిర్మాణాన్ని అమోదించి అచరించి నట్లయితే మనమందరము దేశముయొక్క, ప్రజాసామాన్యముయొక్క అభివృద్ధికి సర్వోత్తముఖమైన మానవ కల్యాణానికి తోడ్పడగలమని మనవిచేస్తూ ఈ రాజ్యాంగము సాయిదాను హృదయపూర్వకంగా నేను బలపరుస్తున్నాను.”

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• MUHAMMAD RAZA KHAN SAHIB:—“Mr. Speaker, Sir, just as my hon. Friend Dr. Ramachandra Rao spoke I was all the while hearing him, though I do not like to join issue with him. Of course he wanted to prove that the Christian community to which he has the honour to belong is well advanced these days. But I am sorry to say, Sir, without casting an aspersion on him, as he is a philosopher, he lost himself in the philosophy without any large contribution in the political direction. He also knows as is generally known, that a good philosopher is not necessarily a good politician. Being a member of a minority community, what he spoke has some practical bearing on the other minorities, be they Muslims, the Scheduled castes or others, not that I wanted to take this opportunity of indulging in any sort of communal talks. Well, Sir, this opportunity itself, as has been said by the Leader of the House, is for giving our views not as constitutional experts but as layman, as to how it affects us and is going to affect us in the future. I am sure that the Leader of the House who is so much interested in this debate which is going to last for three days if not more—and we have received a bundle of amendments to-day and we hope to receive many more to-morrow,—will forward the proceedings of the debate in full if possible or at least a summary so that the people who are at the head of affairs in the Centre might take our views for what they are worth.

“One thing to which reference has been made by Janab Ismail Sahib, the hon. Leader of the Opposition, is the question of the Provinces in the new frame of things. That is one thing which we shall have to decide and it will have a great bearing because after all we belong to this Provincial Legislative Assembly and what is going to be the future position of the States and the Provincial Governments in the new scheme of things is very important. We have been clamouring in the past at the time when the British were here—even now of course with a little bit of difference we are—that we should have complete provincial autonomy in all the Provinces which exist to-day and in the Provinces which may be formed or created the day after, because our country is so vast and there are so many differences in the various fields. What is really wanted is perfect provincial autonomy with all the freedom attendant thereto. The reason why we are demanding for division of Provinces on a linguistic basis is also for the simple reason that there is this difference either in the matter of language or in the matter of culture. Therefore it stands to reason that the Provinces should enjoy complete autonomy, because even under the Act of 1935 if you go deep into the matter, although limited powers were given both to the Provincial Governments or to the Centre—of course that Government did not come into being and luckily we got our independence—the idea was there and the framers of the Constitution thought that the Province should enjoy complete autonomy. The power that is enjoyed by the Provincial Governments has a direct bearing at the Central Government. I am one with the Leader of the House, because we are merely concerned with him and not with the drafting committee at Delhi, because we have to express our views before him. It is the anxiety of the

[Muhammad Raza Khan Sahib]

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Provincial Government and all Provincial Governments as also the Central Government that there should be a strong centre. And it is visualized that the Centre should not be of a unitary type because it may not be workable in such a vast country with such a large population amounting to nearly 30 crores if not more with so many differences of culture, manners, religion and so many other things ranging from district to district and from Province to Province. What they visualize is not to have a sort of unitary type of Government but a Federal type of Government. Therefore by its very implication a Federal Government means that the Provinces should have complete autonomy. In this connexion I was going to . . ."

Mr. SPEAKER:—"The hon. Member can continue his speech to-morrow. . ."

4 p.m. M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On a point of information, Sir. You will remember that when we rose last time, I raised the question of the time-table of the Assembly, and the then Leader of the House promised that he would give a long recess to Members during the hot season. I want to know what the position now is. Many Members are making the request that there should be no sittings of the Assembly during the hot weather. I am told that there may be a sitting of the Assembly in the middle of June. You know, Sir, that in Madras June is as hot as May if not hotter. (The Hon. Sri B. Gopala Reddi: July is as bad as June!) July is not so bad. (Sri A. Kameswara Rao: Madras climate is much better than mufassal climate, Sir.) Sir, in July it may be better. Therefore, I would request the Hon. the Leader of the House to bear this in mind and fix his time-table. I do not want him to say it now. He may take two days more and tell us the day after to-morrow. My request is that this fact should be borne in mind, i.e., Members want a pretty long recess, particularly in this hot weather."

Mr. SPEAKER:—"As far as this meeting is concerned we will have our meetings to-morrow and the day after to-morrow. Probably the day after to-morrow, the Leader of the House will answer."

"I now adjourn the House till 11 a.m. to-morrow."

The House then adjourned.

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APPENDIX I.

[Vide answer to clauses (a) and (b) of starred question No. 319 asked by Sri B. Venkatanarayana Reddi at the meeting of the Legislative Assembly held on the 26th April 1948 at page 7 supra.]

(1) Quantities in tons of rice and millets procured in each taluk in the khariff year 1946-47 (November 1946—October 1947)—

Name of the taluk.	Quantity procured in tons.	
	Rice	Millets.
Nellore	19,876	Nil.
Atmakur	1,815	326
Gudur	1,148	31
Sulurpet	2,998	77
Rapur	40	97
Venkatagiri	835	117
Kavali	2,253	46
Udayagiri	87	575
Kovur	21,565	Nil.
Kandukur	917	402
Kanigiri	120	646
Podili	20	230
Darsi	19	243
Total for the district ..	51,693	2,790

(2) Quantities of rice and millets exported from the district in the khariff year 1946-47—

Rice	25,090 tons.
Millets	32 ..

(3) Quantities of rice and millets imported into the district in the khariff year 1946-47—

Rice	6,000 tons.
Millets	3,772 ..

(4) The surplus quantity of rice available for procurement in Nellore and Kovur taluks alone during khariff year 1947-48—

Rice	45,621 tons.
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(5) Quantity of rice required for consumption in the other '11' (eleven) taluks in the district including requirements for seed—

Rice	27,572 tons.
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SECRETARIAT
APR 1948

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, the 27th April 1948.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker, (THE HON. SRI J. SIVA-SHANMUKHAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Money spent on Harijan uplift.

* 334-A Q.—SRI P. M. VELAYUDAPANI: Will the Hon. the Minister for Rural Development be pleased to state—

(a) how much money has been spent from the reserve fund of one crore of rupees for the Harijan uplift so far; and

(b) whether the Government will give an opportunity for the House to debate on the report submitted by the Provincial Harijan Welfare Committee?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Minister for Rural Development):—“(a) A sum of rupees 1,80,000 has been spent from the ‘One Crore Fund.’

“(b) The report has only just been received by the Government. The question of giving an opportunity for the House to debate on it will be considered.”

SRI P. M. VELAYUDAPANI:—“சபாநாயகர் அவர்களே, இந்த ஒரு லட்சத்தி எண்ட தாயிரம் ரூபாயால் செலவு செய்த வேலைகள் ஹரிஜன கமிட்டிக்குத் தெரியுமா என்று கேட்கிறேன்.”

THE HON. SRI B. GOPALA REDDI:—“The amount was given to the Takkar Baba Vidyalaya. I think all the members of the committee know it.”

SRI P. M. VELAYUDAPANI:—“இந்த ஒரு லட்சத்தி என்பதாயிரம் ரூபாய் செலவு செய்ததை இந்த வருஷ பட்ஜெட்டில் தெரிவித்திருக்கிறார்களா என்று கேட்கிறேன்.”

THE HON. SRI B. GOPALA REDDI:—“It was given last year.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“May I know how much money will be required to implement the recommendations of the Harijan Welfare Committee?”

THE HON. SRI B. GOPALA REDDI:—“The report has just been received and the Government are examining it.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“Cannot the Hon. Leader of the House give the total amount that has been spent from the one crore of rupees allotted for Harijan uplift?”

THE HON. SRI B. GOPALA REDDI:—“I have just answered that it is Rs. 1,80,000.”

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know whether the whole of this amount has been taken from the One Crore Fund?"

THE HON. SRI B. GOPALA REDDI:—"Yes, Sir."

SRI P. M. VELAYUDAPANI:—"இந்த ஒரு லட்சத்தி எண்பதாயி ரம் ரூபாயில் தாக்கர் பாபா வித்யாலயத்துறாகாக செலவு செய்வதால் அது ஹரிஜனங்கள் இருக்கிறார்களா என்று கேட்கிறேன்."

THE HON. SRI B. GOPALA REDDI:—"As far as I know, the 'Takkar Baba Vidyalaya' is intended mainly for the Harijan students."

Article on "Telugus in Tamilnad."

* 235 Q.—SRI K. T. KOSALRAM: Will the Hon. the Premier be pleased to state whether the Government's attention has been drawn to an article in the *Indian Express* of 1st February 1948, "Telugus in Tamilnad" written by Mr. T. J. V. Nayudu, an upper division clerk in the Secretariat?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—"The Government have seen the letter in question and are considering the action to be taken."

SRI K. T. KOSALRAM:—"Will the Hon. Minister read the article or at least the relevant portions of it?"

MR. SPEAKER:—"The Hon. Minister has already answered that necessary action would be taken."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"May I know the purport of the article in question?"

THE HON. SRI B. GOPALA REDDI:—"The writer of the article pleads that the interests of the Telugus in Tamil districts should be safeguarded."

SRI R. V. SWAMINATHAN:—"May I know whether the interests of the Tamilians in Telugu districts will be safeguarded?"

THE HON. SRI B. GOPALA REDDI:—"The interests of the Tamilians not only in the Telugu districts but also in Oriya tracts will be safeguarded."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"May I know whether any citizen, as soon as he becomes a Government servant, will have to permanently give up his right to say anything concerning his own safeguard?"

THE HON. SRI B. GOPALA REDDI:—"There are Government Servants' Conduct Rules and every Government servant must conform to them."

SRI R. V. SWAMINATHAN:—"Is the Hon. Leader of the House aware of the fact that even now the Telugu people are dominating this Province and that, that is why the Tamilians want a separate province of their own?"

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THE HON. SRI B. GOPALA REDDI:—"The hon. Member may think so. But the Telugus feel that the Tamilians are dominating."

Privileges of the members of the Madras Legislature.

* 336 Q.—BEGUM SULTAN MIR AMIRUDDIN: Will the Hon. the Premier be pleased to state whether in pursuance of section 71 (2) of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, necessary legislation will soon be brought forward by the Government defining the privileges of the members of the Madras Legislature?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—"There is no such proposal at present. Necessary legislation to define the privileges of Members of the Legislature will no doubt be considered after the New Constitution comes into force."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know what this has to do with the New Constitution, in view of the fact that it is specifically mentioned in the Draft Constitution that this matter is to be left to the Provincial Legislatures?"

THE HON. SRI B. GOPALA REDDI:—"The Government of India Act, 1935, has been superseded and the future Constitution is in a fluid condition. We want to wait till the Draft Constitution is finally adopted and then take up the legislation."

BEGUM SULTAN MIR AMIRUDDIN:—"May I request the Government to examine this question carefully as it is very necessary to bring forward legislation soon in regard to the privileges of members in view of the fact that in these days their liberties are being encroached upon?"

THE HON. SRI B. GOPALA REDDI:—"As soon as the Draft Constitution becomes law, this question will be taken up."

MUHAMMAD RAZA KHAN SAHIB:—"Is it a fact that Messrs. K. Anandan Nambiyar and P. Venkateswarlu, Members of the Assembly, are afraid of attending the meetings of the Assembly as they feel that they may be arrested, and will the Hon. Leader of the House give an assurance that they will not be arrested when they are on their way to attend the meetings of the Assembly?"

THE HON. SRI B. GOPALA REDDI:—"The Members of the House are as much citizens as anybody else, and so they also must undergo all the privations of a citizen."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Is the Hon. Leader of the House aware that Members are allowed certain facilities which the ordinary citizens do not enjoy?"

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THE HON. SRI B. GOPALA REDDI:—"The Members of the House at present have no privileges except that they will not be prosecuted for anything they may say or vote for on the floor of the House."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Do not the Government realize that citizens who are Members of the Legislature must be given necessary facilities for discharging their duties as Members?"

THE HON. SRI B. GOPALA REDDI:—"It is for that very purpose that the question will be taken up after the Draft Constitution becomes the law of the land."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"In view of the reasons set forth, is it not necessary to legislate straight-away?"

THE HON. SRI B. GOPALA REDDI:—"No, Sir."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Does the Hon. Leader of the House suggest that legislation should wait till the New Constitution comes into force even for the privileges to which the Members are entitled under the Government of India Act, 1935?"

THE HON. SRI B. GOPALA REDDI:—"When the hon. Members have waited from 1937, they can as well wait for six or twelve months more so that we may know definitely what the final Constitution is."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"When the Central Government have issued an ordinance defining the privileges of the Members of the Central Assembly without waiting for the New Constitution, will not this Government also follow suit?"

THE HON. SRI B. GOPALA REDDI:—"No such proposal is under the consideration of the Government."

MUHAMMAD RAZA KHAN SAHIB:—"Is it a fact that Sri P. Venkateswarlu, our colleague, has given notice of an adjournment motion to discuss the Government's action in arresting the Communists?"

MR. SPEAKER:—"I have not received notice of any adjournment motion."

THE HON. SRI B. GOPALA REDDI:—"Nor are the Government aware of any such motion."

BEGUM SULTAN MIR AMIRUDDIN:—"When the Central Government have set an example in this regard, may I know why the Provincial Government are so loathe to follow in their footsteps?"

THE HON. SRI B. GOPALA REDDI:—"We want to know where exactly we stand before we define the privileges."

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"Is the Hon. Leader of the House aware of a provision in the Draft Constitution giving discretion to the Provincial Legislatures in the matter and is it not advisable to take up legislation even now in anticipation of the future Constitution?"

THE HON. SRI B. GOPALA REDDI:—"After all, a Draft Constitution is only a draft. Considering the way in which amendments are pouring in, in the Secretariat just now, the Constituent Assembly may desire to amend the Constitution. Therefore we want to know where exactly we stand."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"As the Hon. Minister says, that there is no finality for anything, even the privileges once defined need not be final and they can be amended. Why should the Members suffer for want of privileges on that account?"

(No answer.)

MUHAMMAD RAZA KHAN SAHIB:—"Will the Hon. Leader of the House give an assurance that Messrs. Venkateswarlu and Anandan Nambiyar will not be arrested if they are on their way to the Assembly to move an adjournment motion?"

THE HON. SRI B. GOPALA REDDI:—"No such assurance can be given."

SRI V. RAGHAVAYYA:—"Is the New Constitution going to take away the privileges that have already accrued to the Members of this Legislature by way of convention and practice as in the Mother of Parliaments?"

THE HON. SRI B. GOPALA REDDI:—"All the accrued privileges are still there and the Members are not deprived of any of them."

Use of the letters I.C.S. and I.P. after names of officers.

* 337 Q.—SRI K. T. KOSALRAM: Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that the I.C.S. and I.P. services were abolished with effect from 15th August 1947; and

(b) if so, how and why many officers still use the letters I.C.S. and I.P. after their names?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—" (a) The I.C.S. and the I.P. as they stood prior to 15th August 1947 no longer exist. Consequent on the transfer of power officers in the Secretary of State's Services were given the option either to continue in service or to retire in accordance with the terms contained in His Excellency the Viceroy's announcement, dated the 30th April 1947.

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"(b) In accordance with the decision of the Government of India and in conformity with the practice now obtaining in all parts of India, the nomenclature of I.C.S. and I.P., etc., is retained to distinguish the officers who continue in service from those belonging to the new administrative services that have come into existence in the place of the old Secretary of State's Services."

SRI K. T. KOSALRAM:—"May I know whether any special treatment is accorded to the I.C.S. and I.P. officers, whose services have been retained by the Provincial Government, even after the 15th of August 1947?"

THE HON. SRI B. GOPALA REDDI:—"The control of the Secretary of State over them has been removed, and they are now under the control of the Government of India."

SRI V. RAGHAVAYYA:—"In view of the fact that certain Deputy Collectors promoted as Collectors are not able to fulfil their duties as befitting Collectors, have the Government any idea of recruiting to the posts of Collectors directly from the cadre of I.C.S.?"

THE HON. SRI B. GOPALA REDDI:—"The question arises only if I accept the premises of the hon. Member."

Formation of a library in each firka.

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

(a) whether the Firka Development Officers have been required to form a library in each firka consisting of 3,000 different books;

(b) whether the officers have been able to make the selection required; and

(c) if not, what the reasons for the failure are?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—" (a) Yes. Central libraries in the firka headquarters, with branch libraries in the villages, have been ordered to be opened in the 25 firkas originally selected for intensive rural reconstruction work.

" (b) Yes.

" (c) In view of the answer to (b) above, this question does not arise."

SRI V. RAGHAVAYYA:—"Have the Government given any list of books to be purchased by each library, as it has to consist of 3,000 different books?"

THE HON. SRI B. GOPALA REDDI:—"We have not given any definite names of books. But we have issued some general instructions about the nature of the books to be purchased."

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SRI V. RAGHAVAYYA:—"Are the Government aware that the Firka Development Officers are unable to select such books, because of the hugeness of the number?"

THE HON. SRI B. GOPALA REDDI:—"Sir, I have said in my answer to clause (b) 'yes.' They have already selected the books."

Procurement of foodgrains in deficit areas.

* 339 Q.—SRI M. G. NATESA CHETTIYAR: Will the Hon. the Minister for Food be pleased to state—

(a) the procedure adopted for procurement of foodgrains in the deficit areas during scarcity of foodgrains in those areas;

(b) whether merchants' licences for purchase and sale of foodgrains is subjected to or liable to be cancelled on the ground of their purchase and sale from the producer and to the consumer respectively at a higher rate than the Government procurement rate;

(c) whether the foodgrains sold in the retail shops or weekly market is liable to freezing in deficit and derationed areas;

(d) whether any order in regard to the above or allied matter was issued by this Government as a consequence of freezing of foodgrains with the wholesale or retail merchants in Salem district;

(e) whether the Government have issued any order in regard to the procurement of foodgrains from the merchants in the deficit areas;

(f) whether any representation was made to the Government by Arni (North Arcot district) wholesale merchants and what order or communiqué was issued in that regard and on what date; and

(g) if so, the result of the order on the said matter?

THE HON. SRI H. SITARAMA REDDI (on behalf of Hon. the Minister for Food):—" (a) Procurement of surplus grains is carried on in the deficit districts under a system known as 'levy scheme'. Under this scheme only those who have cultivated over a minimum extent of lands will be required to deliver their surplus at an easy scale of levy which will be fixed by the Collector of the district having regard to local conditions and requirements. Such producers should deliver their surplus voluntarily within the time allowed in response to the executive orders issued by the procurement officers concerned to the procuring agents appointed and notified by the Collector in this behalf. If there is no voluntary response, the surplus stock can be procured compulsorily by the procurement officials under special powers invested on them by the Government.

" (b) The prices at which foodgrains are purchased from producers at village site by merchants are not statutorily

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fixed for deficit districts. For these districts only the wholesale prices, at which the merchants should sell, have been statutorily fixed. Therefore, the licences of merchants in the deficit districts are liable for cancellation only in respect of sales made by them at prices exceeding the notified wholesale prices but not in respect of purchases made by them from producers. But as merchants will not sell at a loss, the notification will control the purchase price indirectly.

"(c) No. But they are liable to be requisitioned as already explained, if it is believed that there has been hoarding on large scale.

"(d) & (e) No.

"(f) & (g) Certain complaints were received by the Government alleging that in North Arcot district the Taluk Supply Officers were making a levy on merchants in Arni, Arkonam and Walajah and seized stocks on them as they were unable to procure stocks from the ryots. The Collector of North Arcot enquired into the matter and reported that the allegations referred to above were untrue and that the stocks were seized from the merchants for the reason that they were found to purchase and sell paddy far above the ceiling price fixed by the Government. Later on, however, under the instructions of the Government, the Collector must have released most of the stocks seized from the merchants."

SRI M. G. NATESA CHETTIYAR:—"May I know whether the levy system is in relation to the extent of the area or the extent of cultivated area possessed by the individual?"

THE HON. SRI H. SITARAMA REDDI:—"That has been definitely answered already."

SRI M. G. NATESA CHETTIYAR:—"May I know, Sir, whether the procurement officers follow these rules and whether complaints had come in respect of the cropwar yield in certain areas?"

THE HON. SRI H. SITARAMA REDDI:—"The procurement officers are already expected to follow the rules and if my hon. Friend brings to the notice of the Government any cases where they have not followed the rules, they will be enquired into."

SRI M. G. NATESA CHETTIYAR:—"May I know whether the procedure with regard to the system of levy has been communicated by the Collectors to their subordinate officers and whether they have followed the same and whether the Government would ask for a report on the working of levy system?"

THE HON. SRI H. SITARAMA REDDI:—"The levy rules have been communicated to the Collectors and the Collectors would naturally have instructed their subordinate officers accordingly. I would ask my hon. Friend if he has got any

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specific case in his mind, to bring it to the notice of the Government and we will enquire into the same, instead of having a roving enquiry all over the Province."

SRI R. V. SWAMINATHAN:—"Is it not a fact that the Hon. Food Minister assured this House while making his statement in connexion with the debate on derationing in this House the other day, that intensive procurement will be made only in surplus districts and that it will not be done so in the deficit districts, and if so, what is the idea of introducing this levy system, which is more or less intensive procurement in deficit districts?"

THE HON. SRI H. SITARAMA REDDI:—"The hon. Member has not evidently followed the answer that I have given. This is supposed to be collection by way of easy levy of the surplus that is available with the producers in deficit districts."

Diversion of the Gollaleru into Paleru reservoir.

* 340 Q.—SRI A. VEDARATNAM PILLAI (on behalf of Sri N. Venkata Subbayya): Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any representations have been recently received or diversion of Gollaleru into Paleru reservoir over the plateau near Owk village in Kurnool district; and

(b) what action the Government have taken to carry out the proposal?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) No representations have been received recently, but some petitions were received in April 1947.

"(b) The petitions were forwarded to the Chief Engineer (Irrigation) for necessary action and he has called for a report from the Superintending Engineer. Necessary action will be taken on receipt of the report."

SRI A. VEDARATNAM PILLAI:—"Is it a fact, Sir, that the Paleru reservoir is a small one, and if so, why such a small reservoir was planned and executed, when the number of tanks in the area are only very few?"

THE HON. SRI M. BHAKTAVATSALAM:—"Perhaps it is so, but I am unable to explain why such a small reservoir was constructed as it was done some years back."

SRI A. VEDARATNAM PILLAI:—"Is it not a fact Sir, that the Owk area is admittedly a famine-stricken one, and if so, will the Government take steps to increase the size of the Paleru reservoir to extend irrigation facilities in that area?"

THE HON. SRI M. BHAKTAVATSALAM:—"That proposal is being examined, Sir."

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SRI A. VEDARATNAM PILLAI:—“Is it a fact that the Paleru reservoir was so badly constructed that its banks were washed away a number of times, and if so, what steps have been taken to set the defects right?”

THE HON. SRI M. BHAKTAVATSALAM:—“I can only take the information from the hon. Member and can have it examined.”

The Suvarnamukhi Scheme.

* 341 Q.—SRI GONA SEETHARAMASWAMI: Will the Hon. Minister for Public Works be pleased to state why the Suvarnamukhi Scheme of Bantu Makkuva of Bobbili taluk and Vegavati scheme in Bobbili and Salur taluks are not included in the list recently published by the Government of Madras?

THE HON. SRI M. BHAKTAVATSALAM:—“It is presumed that the hon. Member refers to the Press Communiqué recently issued by Government regarding irrigation schemes proposed for the Vizagapatam district. If this is so the attention of the hon. Member is invited to the first two sentences of paragraph 2 of the Press Communiqué which read as follows:—

“The schemes contemplated are to be taken only as illustrative of the possibilities of development. They are neither comprehensive nor final.

“There is another proposal to issue a small pamphlet on the irrigation schemes proposed for the Vizagapatam district in which the schemes referred to by the hon. Member will be included if found feasible.”

Strengthening of the Sulochana Mudaliyar bridge at Tinnevely.

* 342 Q.—SRI V. S. SANKARASUBRAHMANYA MUDALIYAR: Will the Hon. the Minister for Public Works be pleased to state whether there is any proposal before the Government to strengthen and improve the Sulochana Mudaliyar bridge at Tinnevely?

THE HON. SRI M. BHAKTAVATSALAM:—“Yes, there is a proposal to reconstruct the bridge at a cost of Rs. 3.5 lakhs and this is included in the post-war programme relating to National Highways among the works to be taken up in phases III and IV, i.e., after the first five years.”

Scheme for the construction of houses in Chicacole.

* 343 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Prohibition be pleased to state—

(a) at what stage is the scheme for the construction of houses in Chicacole;

(b) whether a co-operative society for house construction has already been started there;

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(c) whether steps are being taken by the Government to acquire sites;

(d) if so, where and to whom those sites belong;

(e) what the report of the Deputy Registrar of Co-operative Societies at Chicacole is; and

(f) when the scheme for the construction of houses is likely to take effect there?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of Hon. Minister for Prohibition):—“(a) Preliminary work regarding the organization of a Co-operative House Building Society has been completed and the Society has been permitted to be registered;

“(b) The society is expected to be registered and to commence work by the middle of April 1948;

“(c) Steps to acquire sites will be taken when an application for the purpose is received from the proposed society;

“(d) Three sites have been selected by the Housing Committee for Chicacole, namely, (1) 4.96 acres in Kotha Road extension, situated towards the north of the town in T.S. No. 894, (2) 9.50 acres in the land situated north-east and west of Trunk Road near Big Mosque; and (3) 5.92 acres in Masidapatem lane and west of Bontrawari lane, in T.S. Nos. 446, 432 and 453. There is no information regarding the ownership of these lands;

“(e) The report of the Deputy Registrar is to the effect that there is demand for houses in Chicacole, that the sites selected by the Housing Committee are suitable for house construction and that a Co-operative House Building Society should be registered at Chicacole;

“(f) If public response is adequate, it is expected that the society will be able to take possession of the lands by about July 1948 and start construction thereafter.”

SRI G. KUMARASWAMI:—“May I know what measures the Government contemplate taking for the immediate acquisition of the necessary house sites?”

THE HON. SRI M. BHAKTAVATSALAM:—“All steps that could be taken under the land acquisition proceedings will be taken, Sir.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“May I know whether the Directors of this House Construction societies are to be nominated by the Government, or to be elected by shareholders?”

THE HON. SRI M. BHAKTAVATSALAM:—“I should like to have notice, Sir.”

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Extension of service to the Principal, Government Textile Institute.

* 344 Q.—SRI V. S. SANKARASUBRAHMANYA MUDALIYAR: Will the Hon. the Minister for Industries be pleased to state—

- (a) whether the Principal, Government Textile Institute, is given extension of service for the past three years;
- (b) if so, what the special reasons are;
- (c) what are the subjects that are taught in the institute;
- (d) what is the total number of students that are given training in each subject during the past three years; and
- (e) whether the Government have got any proposal of retrenchment in the Institute?

THE HON. SRI H. SITARAMA REDDI:—“(a) No, Sir. The Principal, Government Textile Institute, has not been given any extension of service. He retired from service with effect from 5th August 1945 and has been re-employed from that date.

“(b) The present incumbent is being continued in the post as the services of a qualified and suitable candidate could not be secured for appointment to the post even after due advertisement by the Public Service Commission.

“(c) The following are the courses in the institute:—

- (i) Instructor's course in handloom weaving (ten months).
- (ii) Special course for weavers (five months).
- (iii) Special course in Jacquard weaving (five months).
- (iv) Special course in hand-processes of bleaching, dyeing and knitting (five months).
- (v) Artisan course in hand-knitting (ten months).
- (vi) Instructor's course in hand-processes of the bleaching dyeing and cloth printing (ten months).
- (vii) Special course in powerloom weaving (three months).

“(d) The number of students who received training during the last three years is furnished in the statement* place on the table.

“(e) No, Sir.”

SRI V. S. SANKARASUBRAHMANYA MUDALIYAR:—“With regard to the subjects like handloom weaving, hand printing, bleaching, dyeing, etc., is it necessary that a foreign qualified man should be brought in, and are there not qualified people in this country itself in all these subjects?”

THE HON. SRI H. SITARAMA REDDI:—“As I have said, there are certain qualifications prescribed for this particular

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post, but we could not get the proper man. The qualifications were also changed to some extent and a second attempt was made; even then it was difficult for the Government to get a suitable man for the salary that was offered. Now the Government are considering the question of revising the salary expecting that certain people who are qualified would come for the salary offered.”

SRI V. S. SANKARASUBRAHMANYA MUDALIYAR:—“Are the Government aware that the students turned out of this Institute are far below in efficiency than the ordinary hereditary weavers and hereditary printers and dyers?”

THE HON. SRI H. SITARAMA REDDI:—“I have no information to that effect, Sir.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“Sir, regarding the qualifications prescribed for the Principal of this Institute, do not the Government think it desirable and necessary to retain the qualification that a candidate should possess a knowledge of how handloom weaving is being organized and conducted in other countries, so that anything good in those countries may be taken advantage of here for the improvement of our industry?”

THE HON. SRI H. SITARAMA REDDI:—“The Government intend to have a person who has a comprehensive knowledge of the entire textile matters, Sir.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Are not extension of service and re-appointment the same thing Sir?”

THE HON. SRI H. SITARAMA REDDI:—“No, Sir.”

M. S. ABDUL MAJID SAHIB BAHADUR:—“Are the Government satisfied with the present Principal, and if so, may I know the circumstances why a change is required at present?”

THE HON. SRI H. SITARAMA REDDI:—“As I have already said, Sir, he is a retired person.”

SRI V. RAGHAVAYYA:—“Am I to understand from the answer of the Hon. Minister that in certain departments, particularly technical departments, the extension of services would be freely granted?”

THE HON. SRI H. SITARAMA REDDI:—“They are granted whenever necessary, Sir.”

Payment of salaries to the elementary school teachers of Kovvur taluk.

* 345 Q.—SRI V. I. MUNISWAMI PILLAY (on behalf of Sri S. Nagappa): Will the Hon. the Minister for Education be pleased to state—

- (a) whether any complaints have been received by the Government that the elementary school teachers of Kovvur taluk,

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West Godavari district, have not been paid their monthly salaries for the last four months, namely, November and December 1947 and January and February 1948; and

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

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

“(a) & (b) Certain representations were received that elementary school teachers under the District Board, West Godavari, were not paid salaries for some months in 1947 for want of funds. Immediate enquiries were made and the Government sanctioned subsidy and advance to the District Board and also raised the rate of education-tax to put the Board in funds.”

SRI V. I. MUNISWAMI PILLAY:—“Arising out of the answer of the Hon. the Minister for Education, may I know whether the teachers have since been paid for those months?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“Yes, Sir, that is my information.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“May I know whether the payment of salaries has not been made for want of funds or due to any other causes?”

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

“The salaries were not paid for want of funds and the Government immediately sanctioned the District Board the necessary subsidy and also gave an advance and we have also raised the education-tax from 18 to 25 per cent so as to put the Board in funds.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Will the Government make it a condition that if any local board fails to pay the salaries of its servants, in time, it should pay it with interest also?”

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

“I think what we ought to do is to enforce regular payments, Sir, and the Government are trying to do what all they can in the matter.”

Teaching of Hindustani in elementary schools.

* 346 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government propose to make arrangements for the teaching of Hindustani in elementary schools;

(b) if so, whether they propose to appoint separate Hindustani pundits or to give encouragement to existing teachers to acquire the necessary knowledge for teaching Hindustani; and

(c) whether the Government propose to encourage the Government servants to acquire a minimum knowledge in Hindustani?

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

“(a) No.

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“(b) To begin with separate Hindustani Pandits may have to be appointed; but in the long run Government hope when the boys at present in the lower classes come up for training, it may not be necessary to have separate Hindustani Pandits.

“(c) The matter is under consideration.”

SRI A. VEDARATNAM PILLAI:—“Will the Hon. Minister be pleased to state whether it is a fact that English was taught in the elementary and higher elementary schools originally and if so what is the difficulty in introducing Hindustani in the place where English was taught?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:— 11-30 a.m.

“For the same reason for which English has been abolished in the elementary schools.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I know in what script Hindustani is to be taught, whether in the Nagari script or in the Arabic script?”

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

“This question is different from the original question, Sir. But still I can inform the hon. Member that what is proposed is to teach both in the Devanagari and the Arabic scripts.”

SRI M. S. PATTABHIRAMIAH:—“Is it not a fact that the Central Government have notified that Hindustani will be made a compulsory subject for recruitment to the Central Services and will it not be desirable for us to put in Hindustani in the place of English so as to make the applicants from this Province equally efficient in competing for those examinations?”

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

“Quite so, Sir. That is why the Government are introducing Hindustani in the schools from the first form stage under the reorganization scheme. It is against all basic ideas of education to introduce a foreign language in the elementary school stage.”

SRI K. BRAHMANANDAM REDDI:—“Are Government aware, Sir, that in the Draft Constitution of India, Article 99 says that the State language in the Parliament will be Hindi and if so, may I know what is the difference between Hindustani and Hindi? If Hindi is to be followed as a State language why not Hindi language be promoted in the State?”

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

“The hon. Member understands as much as I do that Hindustani will be the language for the Centre. But for the Provinces it cannot be the language in which all our correspondence can be done. It must be the provincial languages.”

SRIMATHI C. AMMANNA RAJA:—“May I know, Sir, whether the Government consider Hindustani as a foreign language?”

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THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“It is foreign, Sir, in the sense that every child in this Province need not study Hindustani even in the elementary schools.”

SRI K. BRAHMANANDAM REDDI:—“I am afraid, Sir, my question has been misunderstood. Inasmuch as it is provided in the Constitution that the State language in Parliament is to be Hindi and not Hindustani how is it that Hindustani is to be taught. When the State language in Parliament is Hindi why not promote Hindi?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“It is clear, Sir, that even in the Constituent Assembly there are differences over this. Some people say that it must be Hindustani and some people under the leadership of Sri Purushothamdas Tandon say that it should be Hindi. Some of them say that it must be in Devanagiri script and others say that it should be in the Arabic script also. There is a discussion about that and it must be concluded in that place.”

SRI A. VEDARATNAM PILLAI:—“May I know, Sir, whether the Government have introduced Hindustani in the Teachers' Training Schools and Colleges, and in the Basic Training Schools, and if not, will the Government consider the necessity of introducing Hindustani in those institutions?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“Yes, Sir. The matter is under consideration. So far as higher grade training schools are concerned which cater to the needs of elementary schools it may not be necessary, but so far as secondary grade training schools are concerned it may be necessary and the matter is under consideration.”

SRI ALLURI SATYANARAYANA RAJU:—“Is not the Hon. Minister aware that after all the opinion of Mahatma Gandhi has been definite that only Hindustani and not Hindi should be the national language and also that he resigned his Presidentship of the All-India Hindi Sahitya Sammelan on the question whether Hindi or Hindustani should be the State language?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“That is quite possible, Sir. But the Constituent Assembly has to decide the matter. That was what I said.”

SRI M. G. NATESA CHETTIYAR:—“Since the State language is very probably to be Hindi, Sir, may I know why Hindi should not take the place of English in the schools?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“Yes, Sir. That is the attempt that will be made in the reorganization of secondary education.”

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SRI M. G. NATESA CHETTIYAR:—“May I know why we should not start the experiment early enough and introduce it even now?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“Yes, Sir, this experiment will be started in the next school year.”

SRI ALLURI SATYANARAYANA RAJU:—“Are not the Government aware that in the All-India Radio news is being broadcast only in Hindustani and not in Hindi?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“That question may be addressed to the All-India Radio, Sir.”

SRI R. V. SWAMINATHAN:—“In view of the answer given by the Hon. Minister that there is difference of opinion among the Members of the Constituent Assembly, whether to have Hindustani or Hindi, may I request the Hon. Minister to issue instructions to the educational institutions in the Province to stop teaching of Hindustani till the Constituent Assembly comes to a definite decision whether to have Hindi or Hindustani?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“No, Sir. In view of the importance of Hindustani the Government must issue immediate orders so that our children may not suffer in future and the study of Hindustani must be taken up immediately.”

SRI R. V. SWAMINATHAN:—“If Hindustani is to be taught in our schools and should the Constituent Assembly decide to have Hindi what will be the fate of our children, Sir?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“The boys will be quite happy and will be in a position of advantage.”

SRI A. VEDARATNAM PILLAI:—“May I know, Sir, whether it is not necessary for those who are serving in the Central Government from our Province to have some knowledge of Hindustani, and if so, whether the Government have made any arrangements for them to learn Hindustani?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“Certainly, Sir. That is why we have started the study of Hindustani as early as the first form stage.”

SRI M. S. PATTABHIRAMIAH:—“Will the Hon. Minister be pleased to state, if Hindustani is to be taught in two scripts—in the Persian as well as the Devanagari scripts—whether it will not be desirable to commence teaching Hindustani alphabet in the elementary schools in our Province?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“In this country all the educationists have been agitating for a very long time that a language which is not familiar to the children should not be taught in the early stages in the elementary schools as it is not good for the development

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of the child itself. So, for that reason the Government thought that the proper age for teaching a language which the children do not know normally would be the first form stage. As that is the earliest stage at which it can be introduced, the Government have done so."

SRI D. V. RAMASWAMI:—"May I know, Sir, if there is any considerable difference between Hindustani and Hindi as popularly known?"

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

"The difference is primarily one of script, Sir. One is the Devanagari script and the other is the Arabic script. Besides in the use of words also, in Hindi more Sanskrit words are used and in Hindustani more Urdu words are used. Apart from that there is not much difference."

SRI V. RAGHAVAYYA:—"In view of the answer given by the Hon. Minister that Hindi need not be taught from the elementary school stage, may I know, Sir, if it is in consonance with the policy of the Government of India?"

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

"I believe so, Sir."

SRI A. VEDARATNAM PILLAI:—"May I know, what is the difficulty in introducing Hindustani in the Higher Elementary and Middle Schools, Sir?"

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

"In the Middle Schools it is being introduced, Sir. As regards the Higher Elementary Schools, the matter is under consideration."

SRI V. I. MUNISWAMY PILLAI:—"In their attempt to spread Hindustani, will the Government consider the desirability of according greater scope for the Harijans especially in the villages, to learn Hindustani?"

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

"If the hon. Member will suggest any concrete method by which it can be done, the Government will consider it."

SRI ALLURI SATYANARAYANA RAJU:—"My question was misunderstood, Sir. I wanted to know from the Government, Sir, whether they were aware that the All-India Radio had been announcing news only in Hindustani and not in Hindi, because the Central Government as also the Prime Minister of the Indian Dominion are definitely of the opinion that only Hindustani can be the *lingua franca* of India and not any other language."

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

"Of course, Sir. With due respect to the Prime Minister of India, I must say that what will be binding on the country will be what the Constituent Assembly passes and so, Sir, we shall have to wait and see what the Constituent Assembly does in the matter. In this connexion I should like to clear a misunderstanding which has been created about my

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use of the word 'foreign' and about which objection was raised. When I said foreign language cannot be taught in the elementary schools, I did not for one moment, mean that Hindustani could be a foreign language to us. It is the national language. I meant it in the sense that a language which is not familiar to the child cannot be introduced in the lower stages."

SRI G. RAJAMANNAR CHETTI:—"May I know, Sir, whether the hon. Members who speak of Hindi and Hindustani and who show such enthusiasm in Hindi, are themselves capable of putting questions and speaking in Hindustani or Hindi?"

MR. SPEAKER:—"This question should be addressed to the hon. Members."

SRI K. BRAHMANANDAM REDDI:—"In view of the fact that in the near future the national language is going to be Hindi or Hindustani as the case may be, may I know what steps the Government have taken to provide the necessary staff for the immediate future?"

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

"The Government contemplate giving grants for people who will be producing Hindustani Pracharaks and Hindustani teachers so that a number of Hindustani Pandits may be produced."

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MR. SPEAKER:—"The Hon. Minister has requested that the question might be taken up to-morrow. It will be taken up to-morrow."]

Construction of a thatched shed in front of the Mariyamman temple in Selaicheri village.

* Q. 348.—SRI S. K. PALIYA KUDUMBAR: Will the Hon. the Minister for Land Revenue be pleased to state what action has so far been taken by the Government in respect of the representations made to the Government that Pachimuthu Nadar and others are causing much inconvenience by putting up a new thatched shed in front of the Mariyamman temple in Selaicheri village, Srivilliputtur taluk?

THE HON. SRI KALA VENKATA RAO:—"The Government have examined the representation referred to by the hon. Member. The land on which the shed has been erected is not a communal land. There is a vacant space of 60 feet width between the shed and the houses on the other side and this space is ample for the movement of cattle and men. The Government therefore decided that no action was called for on the representation."

SRI S. K. PALIYA KUDUMBAR:—"ஐயா, ஸ்ரீவில்லிபுத்தூர், சேலேச்சேரி கிராமத்தில் பேச்சுமுத்து நாடார் மாரியம்மன் கோவிலுக்கு முன்னால் வெகு ஹரிஜனங்களுக்கு இடஞ்சலாகவும் இடையூராகவும் தூத

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னமாக போட்டிருக்கிற ஒரு கொட்டகையை அப்புறப்படுத்தவேண்டுமென்று ஒரு வருஷ காலமாக கவர்ன்மெண்டுக்கு தெரியப்படுத்திக் கொண்டதற்கு இதுவரை என்ன நடவடிக்கைகள் எடுக்கப்பட்டிருக்கிறது என்று கேட்கிறேன்."

THE HON. SRI KALA VENKATA RAO :—" அது புரம்போக்கு நிலம் இல்லை. அங்கே வீட்டிற்கும் கொட்டாயிக்கும் மத்தியில் 60 அடி அல்லது 20 கெஜம் அகலம் நிலம் விடப்பட்டிருக்கிறது. அதன் வழியாக ஜனங்களும் கால் நடைகளும் செல்லலாம். அதனால் அந்த விஷயத்தில் கவர்ன்மெண்டால் ஒன்றும் பண்ணமுடியாது."

M. MUHAMMAD ISMAIL SAHIB BAHADUR :—" May I know in what language he is speaking, Sir. It is neither Tamil, nor Telugu nor is it English. We want to understand what he stated, Sir. Let him say in a language which he understands and which we can understand."

THE HON. SRI KALA VENKATA RAO :—" The Hon. the Leader of the Opposition must be prepared for an admixture, Sir, till he takes it upon his head to see that the Provinces are separated."

SRI R. V. SWAMINATHAN :—" I want to know from the Hon. Minister how they can put a thatched shed in front of the temple?"

THE HON. SRI KALA VENKATA RAO :—" That is not a place belonging to the Government, Sir, and they are entitled to have it there."

SRI M. S. PATTABHIRAMIAH :—" Have the Government considered that the putting up of that particular shed was causing inconvenience to the Harijans and therefore it was that they complained and did they enquire into the matter?"

THE HON. SRI KALA VENKATA RAO :—" The matter was enquired into, Sir, and it was found that there was a space of about 60 feet street between the shed and the houses. That means 20 yards' width of street, Sir, which will be sufficient for the movement of cattle and men. Therefore the Government could not interfere."

SRI K. BRAHMANANDAM REDDI :—" Though the said land may be a private one, inasmuch as it is represented that it is causing much trouble, may I know what prevents the Government from acquiring the site compulsorily?"

THE HON. SRI KALA VENKATA RAO :—" It is not for a public purpose, Sir. Therefore the Government could not acquire."

SRI S. K. PALIYA KUDUMBAR :—" அப்படி ஒவ்வொரு வகுப்பினரும் அவரவர்களுடைய சொந்த நிலங்களிலுள்ள கோவிலுக்கு முன்னால் செட்டுகள் போட்டுக்கொண்டு அதில் பழக்க வழக்கம் வைத்துக் கொண்டு வந்தால் அதனால் கால் நடைகளுக்கும் பொது ஜனங்களுக்கும் அசௌகரியம் ஏற்படாதா என்று கேட்கிறேன்."

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THE HON. SRI KALA VENKATA RAO :—" No community can be prevented from having a shed in their own land, Sir. How can we prevent them?"

ABDUL HAMEED KHAN SAHIB BAHADUR :—" Is the shed a private or a public one? What is exactly the use to which this shed is put?" 11-45 a.m.

THE HON. SRI KALA VENKATA RAO :—" It is put up by the temple authorities for temple purposes, etc."

M. MUHAMMAD ISMAIL SAHIB BAHADUR :—" Do not Government think that this is a public affair relating to the convenience of a whole set of people called Harijans? Do they not think it necessary to compulsorily acquire the land in question?"

THE HON. SRI KALA VENKATA RAO :—" If, unfortunately, any inconvenience was caused, certainly the suggestion of my hon. Friend must be accepted. As I said, there is a space, 20 yards wide, between the shed and the houses on the other side. There is no case for Government to interfere."

SRI R. V. SWAMINATHAN :—" I want to have a detailed reply from the Hon. Minister as to who enquired into the matter and to whom does the site belong, and if it is a private site, will the Government come forward to acquire it in the interests of the people?"

THE HON. SRI KALA VENKATA RAO :—" Two points my hon. Friend does not seem to understand. The fact is that according to Government there is no inconvenience. Therefore the question does not arise on that basis at all."

SRI R. V. SWAMINATHAN :—" My question is not correctly understood by Hon. Minister, Sir. I want to know to whom the site belongs and who enquired into the matter. The Hon. Minister says that it is not an inconvenience to Government. I say it is an inconvenience to the temple and the public who are going to the temple."

THE HON. SRI KALA VENKATA RAO :—" Again, Sir, the hon. Member does not understand me correctly. I definitely said that a vacant space of 20 yards' width is there for the movement of men and cattle, and this is sufficient for the purpose. No inconvenience has been caused to the people. Our report is based upon the report of the Collector of the district who made detailed enquiries into the matter."

M. S. ABDUL MAJID SAHIB BAHADUR :—" Arising out of the answer given by the Hon. Minister that there is sufficient room for the movement of cattle and men, may I know, Sir, whether the Government are satisfied that what is fit for animals is also fit for human beings?"

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THE HON. SRI KALA VENKATA RAO:—"Yes, Sir. Roads are used by men and animals. It is not strange that I should say so."

SRI P. KANDASWAMI PILLAI:—"In view of the representation made by the Harijans of the locality, may I know, Sir, what is the nature of the inconvenience that is caused by the shed in question?"

THE HON. SRI KALA VENKATA RAO:—"To my knowledge none, Sir."

SRI M. S. PATTABHIRAMIAH:—"Is it not a fact, Sir, that that shed was not put up for religious ceremony connected with the temple? It was used by a particular community, and that causes inconvenience to the Harijans who use the space round about the temple?"

THE HON. SRI KALA VENKATA RAO:—"That information is not correct."

SRI R. V. SWAMINATHAN:—"I am sorry to point out again, Sir, that the Hon. Minister has not understood my question correctly. I want to know to whom does the site belong?"

THE HON. SRI KALA VENKATA RAO:—"It does not belong to the Government or the Harijans. It belongs to the temple."

Grant of lands to Harijans of Thikkavarapupadu, Nellore taluk.

* 349 Q.—SRI V. I. MUNISWAMI PILLAY (on behalf of Sri S. Nagappa): Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Harijans of Thikkavarapupadu, Nellore taluk, were given lands under Grow More Food Scheme for cultivation;

(b) whether the said order of the Government was stayed by another order of the Government; and

(c) if so, for what reasons?

THE HON. SRI KALA VENKATA RAO:—" (a) The Collector reported in November 1947 that he was taking steps to grant the land in S. No. 2970 of Thikkavarapupadu village, Nellore taluk, under Grow More Food Scheme. The Government have no information whether the grant had actually been made.

" (b) & (c) Representations were received by the Government that the assignment would inflict loss and damage on certain other ryots. The Government have called for a report and it is awaited. The Collector was asked not to make over possession of the land to anyone till orders have been passed on the representations."

SRI V. RAGHAVAYYA:—"In view of the approaching agricultural season and in view of the fact that Harijans in

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anticipation of getting these lands have incurred expenditure in clearing brushwood and all that, may I know, if the Government will dispose of the matter expeditiously?"

THE HON. SRI KALA VENKATA RAO:—"Only when the Government are satisfied that it does not injure the rights of anybody and that it is a communal poramboke of a type which will not be useful to the community in general, they will consider about the assignment of land. That is the reason why we wait for a report."

SRI V. RAGHAVAYYA:—"Was this not considered at the time when the original permission was given?"

THE HON. SRI KALA VENKATA RAO:—"I do not know, Sir. When a petition comes before the Government, the Government have to make enquiries and then only arrive at a decision."

SRI M. S. PATTABHIRAMIAH:—"Have not these indiscriminate alienations of poramboke lands in villages affected adversely the communal rights of the villagers?"

THE HON. SRI KALA VENKATA RAO:—"There is no second opinion on this matter."

SRI V. I. MUNISWAMI PILLAY:—"Arising out of the answer given by the Hon. Minister, may I request him to apprise this House of the final result of the report of the Collector of the district?"

THE HON. SRI KALA VENKATA RAO:—"As soon as it comes, I will communicate it to the hon. Gentleman who has put this question."

Disposal of applications from soldiers for transfer of poramboke lands to ayan.

* 350 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether applications from soldiers for transfer of land from poramboke to ayan are pending with the Government; and

(b) if so, how long since?

THE HON. SRI KALA VENKATA RAO:—" (a) & (b) The answer is in the negative."

Supply of pure water in Yercaud.

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

(a) whether the Government have recently received any petitions from either the people of Yercaud or from the Panchayat Board of Yercaud, in Salem district, about the sufferings of its residents from malaria and requesting for supply of pure water;

(b) if so, the details and particulars of their request; and

(c) what action has been taken on the same?

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THE HON. SRI A. B. SHETTY:—“(a) & (b) Representations were received in 1946 from the Executive Officer of the Panchayat Board and the President of the Panchayat Board Water-supply Committee for the provision of drinking water to Yercaud, independently and without reference to malaria. No other representations have been received.

“(c) The Sanitary Engineer has been asked to take up the preliminary investigation of a water-supply scheme and submit a report to Government. His report is awaited.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I know, Sir, whether the Government are aware that this Yercaud hill station is availed of by middle class people of this Presidency? Is it not very necessary to make it a sanatorium and rid it of malaria and supply good drinking water to this place?”

THE HON. SRI A. B. SHETTY:—“There is malaria in the northernmost part of the town and in the extensions. Anti-malarial drugs are distributed.”

Alleged rat-falls in Nandyal Hospital Nurses' Quarters.

* 352 Q.—SRI A. VEDARATNAM PILLAI (on behalf of Sri N. Venkatasubbayya): Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that there were rat-falls in Nandyal Hospital Nurses' quarters very recently;

(b) whether the dead rats were sent up for examination at the Guindy Institute for the presence of Plague Bacilli; and if so, what were the results of the analysis; and

(c) what steps the concerned authorities have taken or propose to take to prevent the possible outbreak of plague in Nandyal town?

THE HON. SRI A. B. SHETTY:—“(a) Yes, on the 29th February and the 1st March 1948.

“(b) Smears from a dead rat were sent to the King Institute, Guindy, for examination. The Director, King Institute, reported that organisms highly suggestive of Plague Bacilli were found in the smears.

“(c) Additional staff has been appointed and systematic cyanogas fumigation of houses and anti-plague inoculations have been done.”

SRI A. VEDARATNAM PILLAI:—“Are the Government aware, Sir, that Nandyal town is a congested one, and that there were rat-falls in the town also? If so, what steps do the Government propose to take to prevent the possibility of plague outbreak in future?”

THE HON. SRI A. B. SHETTY:—“Sir, the question relates to rat-falls in the Staff Nurses' quarters. There were no rat-falls after the 1st March 1948.”

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Application for grant to the Harijan Hostel, Nandyal.

* 353 Q.—SRI A. VEDARATNAM PILLAI (on behalf of Sri N. Venkatasubbayya): Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether application for grants was addressed by the President or Secretary of the Harijan Hostel, Nandyal, Kurnool district, to the Labour Commissioner;

(b) whether it is a fact that it was returned for supply of certain omissions;

(c) whether it is a fact that when it was resubmitted it was rejected as being out of time, even though the original application was sent in time; and

(d) whether it is a fact that consequently the management is undergoing great hardship for want of grants and the hostel is in immediate danger of being closed?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Minister for Rural Development):—“(a) Yes, Sir.

“(b) No, Sir. The application was not returned to the Secretary of the Hostel for rectification of defects but it was forwarded to the Collector of Kurnool with instruction to send proposals for a lump sum boarding grant to the hostel for consideration as a Part II Scheme for 1948-49.

“(c) No, Sir. It was only a further application, dated 26th November 1947, which was considered time-barred.

“(d) No, Sir. A lump sum boarding grant of Rs. 1,200 was sanctioned to the hostel for 1947-48. There is, therefore, no question of closing the hostel for want of aid from the Government.”

SRI A. VEDARATNAM PILLAI:—“Since Nandyal area is a backward area, will the Government take steps to place the hostel on a permanent basis by making annual grants from this year and also make a grant for the building, Sir?”

THE HON. SRI B. GOPALA REDDI:—“We will make annual grants. This year a sum of Rs. 1,200 has already been paid. The question of grant to the building will be considered when an application is made.”

Alleged prevention of the Harijans from taking drinking water from wells in Paruvakkudi village.

* 354 Q.—SRI S. K. PALIYA KUDUMBAR: Will the Hon. the Minister for Rural Development be pleased to state what steps and what action have so far been taken by the Government in respect of the particulars furnished to the Government that the Hindus in Paruvakkudi village, Sankarankoil taluk, are preventing the Harijans from taking drinking water from wells?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Minister for Rural Development):—“The Collector of Tinnevely has reported that the disputes between caste Hindus and Harijans have been settled amicably.”

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SRI S. K. PALIYA KUDUMBAR :—“ சங்கரன் கோவில் தாலாகா, பருவக்குடி கிராமத்தில் ஹரிஜனங்கள் கிணறுகளிலிருந்து தண்ணீர் எடுத்துக்கொள்ளுவதை ஜாதி ஹிந்துக்கள் தடுத்து வருகிறார்கள் என்று இரண்டு வருஷ காலமாக கவர்ன்மெண்டுக்கு தெரிவித்தும் அவர்களை பாதுகாக்க கவர்ன்மெண்டார் என்ன பாதுகாப்பு அளித்திருக்கிறார்கள்.”

THE HON. SRI B. GOPALA REDDI :—“ Just now there is no dispute between the Caste Hindus and Harijans, Sir.”

SRI S. K. PALIYA KUDUMBAR :—“ சமாதானம் செய்யப்பட்டிருக்கிறது என்பது பேச்சளவில் இருக்கிறதே தவிர ஹரி ஜனங்களுக்கு செளகரியம் ஏற்பட்டதாகத் தெரியவில்லை. ஹரிஜனங்கள் இப்பொழுது மறைமுகமாக தண்ணீரை எடுத்துக் கொண்டு வருகிறார்கள். இதைப்பற்றி கலெக்டர் தாசில்தார்களிடம் சொல்லியும் காரியம் திருந்திப்பாடு இல்லை. இவைகளை கவர்ன்மெண்டார் கவனித்து ஒரு முடிவு செய்யவேண்டுமென்று கேட்டுக்கொள்கிறேன்.”

THE HON. SRI B. GOPALA REDDI :—“ Harijans are now allowed to take water from the common well, and they are also allowed the use of the common path.”

M. MUHAMMAD ISMAIL SAIIB BAHADUR :—“ I want to know, Sir, whether it is not a fact that even though the Government say that steps have been taken to ensure that Harijans take water from this well freely, the position still is, according to the hon. Member who put the question, that Harijans have to take water only clandestinely without the knowledge of the people. He wants to know whether the Government will take steps to prevent this state of affairs and enable Harijans to take water openly.”

THE HON. SRI B. GOPALA REDDI :—“ I do not think that is the situation obtaining just now. According to reports received from the Collector, the dispute has been settled amicably, and Harijans are taking water from the well openly and not clandestinely.”

SRI M. S. PATTABHIRAMIAH :—“ Is it a fact, Sir, that in spite of the compromise effected by the Collector, Harijans are still prohibited from taking water from the common well and they are harassed, insulted and beaten? ”

THE HON. SRI B. GOPALA REDDI :—“ No, Sir. According to reports received by the Government, the matter has been settled amicably.”

SRI V. I. MUNISWAMI PILLAY :—“ Will the Government call for a further report from the Collector of the district concerned to know whether there is real compromise between Harijans and Caste Hindus, or it is still pending? ”

THE HON. SRI B. GOPALA REDDI :—“ The report is definite about the matter, Sir. No useful purpose will be served by calling for a further report.”

SRI M. S. PATTABHIRAMIAH :—“ Will the Government now at least ask the local officers there to assure protection to Harijans in taking water from that particular well, Sir? ”

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THE HON. SRI B. GOPALA REDDI :—“ If there is trouble again, certainly protection will be given to them by the officers.”

SRI M. S. PATTABHIRAMIAH :—“ I am sorry to say, Sir, that there has been trouble, and it has not been reported officially. Will the Government take cognizance of the trouble which was reported by a hon. Member like Mr. Paliya Kudumbar who is here to testify to the statement which he has made? ”

THE HON. SRI B. GOPALA REDDI :—“ The hon. Member's information may be very old. But my information is the latest.”

SRI V. I. MUNISWAMI PILLAY :—“ The Hon. the Leader of the House just now told us that there is no dispute. But the hon. Gentleman coming from that place, representing Scheduled Castes, says that there is some trouble. I would request the Government to reconsider their decision and call for the latest report from the Collector to know where the matter stands.”

THE HON. SRI B. GOPALA REDDI :—“ After the question was put, a report was called for from the Collector. He has reported that there is no dispute and the matter has been settled amicably.”

SRI M. S. PATTABHIRAMIAH :—“ There is absolutely no change in the situation. The complaint is still persisting. That is the substance of the question put by the hon. Member Mr. Paliya Kudumbar. He has given the latest information, i.e., Harijans are in the same situation now as they were in the past so many years, and that the Government have not taken any action on this question.”

THE HON. SRI B. GOPALA REDDI :—“ I request the hon. Member to go to the spot and enquire. If there is really any trouble let him report the matter to the Government. The Government will then take immediate steps to see that Harijans are not put to any trouble.”

MR. SPEAKER :—“ Questions are over.”

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

II.—POINT OF INFORMATION RE ADJOURNMENT MOTION.

SRI R. V. SWAMINATHAN :—“ On a point of information, Sir, I gave notice of an adjournment motion with regard to the food situation in the Ramnad district. I want to know when it will be taken up.”

MR. SPEAKER :—“ As the Hon. the Minister for Food is not here, it will not be taken up to-day.”

SRI R. V. SWAMINATHAN :—“ Other Hon. Ministers are here who may reply on behalf of the Hon. the Minister for Food.”

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Mr. SPEAKER:—"I asked the hon. Member whether he would be satisfied if some other Hon. Minister replies to that. He said he would not be satisfied. Therefore I told him that it would not be taken up to-day."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On a point of order. Is it your ruling, Sir, that adjournment motions will not be taken up when the concerned Ministers are not present in the House?"

Mr. SPEAKER:—"That is not the ruling. In this particular case, the hon. Member, Sri R. V. Swaminathan, said that he would not be satisfied if some other Minister replied on behalf of the Hon. the Minister for Food and therefore I told him that it would not be taken up to-day."

SRI G. RAJAMANNAR CHETTY:—"Sir, a petition was submitted about the release of one Narayanaswami of Mayavaram who is in detention. In this connexion, I have given notice of a question. May I know when it will be included in the agenda?"

THE HON. SRI B. GOPALA REDDI:—"As soon as the information is ready."

SRI G. RAJAMANNAR CHETTY:—"Sir, two questions of mine also remain unanswered. I also understand that the portfolio of the Hon. the Premier is now being looked after by the Hon. Sri M. Bhaktavatsalam during the absence of the Premier. May I know when those questions will be answered?"

Mr. SPEAKER:—"Let us see to-morrow."

III.—DRAFT NEW CONSTITUTION OF INDIA—cont.

Mr. SPEAKER:—"There are a number of amendments. I will ask the hon. Members to move the amendments that stand in their names."

SRI M. G. NATESA CHETTIYAR:—"Sir, I formally move the following amendments:—

'Add the following at the end:—

"and on such consideration this Assembly is of opinion that the Article 305 may be so altered as to make an exemption of representation in Madras Province by Communities on the population basis of each community in respect of scheduled castes and backward classes of the Province for a period of not less than 25 years."

'Add the following at the end:—

"and on such consideration this Assembly is of opinion that the following amendments be made in the Draft Constitution of India for making it more satisfactory—

1. Preamble.—In the preamble for the words 'Democratic Republic' the words 'Federal Republic' shall be substituted.

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2. A new Article shall be inserted after the Preamble in regard to the 'Flag of India' and the 'Court of Arms' of India.
3. In Article 1 (1), for the words 'Union of States' the words 'Sovereign Federal Republic' shall be substituted.
4. That the Chief Commissioner's provinces be listed along with the other provinces in Part I instead of as Part II of the First Schedule.
5. In Article 5, the acquisition of citizenship for refugees from Pakistan or any other Indian State must be specified definitely for them as such and in regard to others a period of 7 years' residence with or without property to acquire citizenship of India may be fixed.
6. Article 44 shall be recast to the effect that only such members who represent the fraction of a lakh of votes will be eligible to exercise their franchise in proportion in voting for the election of the President of India.
7. In Article 45, the term of office of President shall be fixed as six years instead of five years.
8. In Article 56, the term of office of the Vice-President shall be fixed as six years instead of five years.
9. In Article 56, Proviso (b) be amended so that the Vice-President may be removed from office only on two-third majority of the Council of State.
10. Article 67 be amended so that the members of the "House of People" are elected by the legislatures of the States forming the federation.
11. In Article 131, the original article providing for direct-election of Governor be retained.
12. In Article 132, the Governor's term of office be fixed at six years.
13. In Article 132, Proviso (b), the grounds for impeachment should be made clear.
14. In Article 138, the President of the Union may be given absolute power instead of State Legislature to maintain the dual check.
15. Article 142 may be amended so that the executive power of the State shall extend to residuary powers.
16. In Article 144, proviso, Madras may also be added to the States mentioned therein.
17. In Article 144 (3), provision may be made also for Minister's minimum allowance in the Legislature.
18. That unicameral Legislature under Article 148 be indicated by a distinctive name.

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19. *Article 151 may be amended so that the dissolution of the Assembly may also take place with an address of the Governor.*
20. *In Article 152, the age-limit for membership of the States Legislature be reduced to 21 years for the Legislative Assembly and 30 years for the Council of State.*
21. *In Article 153, three months may be substituted for six months.*
22. *The discussion referred to in Article 155 may be at a Joint Sitting with the Governor or the Speaker in case of indisposition of Governor.*
23. *Article 183 may be modified so that the Governor may preside at Joint Sittings.*
24. *The Chapter on Legislative relations be changed so as to vest residuary powers in the State and not in the Centre "."*

SRI V. I. MUNISWAMI PILLAY:—"I second it, Sir."

SRI K. BOKKAI GOWDER:—"I move—

'Add the following at the end:—

"and on such consideration this Assembly is of opinion that in Part II of the First Schedule the Nilgiris district shall be added "."

SRI R. V. SWAMINATHAN:—"I second it."

SRI K. T. KOSALRAM:—"Sir, I move my amendment, namely—

'Add the following at the end—

"and on such considerations this Assembly is of opinion that in Part II of the First Schedule that in Article 131 relating to the election of Governors direct election by all persons who have a right to vote at a general election for the Legislative Assembly of the State may be approved "."

SRI M. A. EASWARAN:—"I second the amendment, Sir."

MR. SPEAKER:—"There are other amendments which are being roneed and they will be circulated to hon. Members shortly. The hon. Member, Mr. Raza Khan, will now continue his speech on the Draft Constitution of India."

MUHAMMAD RAZA KHAN SAHIB:—"Mr. Speaker, Sir, if I were to speak on the many amendments which are already moved both yesterday and to-day. I think I will lose myself in a bundle of amendments. Therefore, I will confine myself to a general discussion.

"Well, Sir, I was saying yesterday that the main aim of the framers of the constitution appears to be to restrict the powers

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of the Provincial Government. Sir, irrespective of any party affiliations and party considerations, it is the aim and desire of every provincial representative to see that there is complete provincial autonomy, that is, this Government should have autonomous powers with respect to all matters relating to the people of this Province. As I have said yesterday, Sir, even the framers of the old Act of 1935 kept in view that the Provinces should enjoy complete provincial autonomy and they wanted to make the necessary amendments in the Act in that behalf. In fact, Sir, a perusal of the lists which have been drawn in this Constitution namely, the Union List, the State List and the Concurrent List of subjects will show that more is taken up by the Central Government or the Union Government and less is given to the Provinces or the States.

"Again, Sir,—I am speaking subject to correction—under the old 1935 Act, it was intended that the residuary powers should vest in the Provinces. It is really an important thing, Sir, which is necessary for complete provincial autonomy. I think I am right in saying that in the American Constitution, the residuary powers are vested in the various States. Therefore, Sir, I do not know why the framers of this Constitution thought it right to take away those residuary powers from the Provinces. The provinces should have the residuary powers in full. I do not want to dilate on this subject because many hon. Members have given notice of amendments on this point.

"Then, Sir, with regard to the question of the election of a Governor which is referred to in Article 131, the Article says:

'The Governor of a State shall be elected by direct vote of all persons who have the right to vote at a general election for the Legislative Assembly of the State.

Alternatively

The Governor of a State shall be appointed by the President by warrant under his hand and seal from a panel of four candidates to be elected by the members of the Legislative Assembly of the State, or, where there is a Legislative Council in the State, by all the members of the Legislative Assembly and of the Legislative Council of the State assembled at a joint meeting, in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.'

Sir, about the first alternative that the Governor shall be elected by direct vote of all persons who have the right to vote at a general election for the Legislative Assembly, I can say that really there is going to be always clashes between the Governor and the Premier because both the Governor and the Premier will say, we are elected members and therefore we shall have our own way. That is why the Leader of the Opposition has given notice of an amendment to Article 131 saying that the Governor of a State shall be elected according to the system of single transferable

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vote by a college of electors which shall be composed of the members of the Legislative Assembly of a State, the members of the Legislative Council where there is one, the Presidents for the time being of the District Boards in the State and the Chairmen of the Municipal Councils in the State. Therefore, this amendment is something which gives power to the members of the Legislature, the Presidents of District Boards and Chairmen of municipalities in electing the Governor. Sir, this amendment is suggested because, the election of a Governor is not a party question and no party politics should come into play. The fact is that the Governor should remain above parties. Therefore, I suggest two alternatives to the Government. Either the Government should accept the amendment moved by Janab Ismail Sahib or alternatively, the Government can leave the matter entirely in the hands of the President of the Union, because, after all, the President is elected by the members of both Houses of Parliament and the elected members of the Legislatures of the States and therefore, we can have full confidence in him in the nomination of the Governor from a panel of four candidates elected by the members of the Legislative Assembly of the State. Moreover, it is stated that these men must belong to outside Provinces."

THE HON. SRI B. GOPALA REDDI:—"They may be men belonging to this Province or any other Province. It is not stated that they should be from outside the Province and it is not necessary that they should be outsiders."

MUHAMMAD RAZA KHAN SAHIB:—"I stand corrected, Sir. I thought that they should be men belonging to outside Provinces. I think the intention is that people from outside Provinces should be preferred. Sir, because the Governor is the constitutional head of the Province, I think, the matter can very well be left entirely in the hands of the President and to the discretion of the President so that he may select from a panel of four candidates elected by the members of the Legislative Assembly of the State. Therefore, I think that the second alternative may be safely accepted."

"Then, Sir, I want to say a few words about the Council of Ministers. Sir, I should point out that in the 1935 Act, it was provided that in the selection of Ministers to the various Provincial Governments it is the responsibility of the Governor to see that the persons representing the minority communities are also included in the Cabinet of the Province. But, Sir, no such provision has been made in this Constitution. Sir, I do not say this solely for the Muslims. There may be other minorities also who may feel that they should be represented in the Cabinet. Of course, Sir, we can demand it and we need not depend on the generosity of the majority community to do justice to us and to include our representatives in the Cabinet . . ."

THE HON. SRI KALA VENKATA RAO:—"In the new constitution, we are going to have joint electorates . . ."

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MUHAMMAD RAZA KHAN SAHIB:—"Therefore, I feel, Sir, that an amendment should be made in the draft Constitution that it is the responsibility of the Governor to see that a Minister representing the minority community is appointed in the Cabinet. If you really want that the minority should be protected, then you must have a Minister belonging to the minority in the Cabinet. Of course, in selecting such a member of the minority community, it may be seen whether the particular member has got the support of the majority of members of that community. Again, Sir, there are various minorities and not all can be represented on the Cabinet. In such a case, the Government should consult the Leaders of leading minority groups."

"Sir, one thing which must be said to the credit of this Government is they have not taken it into their heads to include a Muslim in the Cabinet on the ground that he is a nationalist Muslim or some such thing. I really congratulate this Government for not taking in the Cabinet other Muslims not belonging to the League. I congratulate them in not trying to hoodwink the public by saying that they have included a Muslim in the Cabinet, who may after all be a show-boy, and not a real representative of the Muslims. Therefore, I am sure, Sir, the Madras Government will not make such a mistake as to include in the Cabinet a Muslim who is not the real representative of the Muslims of this Province. If they do so, it will be a costly mistake. Sir, I know attempts are being made by some individual Muslims to get into the Cabinet."

THE HON. SRI B. GOPALA REDDI:—"Is the hon. Member referring to Mr. Hameed Khan or Mr. Shafi Mohamed?"

MUHAMMAD RAZA KHAN SAHIB:—"Mr. Hameed Khan will be the last man to join the Cabinet."

THE HON. SRI KALA VENKATA RAO:—"Is the hon. Member referring to Mr. Salam?"

MUHAMMAD RAZA KHAN SAHIB:—"I am not accusing any particular Member. The framers of the Constitution want to see that these distinctions are removed and that we belong to one single nationality and to a secular State. They also like to have a united and unified India without any differences of castes, communities or interests. It is a very good thing. Sir, they seem to be very much concerned with the interests of the minorities in the States. We really welcome it. But, Sir, we cannot understand the provision made in Article 299 about the Special Officer for Minorities. Clause (2) of that article says:

"It shall be the duty of the Special Officer for the Union to investigate all matters relating to the safeguards provided for minorities under this Constitution in connection with the affairs of the Union and to report to the President upon the working of the safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before Parliament."

Similarly, the next clause says that it shall be the duty of the Special Officer for a State to report to the Governor of the State upon the working of the safeguards. He is not going to be

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helpful to the minority in working the Constitution whether it is in the Centre or in the Provinces. Therefore, Sir, if some Special Officer is appointed and is asked to make a report to the President or the Governor upon the working of the safeguards, what could the President or the Governor do in the face of these things?

"Sir, the object is really laudable. But the procedure is not conducive to the proper safeguarding of the minority communities and will not produce good results. I therefore suggest an alternative that instead of having a Special Officer, we may have a Minority Committee.

"Take the case of our own Province. I do not want to speak exclusively for Muslims. Sometimes, complaints have also been received from the Harijans, from Members representing the backward communities like yenadis and so on. Therefore, it is not Muslims alone who complain. In fact, our complaints are now much less than what they were six months before. Therefore I appeal that a Minority Committee should be appointed in every State and Centre, who could go through all these things whenever any complaint is lodged before them and whenever anything is brought to their notice. If there is something unreal, the committee will not pay much attention to it, but when they feel convinced that some discrimination has been made, some injustice has been done; they may bring it to the notice of the Government or the President. That would be a proper way of doing things.

"But with all that, I really feel that the safeguards which are provided for the protection of the minorities do not convince me that they are going to satisfy them. I am sure, the Leader of the House will bestow his thought on the matter. I do not like to discuss other things which are not relevant.

"Take the case of our own Province. I will tell you, Sir, that the members of the majority community do not know what it is to be a minority. They may even laugh when any member of the minority community stands up and says, 'Well, Sir, these are our disabilities.' I ask the Leader of the House, the Hon. Mr. Gopala Reddi, who is really fortunate in getting praise from all sides of the House for his reasonableness and his accommodating spirit, whether this Government have treated minorities properly. These are facts and cannot be denied.

"Take the case of appointments of Muslims in the various services. To me, Sir, it does not matter whether a few more Muslims are appointed or not. What does it matter to me, whether x or y or z is appointed? I would ask the Muslims to go and work as ordinary porters instead of thinking of a Government job. Facts can speak for themselves, that for the last eight months,—the Hon. Mr. Gopala Reddi may ascertain these facts—communications have been sent to all the departments stating that in future, recruitment of Muslims should be completely stopped and that no Muslim should be taken. Even in

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the matter of the Police service, I have brought to the notice of the then Leader of the House that sixteen Muslims were selected, they resigned their old jobs, they were sent for medical examination, and they were ready to join the Vellore school. Then immediately, an order was passed, 'No recruitment of Muslims should be made.' I am just giving an instance. Of course, I could anticipate the Hon. Mr. Gopala Reddi's reply that the percentage of Muslims in the Police department is much greater than their population would warrant. But here, the new communal Government Order does not stipulate any retrospective effect. Even granting it has retrospective effect, why is it put into operation only against Muslims and not against others? . . ."

THE HON. SRI B. GOPALA REDDI:—"What about Christians? . . ."

MUHAMMAD RAZA KHAN SAHIB:—"All the Christians were included, their proportion is also much more than their population would warrant. I ask, Sir, what could a minority do in this matter? We are here 29 Members, we can simply cry hoarse, make speeches, sometimes fiery speeches, hit the Leader of the House and receive it back. But the moment we leave the House, nobody cares for what we have said. Everything is forgotten. Sir, with regard to the discrimination that has been done in the Province in the course of the last six months, our entire party met under the chairmanship of Mr. Ismail Sahib, who is also noted for his accommodating spirit and reasonableness, and he wrote a letter to the Premier asking him to give an interview so that we may have a discussion of the matter. It is not a question of a few appointments here, it is a question of principle. You are quite aware of the dignity and position of the Leader of the Opposition in the House of Commons. And here, our Leader of the Opposition writes a letter to the Premier and that letter has been kept unacknowledged for the last three months and even to-day it has not been acknowledged by the Premier. I know the Premier is busy and I know that he has got so many qualifications, but he did not have the elementary courtesy of replying to the letter of the Leader of the Opposition. He might have said, 'Well, I'll fix up sometime, so that we may discuss it threadbare.' If we are right, then you should try to rectify it. Otherwise convince us that what you have done is correct. My point is that where there is a majority Government the position of the minorities is becoming very very difficult. My hon. Friend Mr. K. Bhashyam is smiling. There have been protests from the Brahman minority, from the Christian minority and from the Scheduled Caste minority, in fact, from all minorities. Therefore, I say their position is very hopeless. And they cannot do anything except protest under the circumstances."

MR. SPEAKER:—"Why is the hon. Member bringing points which are not relevant to the constitution?"

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MUHAMMAD RAZA KHAN SAHIB:—"I want to say, that in the light of all this experience, we must amend the draft constitution, where it concerns the rights of minorities.

"Sir, take another instance. So many questions have been put about the arrest and detention of Muslim National Guards. As I have said repeatedly on the floor of this House, their fault was that once upon a time, they were connected with the Muslim National guards, which was an organization for conducting meetings and processions. That is all, nothing more or nothing less. The Government have banned it. On the same night, as I have observed on a previous occasion, the Leader of the Opposition and the Leader of the Muslim League issued a statement saying 'From to-day let this organization be dissolved.' And the organization was dissolved. In spite of that, Sir, so many innocent Muslims are kept under detention for no fault of their own. We have made repeated attempts to bring home these points to the Law Member, Dr. Subbarayan. He was convinced of our argument, he was convinced of the case. We asked him, 'What are your orders?' He simply blushed and said 'What could I do? The Premier is the final authority. Who can go to the Premier?' Then where am I to go? It is a matter which I cannot take up to the High Court except by *habeas corpus* petition. If I go to the Chief Secretary, he will say, 'What can I do? It is the Premier.' If I go to the Leader of the House, he will say, 'I am concerned with you only in the Assembly; what can I do?' And the minority feels helpless. Well, Sir, after three or four months, some of them received communications containing charges against them and now the matter will go before a tribunal under the Public Safety Act."

MR. SPEAKER:—"I do not understand the relevancy of these points."

MUHAMMAD RAZA KHAN SAHIB:—"It is a very important point."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On a point of information. What my friend has tried to make out is that the liberties of the people, the fundamental rights are being taken away. Therefore, the present constitution must see to it, that such fundamental rights are being retained in the new constitution. They say the people are being detained because they have two legs and two hands and nothing more. Because they have to give some reason, as required by the law, they give these reasons. The fundamental rights are being taken away in this manner. The hon. Member wants effective safeguards to be provided under the new constitution."

MUHAMMAD RAZA KHAN SAHIB:—"The hon. the Leader of the Opposition has given the reason. The liberty of the people was taken away simply because they were connected

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with some association. To-day, the Government keep them indefinitely in prison; and their families are suffering. If they have done anything against the security of the State, the Government are perfectly right in arresting them and keeping them in detention. But till now, they have practically no charges against these people, except that they were connected with some organization.

"My point is that the constitution may be all perfect on paper, but the whole thing depends on how it is worked in actual practice. Nobody is going to refer to a rule here and a rule there every time. Of course, Sir, the rules are often honoured by the Government more in their breach than in their observance.

"Sir, one charge has been made against these people. And that is, that they were connected with the Muslim League. We started the Muslim League and we continue to be in the League. And we are prepared to . . ."

MR. SPEAKER:—"What is the suggestion of the hon. Member?"

MUHAMMAD RAZA KHAN SAHIB:—"The appointment of a Special Officer for minorities is not enough. Wherever the Government want to take action against any section or community, there should be sufficient safeguards for the protection of the rights of that community. What is provided is not sufficient. My experience of the working of this Government particularly has convinced me that these safeguards are not going to be of any help to the minorities. More adequate provision should be made for their protection.

"Sir, the question of the judiciary both in the Provinces and in the Centre will, I think, be adequately dealt with by the hon. Member Mr. Bhashyam. I will only say, it is no good simply drafting these articles regarding the duties of the Supreme Court and the Provincial Judiciary. As I have said on a previous occasion, the independence of the judiciary both in the Province and in the Centre should be maintained. It is a very important thing.

"With regard to the composition of the State Legislatures, the question has to be decided whether we will have an Upper House or not. As far as our Province is concerned, particularly when it is going to be divided on a linguistic basis into Tamilnad, Andhra and Kerala, I do not think an Upper House is necessary. The population of the divided Provinces will be about two crores, two crores, and 60 to 80 lakhs respectively. Therefore, there is going to be no necessity for an Upper House.

"In the 1935 constitution, a provision was made for the Upper House for our Province, because the British Government was not prepared to completely part with power even to the Provincial Governments. They were afraid that most of the members of the Provincial Assembly would be very radical and nationalistic-minded and wanted to have some sort of check in the shape

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of an Upper Chamber. Now that we are going to have real representatives in the various Assemblies, I do not think there is any necessity for an Upper Chamber.

“ Another important question is with regard to the language problem. There is a sort of controversy between Hindi and Hindustani. Even the Prime Minister made a reference to it in his speech this morning. It is only those people who do not know either Hindi or Hindustani that indulge in this controversy. The Education Minister was perfectly definite as to what is Hindi and what is Hindustani. Let us not take the question of script, but consider the question of language, call it Hindi or Hindustani or Urdu. Give it any name you please. There is not much charm in the name but it must be the language that is commonly spoken and understood by the majority of the people. That should be our language. I deprecate the tendency of people who do propaganda for Hindi that there should be more Sanskrit words in the language. I also deprecate the tendency of some of the Muslims who may like to have more Persian or Arabic words. Let us not have more words of either Sanskrit, Arabic or Persian, but simply the language commonly spoken by the people. After all, the language is not such an easy thing which can be forced down the throat of any people, as we can force any political dogma. But, the language should be one which could be developed by the people. Rightly or wrongly the proceedings of our Assembly are conducted in English. It is very easy for us, in our enthusiasm to stand up and say, we will do away with English even by to-morrow. It is easy to talk like that but it is not possible to do away with English, because you have taken up the language and you cannot give it up within a year or so. It is not that I am enamoured of the English language, but circumstances have forced us to take up that language and it has served us very well. That we should all concede. Simply because of prejudice we cannot give it up so easily. No doubt, the Draft Constitution says that Hindi will be the common language, but it is also said that English will remain. Of course, it is a difficult problem to replace it because it will bring in more confusion. Even to-day, some people feel, the moment the Provinces are divided on linguistic basis, that we have to conduct our proceedings in the Assembly in the regional language only, but I am sure even then it will take some time for these languages to develop and for our officials to do the work in the common language. I know, even to-day, most of our officials cannot talk in the local language, much less write it. So, Sir, they should take all these things into consideration in deciding which should be the common language.

“ I now come to a very important matter which is really a controversial one. The Leader of the House has very rightly anticipated the remarks to be made by some of us, that is, the provision relating to the minorities and the question of separate electorates and joint electorates. It is a very important issue and I would like to be very plain on the matter. The Leader of the House anticipated that some of the Muslim Leaguers would

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demand separate electorate. We stand on certain principles; whether they are accepted or not, is not our concern. We know the amendments that have been moved by our Leader are going to be defeated, on the ground that they have already been decided in the Constituent Assembly. Of course, we know they will not share any better results. It may be said that all the troubles in the country are due to separate electorates.”

THE HON. SRI B. GOPALA REDDI:—“ May I ask my friend, whether separate electorates are provided in any of the Constitutions in the world? ”

MUHAMMAD RAZA KHAN SAHIB:—“ May I enquire whether conditions as they exist in India to-day, exist anywhere in any other part of the world? Of course, let us not be critical of facts but let us try to understand each other. That is my suggestion. Take the case of Harijans, it is difficult to understand their problem; they are having joint electorates, still why do they complain and protest so much about it? Why do they put so many questions in the Assembly complaining about not giving many appointments for them and so on. Therefore, do not think that the issue can be decided if you simply shift on from separate to joint electorates. The Leader of the Opposition has dealt with it in an ample manner. He said if you really want to have real representatives from different sections in the Assembly, it has to be by separate electorates, because you give them the right and opportunity to send their representatives to the Assembly. We have come here, no doubt, on the basis of separate electorates. Hon. Mr. Gopala Reddi has also come into the Assembly on the basis of separate electorates because no Muslim or Christian voted for him, but he came on the votes of Hindus in a particular taluk of the Nellore district. I want to ask him, simply because he came through a separate electorate, is he communal or national? I am as much national as Mr. Gopala Reddi is. Between the two communities, I do not carry on, but I am only trying to show what our difficulties are. I say, Sir, that when you shift from separate to joint electorates, even the rights of the different communities and different sections of the people are taken away permanently. That fact is there, let us not deny it. Even the rights of the real representatives of the communities to speak on matters affecting their community are taken away. Now, there is going to be a democratic form of Government. Take our own Province, for instance. When there are about 10 per cent Muslims and 90 per cent Hindus in any constituency, can you think a real Muslim will be elected? Even Mr. Ismail Sahib will not get more than hundred votes. That is the trouble. On the other hand, his driver or cleaner or his servant who will have the support of the Hindus can get elected and not Mr. Ismail Sahib. Do you think that that man is going to be the real representative of the Muslims. If you really maintain that this is a secular State, nobody is going to dispute it. When you are going to deprive a community of its rights, say

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so, but do not say that it will be advantageous to have joint electorates and so on. It is not so. In spite of the separate electorates, we are here. If you take our records of the past two years you will see we have not come to you with any petitions or requests—of course, we do not flatter anybody and we will never do it. What more have we done? We simply speak, but that is all. The Government wants us to deprive even this. What is the alternative they suggest? They say joint electorates are going to be given. I do not understand the logic in the reservation of seats. It may or may not be binding on the party. I do not know what our representatives in the Constituent Assembly, Mr. Mahboob Ali Baig and Mr. Pocker, are going to do. If you want joint electorates, you have it, but for God's sake do not have reservation of seats. This is a farce. I ask, Sir, that side by side with joint electorates, do not have reservation of seats, because the two cannot go together and the two cannot be reconciled. If you say there is going to be joint electorates with reservation of seats, it means that you want to regard the Muslims as a separate entity, you want to regard the Christians as a separate entity and you want to regard the Scheduled Castes as a separate entity. This is worse than communalism. When we want to build a secular State, where is the question of reorganizing any different minorities. It will lead to more feelings. We merely want to place on record the principles for which we stand to-day, and whether you accept or reject them, it is immaterial to us. If you are going to have joint electorates, I say, do away with the reservation of seats. Even in this constitution, it is provided that it will be kept only for ten years. My Friend, Mr. Sahajananda, in the amendment he has moved on behalf of the Scheduled Castes, states, that it should be for five years. In this connexion, if I am not going out of the way, I may tell you that, even in the Minorities Committee, which met at Delhi recently for a number of days, Dr. Ambedkar, one of the greatest champions of the Scheduled Castes, said that, if the minorities are to get into the Legislatures, it can only be by separate electorates and separate electorates alone. There was also a resolution by Mr. Anantasayanam Ayyangar in the Constituent Assembly that there should be no communal organizations. On the other hand, you are simply forcing us to regard ourselves as a separate entity by means of reservation. When there is going to be election under the joint electorate, the man who will be put up will do more harm than good. Well, therefore, Sir, minorities should be placed in a better position. Therefore, for God's sake, do not have this farce and if you want to have joint electorate, do not have reservation of seats. If I really want to get into the coming Assembly, I should think of a constituency and work in that constituency among the Hindus, Muslims and Scheduled Castes and tell them to vote for me by saying although I am a Muslim I am going to be their representative. I am going to serve their interests and I will bring more friendship and goodwill between Hindus and Muslims. I may go and tell the various constituencies, do not vote for me because I am Raza Khan, but I am an Indian and my

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proper place is India and do not care for my religion. Then I would prefer to have two or three persons of my community coming in like that than hundred persons coming in from reserved seats. I may tell you that Muslims have got hundred per cent confidence in men like Pandit Jawaharlal Nehru but not in Moulana Abul Kalam Azad though he is a Minister. He may be a Hindu, yet he is our representative, he is our Prime Minister and we talk of him with great respect. You may go and ask any Muslim in the street and he will say, men like Azad are never our representatives and they do not enjoy our confidence. Therefore, I say that in future we do not like to have any such sort of representatives. That is why, I say, if you insist on joint electorates, have it but without any reservation of seats. There is already a report in the papers that the Drafting Committee is seriously considering to take away this reservation of seats. If they do it well and good and they will be doing a great service to the country and to the minorities in particular. I am sure the representatives of the Muslims will agree with me in saying that if they want to do justice to the community, they should give us separate electorates and if they cannot do this, let them give us at least joint electorates without reservation of seats.

“ Well, Sir, I do not like to go into other matters because they have been dealt with by the speakers who have preceded me, but before I conclude I wish to refer to one or two other important matters. If you go through the Draft Constitution, you will see that it is based on the British model. Some reference was made to the American and Swiss Constitutions. Of course, every Constitution will be very good on paper, but it depends upon how you work it. With regard to that, I am sorry to say, we have not yet created the necessary conditions for that. Democracy implies a number of conditions and the most important condition is that there should be a proper party system. At present it is said that there are no parties worth the name except the Congress Party. I accept the argument, but even here you are not allowing a chance to the people to come out with new ideologies. I am sure that democracy will not work properly, if there are no well defined parties but it is going to be only a sort of one party Government. As you know, one party Government has got all its defects. In regard to the other things, Sir, we are not much enamoured of having been given adult franchise. It is no good talking of adult franchise merely. We want to know whether you have created sufficient political consciousness among the future voters. Before asking them to cast their votes, there should be sufficient political consciousness created in them. But, unfortunately it is not so. The type of people whom you are going to send will not augur well because before you give adult franchise, you should have created the necessary political consciousness among the people. They should know for whom they are voting and for what purpose, they are casting the votes. They should know whether the person for whom they are voting is standing for any economic principles. It is not like putting one's vote in an yellow box or in a green box as they did before 15th August 1947.

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Now, you have to cast your votes on certain principles, and not solely concern yourselves with this party or that. Our criterion should be only the interests of the State as a whole. Therefore, if you want democracy to be successful we should create the necessary pre-requisites for it. If you take the English Constitution, it is an unwritten Constitution. The Constitution might be there, but much depends on the healthy conventions which should exist, because I am told that in the English Constitution there is much of it which is unwritten and that the Government is carried on by traditions and conventions. I am sure that in spite of the new Constitution, we will have to build up a good tradition which will be conducive to our own genius and also conventions so that the Constitution will be given a good chance of working.

"In conclusion, I may say, that very soon we are going to see that the Constitution is passed, but I will give you a warning. The framers of the Constitution should not rush but should take all the suggestions that have been put forward into consideration, for what they are worth. The suggestions are made not by this or that Province, but by the whole country. Once you draft a Constitution, you don't like to make amendments to it very often. Therefore I am sure, the framers of the Constitution will go into the matter thoroughly and see that the Constitution emerges out of the discussion in a proper shape.

"Well, Sir, whatever the Leader of the House may feel about the charges made by members, I do not like to make my remarks in a spirit of attack against him. If he is satisfied and thinks, what we have said is right and good and I will leave it at that. I say, it is his duty to rectify them. The Hon. Premier is not hear to hear our speeches and you are the person, I mean the Leader of the House, on whom the duty is cast, to take this to the Premier and other colleagues and tell them, to see that matters are set right. On the other hand, if what I have stated is wrong, you may say so.

"I am sure that anybody will agree whether he belongs to the Christian community or Muslim community or any other community, that while it is the duty of every community to insist on its rights, at the same time that community should think of their obligation and duties to the State. As stated recently by Pandit Jawaharlal Nehru they should be quite conscious of their rights and also of their obligations to the State. In that spirit, Sir, whether they be Christians, Muslims or Sikhs, they will also perform their obligations because they are concerned with the safety of the State. Sir, unfortunately, there may be some feeling with regard to the difference of opinion between the two Dominions of India and Pakistan. But, as a result of the recent Conferences held in Calcutta and the success which they met with I am sure, all these differences will be solved soon, so that the people may have sufficient time to devote their attention to the welfare, prosperity and progress of the State because we are all interested in it. It should be our endeavour to work in that

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direction, so that we may make our country really a great land, that it is, and that will be our endeavour." [At this stage, the Deputy Speaker (Srimathi Annamma Raja) took the Chair.]

SRI K. BHASHYAM:—"Madam, in the first place I must thank the Government for giving an opportunity to Members of this House to express their views on the various provisions of the Draft Constitution. There is however the complaint that there has not been any requests from the Government at the Centre asking for the opinions of the various legislatures of the Provinces. But, it is our duty to make our representation in respect of the provisions of the Constitution, so that these views may be taken into consideration at the time the Constitution is finally passed by the Constituent Assembly. I am also thankful to the Government in that they have not bound down any member of the party in power and that they have given freedom for Members on the Government side to vote as they please. This is but proper. After all, where the Government of the country is concerned. I think, everybody is interested in it and the independent views of Members should really be heard before you enforce party discipline. Madam, so far as the framing of the Constitution is concerned, I think we must congratulate the framers of the Constitution on the results obtained after due deliberations. They have had the benefit of the various constitutions of countries like Canada, Australia and America. Of course, they have incorporated the details of those constitutions into our constitution. That is a very good thing. However, the draft is based on the Government of India Act, 1935, and that itself was passed, when the British power was in existence in the country with real checks and counter-checks for the purpose of seeing that the people of this country did not get real independence to which they were entitled. Therefore, the framers of the Constitution have not been able to get away from the rut to which they are accustomed in the olden days, but still they have managed to produce a Constitution fairly satisfactory though it goes very much upon the old rut.

"Now, having said that much, I would like in the first place, to speak on some matters before I speak on the various amendments which I have placed before the House for consideration. So far as the election to the Legislature which is to make laws for the country is concerned, it is based upon adult franchise. This is a great advance that has been made, but if the adult franchise is to be adopted, it throws a great responsibility on the leaders of the various Provinces, of educating the electoral public to discharge the onerous duties placed upon them. There is no doubt, there is plenty of illiteracy in the country. That was one of the arguments always advanced against introduction of adult franchise, but they do not know that, as a matter of fact, the people in our country are shrewd and intelligent, and they can follow events even without knowing how to read newspapers, because many things they hear and many things are spoken to them by the Members of the House or even by workers in the

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various fields of public work. There is no question that it is going to be a great advance in the matter of real representation of persons to various legislatures. That is one thing and above all we must prepare our country for exercising adult franchise in a proper, effective and satisfactory manner.

"The next question is the question about the name. After all, there is not much in the name. I pass by it. The Constitution is judged good by the provisions contained therein and not by the name it bears. Therefore, I pass it by. The first question which strikes the eye as soon as one opens the draft, is the question of the citizenship of the Indian Union. I think, so far as the citizenship is concerned, the framers of the Constitution seem to have been a little more generous. In the very first Article—I mean Article 5, you find, that clause (a) is somewhat in an involved language. It says, any person if he has not acquired citizenship of any foreign country can be deemed to be a citizen of this country, provided that his father, mother or grandfather or grandmother was born in this country and has not made his permanent abode elsewhere. So, if a person, not necessarily a Hindu or Muslim but even an European born in England chooses to come here and stay, though he is not born in India, his grandfather was born in India, and so the grandson can really claim citizenship even though he is a vagrant all over the countries but has not acquired permanent citizenship in any foreign country. That is why, I say, it is somewhat generous, because even this much of qualification seems necessary for the purpose of acquiring citizenship. I say, he must have a permanent abode in this country or at least he must have the intention to make India his permanent place of residence. In the draft, the case is put in a negative form, 'if he has no permanent abode elsewhere.' I think, this is not enough. That is why, it should be more specific. After all, India is a free country and citizenship is a great asset and a valuable privilege and it is not likely that such a person will have the same patriotism and feeling that animates many of us here. That is why I have given this as my first amendment for the consideration of the House.

"So far as the question of election is concerned, much has been said on the question of separate electorates. Sir, a powerful plea has been made for it by the Leader of the Opposition. Separate electorates were agreed to in 1916 as a compromise between the two communities. At that time it was even understood that this expedient would reconcile the various communities. It was intended to be only temporary in character. It was thought that it ought to be there only for ten or fifteen years. It was in 1916 and we are now in 1948, and we still hear of separate electorates. What does it lead to? It does not mean that people have come to meet as closely as they ought to, if separate electorates are allowed. Separate electorate does not make them come together politically. On the other hand, joint electorates will give opportunities, both for the Hindus and Muslims to canvass among their own people as well as others. Therefore, the person so elected will be the real representative of the district or a portion

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of the district which he really represents. Therefore, I agree with Mr. Raza Khan, when he says that a person elected under the joint electorates even without the reservation of seats can claim to be the real representative and that the claims of the minorities will be better safeguarded by him than by a person elected under separate electorates with reservation of seats. As he put it, I think it is the correct and proper way to look at it. When we want a democratic Government to function in this country, it should be only on the territorial basis and not the basis of community or anything like that, that is if we must have a secular State, we must adopt democratic principles. What is the good of going for a secular State while at the same time you have got provisions in the Constitution for recognizing communities, castes and creeds and you are providing reservation of seats for those persons. Do you really think it is in the interests of the minorities? I think, it should be truly representative of the democratic or the secular State in the full sense of the term. The present Constitution is however a sort of half-way House or compromise in the present circumstances. Therefore they have put in all these safeguards of reservation. I am sure Mr. Raza Khan will agree that within a period of ten years all their aspirations will be fulfilled and there would be no need for any reservation. So far as separate reservation of seats is concerned, it is merely an expedient and a temporary thing and the need for it will cease to exist before this period of ten years. Joint electorate is the accepted policy and there is nothing wrong in it. An important matter has been mentioned and my hon. Friend Mr. Raza Khan wanted a sort of Protector of Minorities department for the purpose of taking care of the interests and rights of minorities and their privileges. What will be the nature of that machinery. Is it that he wants a super-Government machinery? The thing that counts is the confidence of the people in the Government and he wants a machinery with control over Government for purposes of safeguarding the interests of minorities; such a thing would only coddle the minorities and I do not think that any such provision is possible. On the other hand, I should like that the minorities win the confidence and also take the respect due to them from the majority communities and by that alone they can come together and their interests and their rights can never be opposed to each other. You cannot achieve that by merely keeping yourselves to a compartment like separate electorate, the Muslims being elected by Muslims and the Hindus by the Hindus and thus continuing to be separate altogether. The question of caste and creed and religion must be kept away from elections and distinctions of the past must not be allowed to remain. After all, what is the separate electorate based upon? You feel that the majority community is not going to protect you and you want very strong representatives of your own for the purpose of combating the evils committed by the majority community. I do not think that if you start an atmosphere of suspicion like that you will get the confidence of the members of the majority community. I would even tell them that too much coddling is likely to raise the jealousy of other communities who are not so forward in the

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Hindu community itself. I shall give a small illustration; the Anglo-Indian was coddled by special privileges in respect of employment in the railways and there has been a good deal of criticism against that by the other communities and it is not good to the communities themselves to be coddled as it is likely to act as a damper on their initiative and enterprise. My humble advice to the minorities. Madam, will be not to harp always upon rights and privileges but merge themselves in the bigger community, the nation, so that their interests will be the same as those of the majority community and there will not be any separate minority interests to look after.

"I wish to say a few words about residuary powers. Under the old Act of 1935, there was no such specific provision but it was understood that wherever the subject did not belong to the States, it really vested in the Centre; but now here a specific provision is made to the effect that the Central Legislature is to have powers of legislation on all matters not specified in any of these lists and I think it is only a recognition of the existing state of affairs and it is not anything new or revolutionary in its character and one need not really have any apprehension that rights hitherto enjoyed by the Provinces have been taken away.

"The complaint has been made that the Union has been made rather powerful and strong and many things which can be done better by the Provincial Legislature have been put under List I. I wish to say in this connexion, Madam, that eminent people like Sri Vijayaraghavachari and Sri Srinivasa Ayyangar have felt that a strong and unified centre is necessary and essential so as to be a bulwark against fissiparous tendencies, provincial jealousies and communal bickerings which will sap the energies of any State. But having once stabilized the unity and strength, it will be possible to give powers to the various units forming the Union; it is necessary that you should do so but it is not possible nowadays. I would, therefore, have a strong centre; that does not mean that the Provinces would have no powers and no subjects to legislate upon; there is the Provincial List and the Concurrent List in which the Provincial Legislature can legislate and it would not be right to deny powers to the Centre which must be as strong as possible especially to meet external aggression and internal dissensions. Further, there is the provision for amendment to the Constitution and as we go along more and more powers will as a matter of course be given to the Provinces. The complaint need not be made that the Union is strong at the expense of the Provinces. To wean away people from the fissiparous tendencies and the quarrels and bickerings between community and community and caste and caste and to foster the idea of an independent nation, all these must be there and a strong Centre is absolutely necessary and even at the cost of the Province, the Union must be strengthened. Powers have been given to the President to legislate for Provinces in an emergency; the Governor must say that it is an emergency; after all it is there only for a few weeks after the Legislature comes to sit and it is not as if the Provinces have got no remedy. Except for one or

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two matters in the Union List, and these are very small ones, I think the residuary powers must be with the Centre but I am not against devolving of further powers on the Provinces later on.

"Then there was the question of language raised by some hon. Members. The provision now seems to be, either Hindi or English is to be the language."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Madam Deputy Speaker, the question of language was not placed before the Constituent Assembly; the Model Constitution was placed before the Constituent Assembly but the question of language was not debated upon at all and no decision was taken. According to the Model Constitution, the language was Hindustani either in Nagari or in Persian script but that was not placed before the Constituent Assembly. The understanding was that the draft constitution must be prepared on the basis of the decisions taken but it was allowed to draft on matters which had not been decided also. The committee thought that Hindi should be substituted for Hindustani in either script and it cannot be taken that the opinion of the majority of the Constituent Assembly is for Hindi."

SINNA KAZIAR HAJI MOULVI S. A. F. IBRAHIM SAHIB BAHADUR:—"Is there quorum, Madam Deputy Speaker?"

THE DEPUTY SPEAKER:—"The Assistant Secretary will count and say and, in the meanwhile, the hon. Member might proceed."

SRI K. BHASHYAM:—"We are discussing the Draft Constitution as it is placed before the House and as may be placed before the Constituent Assembly for its consideration."

THE DEPUTY SPEAKER:—"I understand there is quorum."

SRI K. BHASHYAM:—"So far as the languages are concerned, English and Hindi are the only medium of communication. English has been there for some years and we cannot get rid of it and the question of elimination of English may not be possible for some time. I do not want to enter into a controversy whether Hindi or Hindustani should be the language. So far as I know there is no difference between Hindi or Hindustani except that a few more Sanskrit terms are found in Hindi. In fact the structure and formation of sentences and the grammar, are the same for Hindi, Hindustani or Urdu; it is practically the same; there may be an admixture of a few Persian words in Urdu and between one and the other, there is not much difference and the difference is in respect of a few words here and there. But that is a matter to be settled in the future whether the local languages—the four languages—should be there. Whether English should be there also is another question.

"I agree with the Leader of the Opposition that there must be some religious instruction in our schools and colleges. It is the formation of character that must lie at the bottom of education and it is not merely thrusting knowledge into the heads of

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pupils. In certain constitutions, it has been made possible to impart religious education but I think that conditions are far different here. Here anything that is done in the name of religion is taken as a matter of controversy, religion instead of bringing people and parties together breeds separatism between the people and therefore, it is that the Government want to adopt the principle of neutrality and say: Let religious instruction be given outside the usual working hours. There is sufficient scope given for religious education.

"The President of the Union is an all important person; he is not only the President of the Union, he is the head of the Army and Navy and is the head of the State and his election, therefore, is an important matter from the point of view of constitution-making. I think we ought not to make the President's election like the ordinary elections conducted on the basis of adult franchise to the various legislatures. It is laid down that he be elected by Members of the Legislature. They are gentlemen representing the people and are returned on the basis of adult franchise by the people. In the American Constitution, President's election is thrown open to election and we have seen the propaganda carried on and the garish manner in which it takes place and I think it is necessary for election to this important post, that it should be confined to an electoral college like the college proposed and there is nothing wrong in the people's representatives choosing the President. It is, however, said that the President should be thirty-five years of age. For this important office, I should like a higher age. I was thinking of fifty but as I am not sure if it would be acceptable, as a compromise I have suggested forty because by that time, a person would have fifteen years of experience of public life."

BEGUM SULTAN MIR AMIRUDDIN:—" Might I ask the hon. Member whether he is aware at what age Pitt became the Premier of England? "

SRI K. BHASHYAM:—" He was an exception and there have been no recent prodigies and we are not making a constitution for extraordinary cases but for ordinary occasions. I consider that forty years is a proper age. There is also the fact that in England and elsewhere no persons below fifty-five years had been a Prime Minister except perhaps in the Labour Government and the lowest age is about fifty. Looked at from the point of view of the generality of cases, I am putting it forward so that a person with a sufficient maturity of judgment may be elected for the office.

"As for the period of office of President, I do not know if it is necessary to put it as five years concurrently with the duration of the Parliament. It is a very responsible office. It takes two or three years to get himself accustomed to his office and within the remaining three years, it is not possible to effect such changes and bring about such reforms that he might consider indispensable for the purpose of the Government of the country. Therefore, I should like it to be seven years. It may not coincide very often

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with the other election but I do not think it need coincide with the excitement of the other elections for the reason that the election must take place in a calm atmosphere.

"If the elections are to be on the basis of adult franchise the persons to be elected to the legislatures are to be 25 years of age. It is 25 for the Assembly and 35 for the Upper Chamber. I do not see why such a provision should not really be made even in respect of the Houses of Parliament in the Centre and it may also be considered."

SINNA KAZIAR HAJI MOULVI S. A. F. IBRAHIM SAHIB BAHADUR:—" On a point of order; there is no quorum; even on the last occasion, there was no quorum, though it was said there was quorum." .

THE DEPUTY SPEAKER:—" There is quorum; the hon. Member need not worry about it."

SRI K. BHASHYAM:—" I am glad the fundamental rights are provided for; there is, however, one thing I would like to be rectified. Article 13 (1) gives the various freedoms but freedom of worship and religion is not mentioned though under Article 19 there is reference to it also and it is proper that this fundamental right of worship and religion should be added even in this section.

"There is another small matter which requires our attention. As a matter of religious form and observance, the Sikhs ought to be allowed to carry kirpans. I agree with that. But it has to be remembered that the times are explosive and dangerous consequences might follow if it explodes, the spark being supplied by small incidents. I should, however, think that in the interests of public safety a limit must be placed regarding the blade length of the kirpan and it must be prescribed in what manner it should be carried, whether sheathed or unsheathed. If it is not done, it might lead to serious consequence a taste of which we had during the recent riots at Delhi and elsewhere. If it is allowed and recognized as the fundamental right of the parties, it is necessary that it will have to be subject to certain conditions imposed in the interests of general welfare of the communities themselves and the others living side by side with them.

"Madam, the question arises as regards the important office of the Attorney-General. He is there to help the Government in all legal matters and to advise on legal difficulties. Regarding the duration of office, I submit that as in the case of the Advocate-General of States he goes out with the Ministry, and it ought to be made clear in the Constitution that it is on the advise of the Chief Minister that he should be appointed and when he goes out of office he must also go out of office.

"It is said that the Attorney-General or the Advocate-General must be a person who is qualified to be appointed as Judge of the High Court and other things. But there is another fact, that they are bound to retire from office at the age of sixty years and

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the question is whether that provision regarding retirement-age should apply to them also. That was a moot question and it was decided that it was not so; but still there is some doubt and I feel it should be made clear that the provisions regarding age of retirement should not apply. If such limits were set, it is not possible to get the best men. In this connexion I have to observe that the Provincial Government had to extend the age of retirement of the Public Prosecutor and the Government Pleader from 55 to 60 years. It was found that you are otherwise losing the services of really best men. So far as the Attorney-General and the Advocate-General are concerned, the older the man the more experienced and the more learned he gets and it is much better for the Government that they should secure their services without any limit as to age, either for nomination or retirement. That is what I would like to have unless for other reasons they are not suitable, like inability to stand up, senility or infirmity. Even now, we have got in our bar persons of 65 and 70 who can undertake the duties of Advocate-General effectively, much more effectively than many younger men can do. I maintain that this age limit should be removed.

"In the Council of States, there are representatives of various interests, of literature, art, agriculture and other things but there is one noticeable omission which I would like to be rectified, namely, Law and Medicine. Even now to-day we have been saying that the Judiciary should be separated and that it must be made independent and it must not bow down to the executive and if you do not have representatives for law in the Council of States, I feel it would be merely a lop-sided representation and nothing more and I, therefore, suggest that Law and Medicine may also be added under Article 67."

MUHAMMAD RAZA KHAN SAHIB:—"Already there are so many lawyers."

SRI K. BHASHYAM:—"As though there are already no persons there who are not well versed in literature, art, science, agriculture and other things. When they are there and others are going to be nominated, I fail to understand why this left-handed treatment for Law and Medicine alone. Further, lawyers are at a discount now and they may not be elected at all."

MUHAMMAD RAZA KHAN SAHIB:—"You lawyers have always dominated here."

SRI K. BHASHYAM:—"But not as lawyers but as one of the Members of the House and public workers."

THE DEPUTY SPEAKER:—"Before the House adjourns for lunch I wish to inform the House that Members who have already given notice of amendments must move their amendments at 2-30 when the House re-assembles."

"The House will now rise for lunch and meet at 2-30 p.m."

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(After lunch—2-30 p.m.)

THE DEPUTY SPEAKER:—"Hon. Members may move their amendments without actually reading them out. The hon. Member, Mr. Bhashyam, will continue his speech afterwards."

M. MUHAMMAD ISMAIL SAHIB RAHADUR:—"Madam Deputy Speaker, although I moved my amendments yesterday, one of the amendments that I gave notice of was omitted from the list circulated yesterday. It will be circulated to-day. I have already proposed the amendment and spoken on it in a way."

SRI V. RAGHAVAYYA:—"Madam. I move—

'Add the following at the end:—

"and on such consideration this Assembly is of opinion that for clauses (2) and (3) of Article 24, the following shall be substituted:—

'as inequalities in property have been the nursery of all disputes, animosities, and wars and have been responsible for all the misery of man, no individual ownership in immovable property will be recognized and to give effect to this all land will be treated as State owned' " " " "

SRI G. RAJAMANNAR CHETTI:—"I second the amendments."

SRI K. BRAHMANANDAM REDDI:—"Before I formally move my amendments, I submit that some amendments are necessary to my amendments and I have given notice of them."

THE DEPUTY SPEAKER:—"I will allow the hon. Member to move his amendments as corrected by the later amendments after the corrections are carried out."

SINNA KAZIAR HAJI MOULVI S. A. F. IBRAHIM SAHIB RAHADUR:—"Madam, I move—

'Add the following at the end:—

"and on such consideration this Assembly is of opinion that the following amendments be made in the Draft Constitution of India:—

Article 22.—For clause (1) with its proviso, substitute the following:—

'Religious instruction shall be provided in any educational institution partially or wholly maintained by the State if sufficient number of persons attending such institution, or if they are minors, their guardians desire such provision of religious instruction, provided that no person shall be compelled to take instruction in a religion to which he does not belong' " " " "

BEGUM SULTAN MIR AMIRUDDIN:—"I second it."

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SR^I R. V. SWAMINATHAN:—" I move—

'Add the following at the end:—

*"and on such consideration this Assembly is of opinion that the following amendments be made in the Draft Constitution of India:—**In Article 37, before the words 'the Scheduled Castes,' the words 'the Backward Communities' shall be inserted."*

M. S. ATAULLAH SAHIB BAHADUR:—" I second it."

BEGUM SULTAN MIR AMIRUDDIN:—" I move—

'Add the following at the end:—

*"and on such consideration this Assembly is of opinion that the following amendments should be made in the Draft Constitution of India:—**1. In Article 10, clause (3), delete the word 'backward.'**2. In Article 13, clause (1), add the following sub-clause after (g):—**'(h) to freedom of worship and religion.'**3. In Article 13, omit clauses (2) to (6).**4. In Article 19, clause (2), omit sub-clause (a).**5. In Article 24, clause (2), insert the word 'equitable' before the word 'compensation' in line 7.**6. Omit the proviso to Article 27.**7. At the end of Part III, insert a new Article, numbered 28, stating that the fundamental rights mentioned in this Part cannot be curtailed except by an amendment to the Constitution.**Renumber the subsequent Articles and make consequential amendments in the other Articles.**8. In Article 35, add the following proviso:—**'Provided that religious minorities shall be at liberty to be governed by their own personal law.'**9. In Article 67, clause (2), add the following sub-clause after (d):—**'(e) Law and Medicine.'**10. In Article 103, clause (2), the personnel of the judges must be specified.**11. In Article 107, the circumstances under which the power should be exercised must be specified.*

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*12. In Article 131, relating to the election of Governors, in place of that Article and the alternative, substitute the following:—**'The Governor of a State shall be elected, in accordance with the system of proportional representation by means of the single transferable vote, by an electoral college comprising members of the Legislature, District Boards, Municipalities and University bodies together.'**13. In Article 148, substitute the following for clause (1):—**'In every State there shall be a Legislature which shall consist of only one House.'**14. In Article 148, substitute the following for clause (2):—**'The Legislature shall be known as the Legislative Assembly.'**15. In Article 150, clause (3), add the following after sub-clause (d):—**'(e) Law and Medicine.'**16. After Article 186, add a new Article to prohibit the introduction of legislation which bars the jurisdiction of civil courts to adjudicate rights of private parties as amongst themselves or as between private parties and Government of a State or Union.**Renumber the subsequent Articles.**17. In Article 193, clause (1), delete the following:—**'or such higher age not exceeding 65 years as may be fixed in this behalf by law of the Legislature of the State.'**18. In Article 200, the circumstances under which the power should be exercised should be specified.**19. Omit Article 226.**Make consequential amendments in other Articles.**20. In Article 292, add the following at the end:—**'(2) The seats reserved under clause (1) for the minority communities shall be filled by the members of the respective communities elected by constituencies of voters belonging to the respective communities.'**Renumber the present Article as 292 (1).**21. In Article 294 (1), insert the following as clause (2):—**'(2) The seats reserved for the minority communities shall be filled by the members of the respective*

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communities elected by constituencies of voters belonging to the respective communities.'

Renumber the other clauses.

22. In Article 303, clause (1), the terms 'Government of India,' 'Government of a State' should be defined.

23. In Article 304, dealing with amendments to the constitution, the States should also be empowered to propose amendments by 2/3rds majority.

24. In Part XII, page 133, fundamental safeguards in favour of the services should be incorporated.

25. In the II Schedule, Part IV, clause 10, substitute the following for the salary of the Judges:—

'Chief Justice of the Supreme Court—Rs. 4,500.

Any other Judge of the Supreme Court—Rs. 4,000.

Chief Justice of the High Court—Rs. 3,500.

Any other Judge of the High Court—Rs. 3,000.'

26. In List I of the Seventh Schedule, omit items 5 and 66.

27. In List II in the Seventh Schedule, add the following item:—

'(67) Regulation of mines and oil-fields and mineral development.'

28. In List III in the Seventh Schedule, add the following item:—

'(38) Industries necessary for the purpose of defence or prosecution of war.'

29. In Article 286, delete clause (3) and substitute the following:—

'The Union Commission, or as the case may be, the State Commission shall be consulted'."

SINNA KAZIAR HAJI MOULVI S. A. F. IBRAHIM SAHIB BAHADUR:—"I second the amendments."

SRI PYDAH VENKATANARAYANA:—"I move—

'Add the following at the end:—

"and on such consideration this Assembly is of opinion that the following amendments be made in the Draft Constitution of India:—

1. Delete the alternative to Article 131 and the footnote thereof.

2. In the Seventh Schedule, delete List III and add it to List II.

3. The recommendations of the Expert Committee on the Financial Provisions of the Constitution with

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regard to the distribution of revenues between the Union and the States be embodied in Part X, Chapter I (Finance)."

SRI B. SATYANARAYANA RAJU:—"I second the amendments."

SRI G. RAJAMANNAR CHETTY:—"In moving my amendments, I request that I may be allowed to read them and make a speech."

THE DEPUTY SPEAKER:—"Copies of the amendments have been circulated and therefore the hon. Member need not read them. He can formally move the amendments now and speak on them later on."

SRI G. RAJAMANNAR CHETTY:—"I move—

'Add the following at the end:—

"and on such consideration this Assembly is of opinion that the following amendments be made in the Draft Constitution of India:—

1. In the preamble, for 'Sovereign Democratic Republic,' substitute 'Sovereign Democratic Socialist Republic.'

2. In the preamble, after the words 'Justice, social, economic and political,' add 'Economic and social freedom.'

3. In Article 1 (1), for 'Union of States' substitute 'Union of Socialist Republican States.'

4. In Article 20 (c), add 'Subject to the control and restrictions the Government may impose.'

5. For Article 24 (2), substitute the following:—

'Any property, movable or immovable, including any interest in or any company owning any commercial or industrial undertaking, may be taken possession of or acquired for public purposes under any law authorizing the taking possession or such acquisition.'

6. For Article 30, substitute the following:—

'The State shall strive to promote the welfare of the people by establishing a new social order based on economic freedom and social and political justice.'

7. For Article 31, clauses (i) to (iv), the following shall be substituted:—

'The State direct its policy towards securing—
(i) the establishment of a classless society in which the exploitation of one man by another, one class by another, one nation by another will cease, in which private ownership will be replaced by the

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ownership of the State, over the entire resources of the nation's wealth and production, industries and communications;

(ii) *the development of production and equitable distribution of wealth on the basis of a planned economy;*

(iii) *the creation of a social order in which all the amenities of a happy, peaceful and ever progressive life will be available to every man by law; and*

(iv) *the social equality for woman through the achievement of economic independence for them* " " " "

SRI V. RAGHAVAYYA:—"I second the amendments."

SRI K. BHASHYAM:—"I was referring to that portion of Article 67 which gives power to the President to nominate to the Council of States fifteen members to represent special interests such as literature, art, science and education, agriculture, fisheries and allied subjects, engineering and architecture, and public administration and social services. I say that 'Law and Medicine' should be added to the list of subjects. (M. Munammad Ismail Sahib Bahadur: 'And also trade and commerce.') In the note attached, the Committee says that no special representation for Labour or Commerce and Industry is necessary, as members representing these interests may come in by ordinary elections. But special representation for law and medicine will be necessary because many of the questions coming up before the Council of States relate to law and persons belonging to the medical profession, who are so engrossed in medicine, may not come into the Councils. In our Province there seems to be some difficulty in lawyers coming in. In asking that the President should be given the power to nominate a person to represent law and medicine, I am not asking too much. If in the elections sufficient number of lawyers are returned, then special representation for law is not necessary."

SRI R. V. SWAMINATHAN:—"There are too many lawyers in our Cabinet."

THE HON. SRI KALA VENKATA RAO:—"They are in a minority."

SRI K. BHASHYAM:—"Every Member knows something of law, even as Mr. R. V. Swaminathan is able to understand Bills, speak on them and move amendments."

THE HON. SRI B. GOPALA REDDI:—"He can attack lawyers also."

SRI K. BHASHYAM:—"Yes, he is quite an expert in that."

"As I said, I do not believe that lawyers will be coming in hereafter in such large numbers."

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"The establishment of a Supreme Court of India is a matter of the greatest importance. It can decide any question relating to constitutional matters arising between the Government of India and any State or between two or more States and also doubts and disputes arising in connexion with the election of a President or Vice-President. The principle has been accepted that the Supreme Court must be above the executive and party politics. The executive can never interfere with it. It is a matter of gratification that in regard to appeals the Supreme Court is made practically the final court. Hereafter one need not go to the Privy Council in England which is six thousand miles away for the purpose of appeals."

"It is provided that an appeal shall lie to the Supreme Court only if the value of the subject-matter of the dispute is not less than twenty thousand rupees. Originally the value was fixed at ten thousand rupees only. No reason is given as to why it has been increased to twenty thousand rupees. The only reason for putting a higher limit that I can think of is that, because the Supreme Court is easily accessible, there will be more appeals than in the case of the Privy Council. But the raising of the value to twenty thousand rupees is hardly fair to persons who have got a right of appeal but who are deprived of it, if the subject-matter of the dispute is more than ten thousand but less than twenty thousand rupees. Therefore, I feel that the limit of twenty thousand rupees should be changed to the original limit of ten thousand rupees."

"Article 103 (2) reads thus:

"Every judge of the Supreme Court shall be appointed by the President after consultation with such of the judges of the Supreme Court and of the High Courts in the States as may be necessary for the purpose."

What is meant by 'such of the judges . . . as may be necessary for the purpose'? Does it mean that the President should decide whether it will be enough if he consults a few judges or whether he should consult all the judges? The position must be made clear as to whether he should consult only the Chief Justice or such number of judges as he thinks necessary."

THE HON. SRI B. GOPALA REDDI:—"The article gives ample discretion to the President to consult in the selection of judges of the Supreme Court. The Constitution does not want to fetter the discretion of the President."

SRI K. BHASHYAM:—"If that is the intention, there need not be inserted the words 'as may be necessary for the purpose'. It may even be a question of no consultation at all. Where is the necessity for it? There will be practical difficulties in the application of the article as it stands. It is necessary to specify that the Chief Justice of the Supreme Court and the High Courts or such number of judges of either or both the courts shall be consulted. It should not be left to the whims and fancies of the President for decision. I think this is a matter for consideration."

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"Madam, there is one other difficulty and it is this. Clause 3 (b) of Article 103 lays down that a person shall not be qualified for appointment as a judge of the Supreme Court unless he is a citizen of India and has been for at least ten years an advocate of a High Court or of two or more of such courts in succession. What will happen sometimes is this. A person may have been an advocate for ten years after he started life, but finding himself unsuccessful, he might have taken to trade or commerce and might have given up the profession altogether. Under this article, because he had been once an advocate for ten years, he would be eligible for appointment as a judge of the Supreme Court. I think, Madam, the article as it stands will lead to such an interpretation and the President in his discretion may appoint even such a person as a Supreme Court Judge. I do not want that such a discretion should be there. I should therefore like the words 'just preceding the date of appointment' should be inserted in the proper place, as I have suggested in my amendment."

THE HON. SRI B. GOPALA REDDI:—"What may happen if my hon. Friend's amendment is accepted is that a person like Sir Zaffrullah Khan who prior to his appointment as Federal Court Judge was a Member of the Central Executive Council for nearly ten years will be debarred from being appointed as a Supreme Court Judge and such appointments will be made null and void hereafter."

SRI K. BHASHYAM:—"I think his case will be covered by clause (a) of this article. Here clause (b) applies only to advocates and not to persons who have been Judges."

THE HON. SRI B. GOPALA REDDI:—"What I say is that Sir Zaffrullah Khan immediately preceding his appointment as a Judge of the Federal Court was a member of the Executive Council for nearly ten years, and not an advocate. If according to the hon. Member's amendment, he should be a practising advocate, then persons like him will not be eligible for appointment, which is not desirable."

SRI K. BHASHYAM:—"If that will be the result, then I would not welcome it."

"My next amendment is that in the explanation under sub-clause (3) the term 'judicial office' must be more clearly defined and must be an office of a grade not less than that of a District Judge. Explanation II under sub-clause (3) (b) of Article 103 states thus:

"In computing for the purpose of this clause, the period during which a person has been an advocate, any period during which a person hold judicial office after he became an advocate, shall be included."

I do not know what is meant by the term 'judicial office'. It will be very difficult to understand what it is. A Sub-Magistrate is a judicial officer. Even the post of a village magistrate constitutes a judicial office. Therefore in my opinion the term judicial office must be clearly specified and it should be met less than that of the post of a District Judge.

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"Madam, these are the few amendments that I have suggested, so far as the appointment of the Judge of the Supreme Court is concerned."

"Madam, I welcome the idea of calling upon retired Judges to come and administer justice under an Article which is newly added by the Drafting Committee. The employment of retired Judges is a very common and familiar practice in the English system of jurisprudence. Then the other point that I should like to stress although it does not form part of my amendments is that the Supreme Court has got original jurisdiction in certain matters. Of course the Supreme Court has already got appellate jurisdiction in certain other matters. In Articles 110 to 112 it is stated that an appeal shall lie to the Supreme Court in all matters of constitutional disputes and also in the case of civil appeals. In Article 113 it is said that 'if in the course of any civil, criminal or other proceeding in a High Court in any State for the time being specified in Part III of the First Schedule, any question as to the applicability or interpretation of any law of Parliament or of the Legislature of any State other than such State, which is material for the determination of any issue in such proceeding arises, the High Court may, either of its own motion or on the application of the parties, draw up a statement of the case with particular reference to such question with its own opinion and refer such question to the Supreme Court for opinion'. But in the case of a judgment in a criminal case whether there is to be an appeal to the Supreme Court or not is left somewhat in doubt and I should like to see that the matter is also made clear, because without such a provision it would be like English Courts where there can be no appeal against the judgment of a lower Court in a criminal case. Now there is provision for taking criminal appeals to the Privy Council."

"Then Madam, I should now like to refer to the States. These States are divided into two parts. The first part relates to Provinces or States which will be under the Governors. The second part relates to the Chief Commissioners' Provinces, which are now being Centrally administered like Delhi, Ajmer-Merwara, Coorg, the Andamans and the Laccadives. The third relates to States which have acceded to the Indian Union. So far as those States are concerned, they are treated separately and in a different manner."

"In respect of the appointment of High Court Judges in the Governors' Provinces, the President of the Indian Dominion has absolute powers, although of course he acts after consulting such persons as he may think necessary for the purpose. I daresay he will consult the Chief Justice of the Province and also the Chief Justice of the Supreme Court or any other persons. One significant omission is the fact that the Government of a State is not consulted in this matter. But of course, I know that the Administration of Justice in a Governor's Province is in the hands of the Executive of the State and therefore it may be said that the Governor will not act in his individual discretion, but will consult the Government."

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THE HON. SRI B. GOPALA REDDI:—"Sir, wherever the word 'Governor' occurs in the Act, it is always the Governor as advised by the Minister and it is only in respect of certain matters that the Governor acts in his individual discretion such as the appointment of the members of the Public Service Commission. But with regard to the appointment of High Court Judges, the Governor will always consult and take the advice of the Ministry."

SRI K. BHASHYAM:—"According to Articles 191 to 193, with regard to the appointment of High Court Judges, the Governor may act in his individual discretion, but perhaps, as the Hon. Minister says, he might consult the Government also, although he does so in his individual discretion."

SRI R. V. SWAMINATHAN:—"I should like to know from hon. Mr. Bhashyam, with his long experience as an eminent constitutional lawyer in this Province, whether it is not desirable that Judges should be appointed in consultation with the Chief Justice of the Province and the Chief Justice of the Federal Court without consulting the Provincial Government, because those gentlemen are not politicians and hence will be free from party obligations and can be trusted to make the right choice, while the Provincial Government swayed by party considerations are likely to recommend partymen according to their own whims and fancies."

THE DEPUTY SPEAKER:—"The hon. Member need not ask for the other hon. Member's opinion, but he can express his own opinion in the matter. All Members are free to express their own opinions and give out their own suggestions."

SRI R. V. SWAMINATHAN:—"Madam Deputy Speaker, this is a very big question in which I thought the opinion of hon. Mr. Bhashyam would be of value."

SRI K. BHASHYAM:—"Apparently my hon. Friend Mr. Swaminathan thinks that the Government of a Province should not have anything to do with the appointment of High Court Judges. I am afraid that the hon. Member is not fair to the members of the Government. I think that in the interests of the administration of justice and also for the welfare of the people, the Governor of a Province in making his recommendation to the President or to anybody else, should consult the Premier and the Minister-in-charge of Administration of Justice. At least in practice he must act on the recommendation of the Premier and the Chief Justice of the High Court. Till now the practice has been that the Governor in his individual discretion consulted only the Chief Justice of the High Court and sent up his recommendation direct to the Governor-General and the Minister-in-charge was not consulted at all. I had myself had occasion to enter my strong protest against such an action on the part of the Governor, because 'Administration of Justice' is one of the subjects entrusted to the Provincial Government and unless they have got a voice in the matter of the selection of High Court Judges, it cannot be said that the Government are administering

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justice. I am glad it has been pointed out to me that the Government of the State will be consulted, and if so, it is but natural that the Governor should consult the Ministry. Then I do not think there will be any difficulty in my point being accepted.

"Then Madam, the question as regards the constitution of the High Court is left to the State Government. That is as it ought to be, because we have to see whether the High Court has to be reorganised and if so, in what manner and how justice is to be administered in the future. One thing which I should like to be made clear is this. The age of retirement of High Court Judges is left to be determined by the Legislature of each State. I think, Madam, to leave that important question like that is not quite proper. We have already an idea that the whole of India should be unified and that there must be, if possible, an interchange of judges from one High Court to another. If each Legislature prescribes different ages of retirement for High Court Judges, it would lead to great difficulties and confusion and our object will not be achieved. I would therefore submit that the age of retirement of High Court Judges should be fixed uniformly at 65 in all Provinces, and should be provided for accordingly in the Act itself. After all, in these days persons at 55 are normally in good health and are able to serve for some more years. My own view of the matter is that if the age of retirement is extended to 65, it will save the Government a great deal of extra expenditure by way of extra pension and the Government will also have the services of men of ripe experience and mature judgment.

"Another point I want to urge in this connexion is this. Both the High Court Judges and the Judges of the Supreme Court are more or less doing the same kind of work. If we fix 65 as the age of retirement for Supreme Court Judges, we may with equal justice fix 65 as the age of retirement for High Court Judges also and my submission is that this should be incorporated in the Act itself and not left to the various Provincial Legislatures.

"Then Madam, I am glad to note that power has been conferred upon the High Court now to issue directions or orders in the nature of the writs of *Habeas corpus*, *Mandamus*, prohibition, *quo warranto* and *certiorari*, etc. These powers were supposed not to vest with the High Court except in the case of European British subjects. That was a distinction which was recently made, but hereafter it has been restored. In this matter, the Supreme Court however is not given such powers to the same extent. It is said under Article 116 that Parliament may by law make provision for conferring upon the Supreme Court such supplemental powers not inconsistent with any of the provisions of this Constitution as may appear to be necessary or desirable for the purpose of enabling the Court more effectively to exercise the jurisdiction conferred upon it by or under this constitution. I do not know what is the object of this provision. Possibly the Supreme Court has not been established for the purpose of dealing with ordinary matters; or if, at least some such matters come

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before it perhaps they may think of conferring upon it these powers of issuing writs when later on it may be found necessary. Also we have got power under Article 25 to issue writs in respect of fundamental rights and not in respect of civil rights. In regard to civil rights the Supreme Court is the ultimate authority to decide.

"One more question on which I ask for the opinion of the House is this. In the case of the Legislatures, of course the Union Legislature should consist of two Houses, the House of the People and the Council of States, because there are acceding States and they must be represented. Therefore in that matter it is much better if we have two Houses. Whether in the States also you must have two Houses or one House is for your consideration. I should like to point out that so far as the Legislative Council is concerned it is a sort of costly luxury. So far as our experience goes, it is clear when once a party is in power, they have a majority not only in the lower Assembly but also in the Upper House. Therefore when a question has been decided by the representatives in the Lower House in a certain manner what chance is there of anything being amended in the Upper House? Of course the Council of State as it has been in the Centre represented a different electorate and they really used to come to different conclusions. But in our Councils the same parties are going to be elected over again. My submission to the House is that the representatives in the Council will represent the same party as in the Assembly. I would therefore submit to the House that we should have a unicameral Legislature and not a bicameral one. It is quite unnecessary to duplicate the machinery for passing Bills, etc., in respect of the States. Another point was also pointed out by the previous speakers. That is, there is to be division by linguistic provinces like the Tamilnad, Andhra and Kerala and then the States will be too small to be able to bear the burden of two Houses. Therefore I strongly recommend that there may be only one House, namely, the Legislative Assembly which will deal with matters concerning the province. The Members will be the true representatives of the people and there will be no danger of anything being done which would be subversive of the Government or harmful to the inhabitants necessitating a restrictive power like the Legislative Council. Besides the Governor of a State is to be given power not only to address the House but also the power to send to the House Bills which he thinks ought to be reconsidered, for reconsideration. That is a very great safeguard given under the Act and therefore no further canvassing of any Bill or measure passed by the Legislative Assembly in the Council is necessary. I therefore strongly urge that there should be only one camera and not two.

"One of the other powers given to the Governor in case of emergencies is to issue ordinances and taking all the powers to himself. Of course there is a limitation and a safeguard that he should at once report the matter to the President and the President could revoke or continue the ordinance. Anyhow this shall

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not be in force for more than a short period, say six weeks. What I want to point out is this. The Governor is a person who represents the highest head of the State. He is given this autocratic power. If there is to be any difference between the Chief Minister and the Governor, it will be necessary that there should be . . ."

(The Deputy Speaker sounded the gong.)

SRI K. BHASHYAM:—"I request I may be given 10 minutes more, Madam."

THE DEPUTY SPEAKER:—"The hon. Member must finish soon."

SRI K. BHASHYAM:—"I have given notice of about 33 amendments, Madam and I should be given some more time."

BEGUM SULTAN MIR AMIRUDDIN:—"The hon. Member is a lawyer Madam Deputy Speaker, and his opinion is very important. Let him have some more time."

SRI K. BHASHYAM:—"I may submit that the matter is of sufficient importance and I think you may let me have 10 minutes more. I shall try to finish soon."

"What I said was this. So far as the Governor is concerned in case of emergencies he himself will put on record his opinion after consultation with the Council of Ministers. I am only asking that the Council of Ministers also must put on record their opinion for the purpose of the President for coming to a definite conclusion of his own, and feel satisfied that there is an emergency. I want a statutory duty placed upon the Governor for the purpose of consulting the Council of Ministers and also for enabling them to put their opinions on record for submission to the President.

"I should like to touch upon one other matter, Madam. Of course in case of emergencies the Governor of the President may take it upon himself to issue ordinances or proclamations for the purpose of conducting the administration in a Province. What happens now is this. While the President is taking emergency measures in respect of any Province, power is also given under Article 228 for the State Government for acting at the same time in respect of those matters. It may be that instructions are issued by the President and certainly it may be in conflict with the instructions of the State. What is the ordinary citizen to do. There is the direction from the President and there is the other direction from the Council of Ministers of the State. There will thus be a clash in respect of these matters. I should like this question to be examined. May be, the emergency is very great. But it must be left to the President to deal with the emergency that might arise.

"Then as regards the lists as everybody knows they are divided into three. List No. I is the Union List and is under the exclusive jurisdiction of the Union. The second list is the

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State list which is exclusively under the jurisdiction of the States and then there is the third list which is called the concurrent list. Of course, the question as to how many of the items from these lists should go from one to the other is one very difficult to be decided. But I should like to remind the House that in the present state of things, the Union must be a very strong Union, and if possible we must put as much power as possible in the Centre, especially after we have seen the various problems that are arising after we attained our Independence. Therefore, I am not one of those persons who say that there should be complete regional autonomy. Our Centre should not be handicapped in respect of any matter in a crisis or in an emergency. I should like these lists to be retained as far as possible and I should suggest a change only in respect of one or two small matters. Of course one of the matters included in the concurrent list is 'Mechanically propelled vehicles.' I do not understand what it means. Is it motor car, motor boats or is it vehicles propelled by steam engines? Of course these things are matters which should find a place in the provincial list. They cannot be put in the concurrent list. These things should really be left to us. As a matter of fact we are now really dealing with these questions. We are nationalizing transport and doing other things with regard to these vehicles. Therefore it is necessary that this item should be taken out of the concurrent list. Then the question of scientific researches should find a place in the Union List. The point I want to make is this. Research is a thing which transcends the limits of provinces or countries. The facilities which are necessary for the researches are really limited in the States. Therefore this should be left to the Centre. It is very necessary that we should pool all our resources in the Union and they should direct the researches. In fact they are doing so to-day, in the case of agricultural research, industrial research, etc. We must really help them do it. There is no use having a research centre here and another there in Muzapharpur and something else in Bombay. Then there will be overlapping and waste of time and there will be duplication of work. Therefore, it will be much better if these things are directed from the Centre. Then there will be a uniformity in development. There is no use the small State dissipating their resources on researches in the Province and doing something over and over again in several of these matters. (Interruption.) It is not autocracy in knowledge that we want but a co-operative co-ordination of all knowledge so that there might be a synthesis of all knowledge. Therefore, I would like all persons who are making researches to be brought together so that they might really exchange views on the subjects and the researches they make in the different sciences and come to definite conclusions. Even apart from that the resources that are left to the States are really very limited. I think after all the Union have got greater resources in respect of matters like researches.

"I should also like to put University education along with this. There is already a committee appointed for the purpose of finding out in what language University education should be

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imparted hereafter—whether it is to be English or Hindi or the regional language. There is also the fact that University education has to be directed on certain lines. For the same reasons which I quoted in regard to researches I should like University education also to be taken over by the Union. From a practical point of view it will be of great advantage to the States. Now on account of the limited resources at their disposal the States have made it a rule that they are not going to help by augmenting the grants to the Universities. Many grants with regard to buildings, etc., have been withheld. Therefore, it will be much better if they leave this burden to the Centre and the States will then be in a better position to concentrate on secondary education and primary education so that the future electorate may be prepared to discharge properly the responsibilities that may be placed upon it. Therefore, I am suggesting that University education and scientific researches might be placed on the Union list so that we can have co-ordination of researches for the benefit of the States.

"In this connexion I should like to refer to one more matter and it is this. There is a provision in the Constitution that at the end of ten years the President shall appoint a committee to go into the question of the improvement in the conditions of the people inhabiting tribal areas. There is also power given to him under another section, that there may be a committee appointed by the President for the purpose of finding out if there is any improvement in regard to the backward classes, who are really backward educationally, economically and otherwise when compared to the other communities. I want to make it clear that in respect of the latter classes also, namely, the persons belonging to the backward classes, a duty is imposed upon the President that at the end of ten years to appoint a committee for this also and it should not be left to the discretion of the President. That is the submission which I want to make Madam.

"I shall make one more final submission. These are all matters which should be gone into in some detail. I have put them in the form of resolutions so that the attention of the hon. Members of the House and also the hon. Members of the Constituent Assembly may be directed to them. I hope the Constituent Assembly when it meets will take into consideration all the views which I have put forward and they will see what weight can be attached to the various matters that are placed before you. Madam, I commend my amendments to the House for acceptance."

THE DEPUTY SPEAKER:—"Mr. Hameed Khan will now move his amendments." 3-15 p.m.

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Madam Deputy Speaker, I formally move—

Add the following at the end:—

'add on such consideration, this Assembly is of opinion that the following amendments be made on the Draft Constitution:—

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1. In Article 10, clause (3) for the word "backward" substitute the words "inadequately represented."
2. In Article 12, clauses (1) and (2) the word "title" should be defined.
3. Add the following after Article 18 "Rights relating to religion" the State shall have no religion.
4. In Article 19 delete the "Explanation" to clause (1).
5. In Article 19, clause (1) after the word "practice" and before the word "and" add the following words "pray undisturbed in Mosque, Temples and Churches."
6. In Article 19, in clause (1) after the word "practice" add the following words "without interfering with the principles of religion."
7. Add another article under the heading "Rights relating to Religion":—
"No one belonging to any religion shall indulge in attacking any other religion or its religious head."
8. For Article 22 substitute the following:—
"Adequate religious instruction should be made by the State in all educational institutions for all the communities who demand such provision be made" and make the necessary consequential charges in the proviso.
9. Add an additional Article—
"No educational institution which restricts admission to any particular community or communities on the basis of religion shall receive any financial aid or assistance from State funds."
10. Add the following:—
"that no right guaranteed to the citizen in the constitution shall be modified or withdrawn except by law made by the Parliament by a two-thirds majority."
"That the residual powers should vest in the constituent States of the Union of India."
11. In Article 99, clause (1) for the word "Hindi" substitute the word "Hindustani."
12. For Article 131 substitute "The Governor of a State shall be appointed by the President by warrant under his hand and seal and the person so appointed shall as far as possible be one who belongs to a Province other than that to which he is appointed."

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M. S. ATAULLAH SAHIB BAHADUR:—"I second the amendments, Madam."

THE DEPUTY SPEAKER:—"All the amendments are now before the House. The Hon. Mr. Kala Venkata Rao will now speak."

MUHAMMAD RAZA KHAN SAHIB:—"We would like a copy of all the amendments moved."

THE DEPUTY SPEAKER:—"Have they not been circulated? If not, they will be circulated."

SRI R. V. SWAMINATHAN:—"Is there any time-limit for the speeches?"

THE HON. SRI KALA VENKATA RAO:—"It is enough if I have five minutes."

"Madam Deputy Speaker, having been a Member of the Constituent Assembly from which I have recently resigned, I have been a party to many of the decisions that are now adumbrated in the present Draft Constitution that is circulated to hon. Members."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Madam Deputy Speaker, I was given to understand that except the Leader of the House no Member of the Constituent Assembly will be allowed to speak in this House."

THE HON. SRI B. GOPALA REDDI:—"He is not a Member of the Constituent Assembly just now."

* THE HON. SRI KALA VENKATA RAO:—"The hon. Member did not properly hear the first portion of my sentence. My first phrase itself was that. My resignation was accepted and a date will be fixed by the Speaker for election shortly. Well, I would like to stress one point which does not find a place in the manner in which we desired it, in the Draft Constitution, i.e., linguistic Provinces. (Muhammad Raza Khan Sahib: 'The cat is out of the bag.') Unless Mr. Raza Khan wants to run away from Chittoor I cannot save him from the trouble which he is in now. On December 8, 1946, we had a Convention of the representatives of all the Provinces with reference to the carving out of linguistic Provinces at the time when the Constituent Assembly was about to meet. A Drafting Committee was appointed by that Convention. With the help of such illustrious sons of India like Mr. Jayakar, Mr. Shyamaprasad Mukherji, Mr. Baradoloi, the late Mr. Khaitan and others, we drafted one or two proposals and gave notice of them to the President of the Constituent Assembly. Then it was said that the matter would be considered at the time when the final draft would be ready. (Interruption by Mahboob Ali Baig Sahib Bahadur.) All these are minor details. I mentioned only the names of those gentlemen of other Provinces who supported us in our endeavour. We sought their help, and we were able to formulate one or two draft

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resolutions and give notice of them to the President of the Constituent Assembly. Then we were told that the matter would come up for discussion at the time when the draft Constitution would be ready. As a matter of fact, we have been expecting that at least the Andhra Province would be included in the First Schedule. In fact when I was a Member of the Constituent Assembly, I gave notice of an amendment to add the word 'Andhra' at the end of the Schedule. But, unfortunately, it does not find a place in the Schedule. An explanation is offered by the Drafting Committee for not including this Province in the Schedule. The explanation is—

'The Committee has anxiously considered the question whether Andhra should be specifically mentioned as a separate State in this Schedule . . .'

But, Sir, the Committee now came to a different conclusion. It said that this matter must be examined by a Commission before the question was finally settled, for there were certain technical difficulties. I do not like to take this House through all those difficulties. But I would like to quote the last sentence of the Committee's explanation, namely,

'The Committee therefore recommends that a Commission should be appointed to work out or inquire into all relevant matters not only as regards Andhra but also as regards other linguistic regions, with instructions to submit its report in time to enable any new States whose formation it may recommend to be created under section 290 of the Act of 1935 and to be mentioned in this Schedule before the Constitution is finally adopted.'

This is the last straw on which we have to pin our faith. (Interruptions.) We had expected that the Constituent Assembly would appoint a Commission in due course with a direction that it should submit its report before this Draft Constitution became law, so that its recommendations might be taken into consideration by the Constituent Assembly, and a final decision arrived at whether all the linguistic Provinces asked for should be carved out or not. We want a decision and no postponement. I may in this connexion state that we have faith in the good sense of the Constituent Assembly as well as in the goodwill of the Government of India that they will accept this recommendation of the Drafting Committee, and that they will appoint a Commission as recommended by the Committee in due course, at any rate before this draft Constitution will be considered by that Assembly. Apart from this, there is a provision in Articles 2 to 4 of this draft Constitution with reference to the creation of new Provinces after the draft Constitution becomes law. These Articles are analogous to section 290 of the Act of 1935, and they do not contemplate any Orders-in-Council and the rest. But such new Provinces or a division of the States, etc., can only be brought into consideration by a representation from the majority of the representatives of the area concerned or by a resolution of the legislature of the State. This will not be deemed to be an amendment of the Constitution, but will be treated as a special law of the legislature. These are the two conditions, i.e., a representation by the majority of the legislators of the area and a resolution passed by the legislature of the State. Now I claim that the majority of the legislators of the Andhra area or as a matter of fact all the legislators

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of the Andhra area have given it in writing that they want the carving out of the Andhra Province. That condition, therefore, is satisfied even now. The second condition, i.e., a resolution shall be passed by the legislature, is also satisfied. All through from 1927 up to now, this question has been considered more than once. Recently we passed a unanimous resolution in both Houses recommending to the Government of India the re-distribution of Provinces on a linguistic basis. As both these conditions, which are mentioned in the Draft Constitution, have been fulfilled, I do not see any reason why this question should be postponed. After all this question of Andhra Province is more than a sentiment to us. It may appear like hysteria to some. But for those people who suffered and who have a fixed purpose, everything they do is not hysteria even though it may appear to be so to others. We suffered for independence, and we offered satyagraha for it. We are called by so many other names by the people who want to ridicule us. I do not like that our agitations should be called as hysteria'. It is a genuine feeling that prompts us to have our Province. When we want our Province we do sincerely feel that other areas in India also should be carved out on a linguistic basis. It is not a unilateral claim, but a multi-lateral claim on behalf of areas which want to become Provinces on linguistic basis. Nationality is a very important matter. Of course, it is a very difficult thing to define what nationality is. The conception of nationality is something which is almost impossible to define. But we recognize it as a feeling and as a consciousness to which men are acutely sensitive. It is a point which may have something to do with a community of language, race or geographical propinquity. This is one of the item where we have got the community of language. Therefore we have got a right to claim this linguistic division on the basis of nationality also. Then, more than anything else, we have now decided upon a Democratic Republic. This means that we want to broadbase the participation of the people in the administration of the country. Hitherto, only a few sections of the people were able to step into the thrones of the administration—thrones of the administration rather—and now we want to broadbase it. We want to offer the thrones to the common man. Therefore, if we want to take the common man into the administration of the country, we must govern the country in the language of the people. We have taken the first step towards this reform. This Government have taken the first step of introducing compulsorily in the districts of Tiruchirapalli and East Godavari the regional language as the language to be used in all correspondence within the district. We want to extend this privilege throughout the Province, and before long—in about six months' time—every district in the Province will be asked to correspond within the district, in the regional language of the district. Therefore, the first step and the real step, and the real demand on which this linguistic Province problem is based, is going to become a fact. If we are to be true to the ideals of democracy and if we are to be true to the ideals of the common man taking his share in the

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administration of the country, the only method by which they can be carried out will be by the formation of linguistic Provinces. Therefore, before we have this Draft Constitution before the Constituent Assembly, I would very much request the Constituent Assembly to take all these points into consideration and see that they give a decision on this matter. In order to enable the Constituent Assembly to take such a decision in the matter, I think the Government of India must appoint a Commission as recommended by the Drafting Committee. I am perfectly certain that it will be done."

SRI R. V. SWAMINATHAN:—"On a point of information, Madam."

THE DEPUTY SPEAKER:—"You can wait till he finishes."

SRI R. V. SWAMINATHAN:—"The Hon. Minister is now speaking here in his individual capacity as a Member of this House. Is he aware of the advice given by Pandit Jawaharlal Nehru, regarding these linguistic Provinces?"

THE DEPUTY SPEAKER:—"He is speaking on that."

THE HON. SRI KALA VENKATA RAO:—"I have spoken more than once on this. There is no greater patron of Andhra Province than Pandit Nehru. I am perfectly certain that we are going to have this Andhra Province incorporated in the Schedule. (Interruption.) You need not entirely depend upon Press reports that appear from time to time on this matter. After all we want to have our Province and we want to establish it with all the goodwill of the Members of this House and with the goodwill of the other linguistic areas of this Province. We do not want bloodshed or quarrels or any kind of agitation or satyagraha. We want to start off with all the goodwill at the time of the next reconstitution of the legislature. (An hon. Member: 'Otherwise, you must do satyagraha.') Not I, but the other friends with whom my hon. Friend has entered into an alliance. The problem of boundaries also is not difficult for solution. After all we know our demarcated areas. I cannot claim Ramnad or Madura or the village in which Mr. Swaminathan resides. Nor can he make a claim to Tirupathi or Nellore or Rajahmundry because a Chola King was once there. (Interruption.) After all, we must have some democratic method to decide this matter. We are bound to take the advice of a Boundary Commission, if we do not decide it ourselves. I am very confident that a small Round Table Conference of the Andhra and Tamilnad Provincial Congress Committees and certain other important people can settle the boundary question amicably, except as regards the City of Madras. The City of Madras is the bone of contention. If you do not come to an agreement on this matter, the only best way is to leave it to arbitration. On my part and on behalf of my friends here, I say that we Andhras are quite prepared to take

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the decision of the Boundary Commission. (Interruption.) It is a question of deciding it either by arbitration or by plebiscite. These are the two civilized methods for the solution of the problem, i.e., a plebiscite from the population of the City of Madras or an arbitration by an independent panchayat. Either of the courses or both will have the desired effect. We need not quarrel over this question and thereby delay the achievement of the Andhra Province. Some friends want to threaten us. I say that this matter can be discussed across a round table early, and that the Government of India can arrive at a decision satisfactory to one and all of us.

"Madam, we have after all plumped for democracy so that the rights of man may be secured. But, this form of democracy is western democracy which deals only with the rights of man. There is one wise counsel which Gandhiji has given us and it is the principle of rights as well as duties. The spirit of Gandhiji still prevails and it is our duty to see that this wholesome principle that rights also call for duties is maintained under the freedom which we have won after a hard fight under great leaders and under the new Constitution we have framed."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Madam, Deputy Speaker, several hon. Members have spoken on the Draft Constitution. I have given notice of some amendments and I shall deal with them one after another."

"Madam, the first amendment of which I have given notice is to add the following at the end, namely:—

'and on such consideration, the Assembly is of opinion the following amendments be made in the Draft Constitution.'

The next amendment which I have given notice of refers to Article 10, clause (3). It is for the word 'backward' substitute the words 'inadequately represented'. Clause 3 of Article 10 reads:—

'Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens who, in the opinion of the State, are not adequately represented in the services under the State.'

The words 'not adequately represented' are there and when these words are there, there was no need to refer to any class or section or community. That is why I have suggested to omit the words 'backward communities' and to make the consequential amendments. In this secular State, Sir, we cannot talk of any community being backward or forward. The citizens are all alike and they will be treated alike and they will use their rights alike. Such being the case, I do not think the word 'backward' contained in this section is a happy one and therefore, I would suggest that the Constituent Assembly would do well to delete the word 'backward' and to substitute the following words 'inadequately represented'. It will meet the requirements of the situation.

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"Madam, my next amendment is that in Article 12, clauses (1) and (2) the word 'title' should be defined. I do not know what exactly are the titles which the Government seek to ban. Article 12 says:—

(1) No title shall be conferred by the State.

(2) No citizen of India shall accept any title from any foreign State."

We do not know what is the idea of the framers in using the word 'titles'. There are any number of titles, titles of various categories and we do not know what is exactly meant by a title. We know that many people are granted these titles. A certain gentleman is given the title 'Sardar'; another gentleman is given the title 'Mahatma'; still another gentleman is given the title 'Pandit'. Thus, various titles are there. We do not exactly know whether it is the intention of the authors of this Draft Constitution to prevent even such titles being given. Therefore, I would rather like the Constituent Assembly to define the word 'title'.

"Then, Madam, the third amendment that I have given notice of is after Article 18 after the words 'Rights relating to religion', to add the words 'The State shall have no religion'. After Article 18, we have got the section relating to religious rights. In Article 19 though it is stated that all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion, it is not mentioned categorically that the State will have no religion. Certainly our State will be a secular State but it is nowhere stated in the Constitution that the State will have no religion. I am therefore suggesting categorically that it should be mentioned in the Draft Constitution in so many words. That is absolutely necessary. Although the Constitution may contain many things and declarations can be made from time to time by the Prime Minister and other Members of the Government of India or even by the Members of the Congress Party that this is going to be a secular State, yet I think it is much better that it is declared in so many words that the State will have no religion.

"Then, in Article 19 in clause (1) I want to add the words 'pray undisturbed in mosques, temples and churches' between the word 'practice' and the word 'and'. You know, Madam, that the moot question which has been agitating the minds of Muslims and possibly other communities is the question of music before the mosques. That has been one of the major questions on which the communities differed because, there was no satisfactory solution of that problem. By this amendment, I want that the members of every community should be allowed to carry on their practices without any disturbance from some other community. What I mean is Madam, when one community, say the Muslim community, is offering prayer in a mosque, some other community should not play music before the mosque and disturb the prayer. Madam, we, in this country, are more religious than any other people in any part of the world and we attach

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a good deal of importance to this aspect of the question. I would therefore suggest that we make it clear that we can not only profess our religion and practice our religion but that whenever prayer in mosques, temples and churches takes place, it should be our duty to see that we do not disturb such prayer or worship or religious service. Instead of ourselves doing it by agreement, I think it would be very much better if we incorporate it in the Constitution itself so that there will be no question thereafter. If it is definitely provided in the Constitution itself, anybody will not come forward and say, 'this is a highway; you have no right to prevent us from playing music here' even though it is before the mosque. Madam, I say this because, if it is provided in the Constitution itself, there will be no processions taken before the mosques and music played before the mosques and no breaking of the heads and things of that kind taking place. Madam, nobody can say, that we are following the western type of democracy and therefore, we are not going to bother about religion, bother about caste or creed or about prayer or disturbance to prayer or worship and that there will not be any disturbance. Madam, that is only a pious hope because in this country, our people are essentially religious and all communities, whether they are Hindus, Muslims, Sikhs or Christians, are religious-minded. It is good that we are religious because our safety lies only in that fact. If we are religious, we should also respect other people's religion. It is only by respecting other people's religion in a spirit of tolerance, we will be able to establish peace in this country and not by disturbance or riot when a prayer takes place. Therefore, whatever things might have happened in our country in the past, it should be our endeavour to see that these differences are narrowed down. Madam, differences which widen the gulf between the various communities should be obliterated. I am sure that the authors of this Constitution will give their most kind consideration to this question. This is not a new question, and I am surprised why they lost sight of this question. From past experience, they know how very important this question is to a particular community. This question of freedom of praying without disturbance is a question which affects all other communities also and therefore, I am sure when the Draft Bill is reconsidered and revised by the Constituent Assembly, they will see that one of the most difficult and one of the most contentious questions which brought about these differences, such as the playing of music before the mosque, is settled in the Constitution itself. Instead of saying that every community is collectively given the right to profess, and practice its own religion, it would be better if it is laid down in the Constitution that a person will be allowed to pray undisturbed in mosques, temples and churches, without anybody going about causing annoyance or disturbance. Therefore, Madam, I suggest that these words may be added in this Article. I now come to the Explanation under Article 19 (i) which says:—

"The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion."

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8-45 p.m. I propose that that Explanation be deleted. Although we are far away from our friends belonging to the Sikh religion, we can certainly sympathise with them and give all the possible privileges that they would like to have and if they really believe that this is a religious necessity, we may even sit down with them at a round table and discuss whether it is a religious necessity really, how and why it originated and what was the reason that was responsible for this. Of course, in Delhi where the Constituent Assembly sat, the people did not have the courage to deal with this question, because they are too near the centre of Sikhism. We, who are far away from those people can view it dispassionately. I shall be the last person to deny to any individual belonging to any religion, his religious right and if they honestly believe that the wearing of kirpan is a religious necessity, I would certainly not deny them the right. But I know how it originated and whether it had a religious origin or a political one, and I therefore suggest that the Sikh friends may be persuaded to give up the exercise of that right.

"Madam, if the Sikhs suggest that it is a religious obligation to wear kirpans, then every other community must be given equal right to wear some arm or weapon. The Muslims or the Hindus should also be allowed to wear some weapon or arm. If that is done, there will be no difficulty. Only one community should not be allowed on the plea of religious obligation to wear a weapon. It is certainly a dangerous instrument and particularly when there is a fight between one man and another, the man who wears the kirpan is certainly at a great advantage. But of course, it is just possible that if the man who wears the kirpan is not a very fit person, the kirpan may work against him. Therefore it may be not only harmful to the other man, but it may very often be harmful to the wearer of the kirpan himself. Therefore, in order to bring about complete peace in the country, for which we are all aspiring, to avoid any differences, any conflict or any disturbance or riot or disorder, I think it is much better that no member of any religion should be placed in an advantageous position over another member. . . ."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"May I know whether it is mentioned that members of other religions should not have other weapons?"

THE DEPUTY SPEAKER:—"If the hon. Member reads it, he will understand."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Madam, I said this is the only thing mentioned in the constitution. With reference to a particular community, the right to wear kirpan has been given as a religious necessity."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Is it mentioned that we should not have it?"

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THE DEPUTY SPEAKER:—"I do not understand the hon. Member's difficulty. As a religious significance they are allowed to have it. Nothing is said about others."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I would rather in the interests of peace, even our friends the Sikhs gave up this so-called religious right. I do not think that it is altogether a religious right. It might have acquired a religious colour in practice, but it had a political origin. Of course, in any case, I feel convinced that if we sit down with our friends the Sikhs, we may be able to convince them and persuade them to give it up.

"Then, Madam, I come to the next item of my amendment. You may remember, Madam, that some time past this disease of attacking heads of other religions and attacking other religions has been going on in this country, with the result that there were disturbances, there were riots and disorders. In fact, there was an attack on the Prophet of Islam, some time ago. Then, of course, action was taken against him. And then, there are very many books in which these attacks have been indulged in and there has been a tendency on the part of people belonging to one religion to attack the heads of other religions or other religions themselves. No provision has been made in this Draft Constitution to prevent any member of any community from attacking the heads of other religions or other religions. I would suggest that this is also included.

"Madam, when I am suggesting all these amendments. I have got only one thing in my mind, and that is to remove all those obstacles and causes which bring about disturbance and disorder.

"For instance, in literature which, I suppose, might come into existence immediately after our independence, some misguided people might regard liberty as a licence given to them to do anything they like. Because they are a big community or a majority community, they may imagine they have acquired a right beyond measure and beyond conception to do anything they liked.

"Madam, I would rather that we provide against anybody taking law into his hands and attacking other religions and the heads of other religions.

"Then I come to the question of religious education. Article 22 says:

"No religious instruction shall be provided by the state in any educational institution wholly maintained out of state funds."

This is a very important article in the Draft Constitution. It is stated, no religious instruction shall be provided by the State in any educational institution wholly maintained out of State funds. There is, I suppose, more than one view on this subject. Of course, it is true that the Britishers were governing this country for a period of 100 or 200 years and that on account of the fact that

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they were foreigners and also in a minority in this country, they wanted to remove all causes of conflicts between themselves and the people of this country, and they safely resorted to what is called the Conscience Clause and said that they have nothing to do with the religions of other people. In their own interests, they did that and adhered to that so-called Conscience Clause for a long time and thereby denied religious instruction being imparted in educational institutions run by the Government itself. But that Government is gone. We have our own Government. It is the duty of our Government in charge of people of various classes, religions and communities, to organize and arrange for the education of all the children of this country. The sacred duty devolves upon our popular Government to educate every girl and boy in this country, up to a certain stage; that means they have the entire responsibility of building up the character of the boy or girl. When they have that responsibility, they cannot say that they can build up the boy or girl in one way only and not in any other way. It is not enough for the Government to say that they are taking up the responsibility of making the children speak a few sentences and then go their own way. That is not discharging one's responsibility. And therefore, they will have to give them the education which will be complete in itself, be of the right type and have a religious basis.

"Education without God is certainly no education. It is sham education. It is not as if the boy or girl can attend religious instruction up to a certain age privately, and then come and join the elementary schools conducted by the Government. Those days are gone. . . ."

MUHAMMAD RAZA KHAN SAHIB:—"On a point of order, Madam, may we know whether there is now quorum in the House?"

(The bell was rung. Some more Members came in. There was quorum in the House.)

4 p.m. ABDUL HAMEED KHAN SAHIB BAHADUR:—"I say, Madam, that it is absolutely necessary to provide for religious education for every community. Madam Deputy Speaker, you know that we, Muslims, have been demanding religious instruction being imparted to every child, boy or girl, in the earlier stages of his or her education. We have been asking for it for a long time past and after a certain stage arrangement was made for religious instruction. Madam Deputy Speaker, you may remember that in the very Act itself, provision has to be made for compelling boys and girls to receive religious education. That has been going on, rightly too, till recently. Then came our own Government and it has not recognized the need for providing religious instruction from out of State funds. (At this stage Mr. Speaker occupied the Chair.) Sir, Article 22 (1) of the Draft Constitution says: 'Provided that nothing in this

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clause shall apply to an educational institution which is administered by the State but has been established under an endowment or trust which requires that religious instruction shall be imparted in such institution.' Article 22 (2) says: 'No person attending any educational institution recognized by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or to attend any religious worship that may be conducted in such institution or any premises attached thereto unless such person, or if such person is a minor, his guardian has given him consent thereto.' Sir, perhaps this provision has been introduced in order to prevent the authorities of institutions belonging to a particular community, from compelling elderly persons or minors to attend the religious classes. They probably had the case of the Christian missionaries in view because they have been running many institutions where religious instruction is being imparted and they wanted to prevent the children from attending the Bible classes and things like that. But, I know many people are interested in attending the Bible classes and as a matter of fact, some of us did attend the Bible classes and some of the non-Christian boys even got first prizes in Bible examinations. I do not think that children changed their religion on that account or that they became Christians. Of course, there is no harm in learning other religions. On the other hand, it is good that people are given a chance for getting a knowledge of what is contained in other religions. This will enable people to become tolerant to those professing other religions than their own which will ultimately bring about harmony in the country.

"Then, Sir, the other amendment of which I have given notice is in regard to this. There are a few institutions in our Province and it may be the case in other Provinces also, which do not admit members of other communities. Although they are managed by members of one community, they deny admission to educational institutions to members of other communities and yet the Government have been giving grants and aids of various kinds to them. Sir, this Secular Government should certainly take care to see that it does not encourage such separatism and exclusiveness on the part of any institution by denying admission to others by means of a ban or by some other means. Though there may not be a rule to that effect they conduct themselves in such a manner as to prevent members of other communities from attending such institutions. I think, it is very necessary that a Secular Government like ours should not encourage or help institutions which deny admission to children belonging to other communities.

"I say, Sir, that no right which is guaranteed in the constitution should be withdrawn. I do not say that such a provision has not been made. It is there already. I mean Fundamental Rights and provision in regard to this has already been made and therefore I do not propose to move my amendment relating to it.

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"Sir, the Constitution Act cannot be amended except by a two-third majority of both the Houses of Parliament and that is also provided for and so I do not propose to move my amendment relating to this.

"Sir, the question of vesting residuary powers in the Constituent States of the Union of India has been already referred to by one of the speakers who preceded me. The question as to whether we should have a strong Centre and weak Provinces, is a very moot question which had been dealt with at length in this House and I am sure it was also the subject matter of discussion in the Constituent Assembly. Before the 15th of August 1947 our political differences were there and after the problem has been solved one way or the other, as it has happened, I believe, we must have a strong Centre and particularly so because we are now reorganizing our country under very different conditions. As free people we are going to organize ourselves and so it is only a strong Centre that can bring about that reorganization and rehabilitation. Therefore, Sir, it is very necessary that we should have a strong Centre which will keep all the various units of this Republic or the State together in complete harmony and complete unity. Of course, the view is held that a good deal of power should devolve on the Provinces and that the powers which the Centre propose to assume to itself to the detriment of the autonomy of the Provinces is not right and that it should transfer some more of its powers to the Provinces, so that the Provinces may become more and more autonomous of the Centre. That is one view, Sir. But as things stand at present, at least for 10, 15 or 20 years to come, I would rather have a very strong Centre, for it has not only to deal with various Provinces, but it has also to deal with various States which accede to the Indian Union. They are so very different from one another that perhaps the authors of the Draft Constitution are not in a position to give one uniform type of power to the various Provinces and States. Of course, there can be no difference in autonomy between one State and another and it was probably on account of this they have taken more power in their hands and given less to the Provinces. Now, we started with what is called Provincial Autonomy under the Government of India Act, 1935, and I do not know whether they were really autonomous of the Centre. The strings were pulled from the Centre at every critical moment and that was the case with Provincial Autonomy. Particularly, when we are faced with problems of food, cloth and various other problems which have to be dealt with by the Centre, I think, that unless a strong Centre is there, we will not be in a position to deal with the responsibility that our Government has been called upon to discharge.

"On the question of finance, we are glad that my hon. Friend, the Leader of the House, who is also our Finance Minister, is there and I am sure he will see that our province gets more and more of the revenues that the Central Government takes from the Province. Of course, mention has not been made in categorical terms as to what percentage of the income-tax, tobacco-tax and

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other taxes which the Centre collects from the Provinces, will come back to the Provinces themselves. Perhaps they may constitute a Financial Commission very soon and that Commission will sit and decide what proportion of the various taxes collected will be given to the Provinces. With regard to certain taxes it has been stated that practically all the amount collected from the Provinces will be returned to those Provinces, but there again the difficulty arises as to how much or what percentage of such taxes will be retained by the Centre and how much will be given to the Provinces. I am sure that the Financial Commission which will be constituted will have a fair representation of the Provincial Government on it. I think, for some time we may have to carry on as the district boards.

"Then, Sir, there is an Article dealing with the question of the language to be adopted in Parliament. Article 99 (1) says that in Parliament business shall be transacted in Hindi or English. I am glad, Sir, that English is retained side by side with our own language. But, so far as Hindi is concerned, of course there has been a good deal of discussion in regard to the difference between Hindi and Hindustani. My amendment is for substituting Hindustani for Hindi. There was a time when people tried to remove altogether almost all the differences as it were between Hindi and Hindustani."

MR. SPEAKER:—"We have bare quorum and I would therefore request hon. Members not to leave the Chamber."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, it was the question of Hindi, Hindustani and Urdu which was mainly responsible for having brought about differences of a very fundamental character between the two major communities in this country. Attempts were also made to destroy Urdu altogether, so that they might have a language very different from Urdu, but at the same time, having some sort of nomenclature, that is, Hindi or Hindustani. Sir, this thing began rather early in the fight for freedom. It was very unfortunate that there came on the field of a few over-enthusiasts who thought they were creating a new country and not living in the same old country and therefore they wanted to have a language known by the whole of India, viz., Hindi. To-day, it is very unfortunate that news comes to us from Delhi, that it is going to be Hindustani. I cannot follow that. That is whose mother-tongue? Even if it is Urdu we cannot follow it either. (The Hon. Sri B. Gopala Reddi: 'Vice versa.') The Hon. Finance Minister says 'Vice versa.' It is not correct. Even a gentleman like Pandit Jawaharlal Nehru, I am sure, will understand that language better than the language in which the news comes to us through the All-India Radio. So, Sir, if this sort of deviation is sought to be made by depriving one community of its right to understand the language of the other communities, I am sure the gulf will become widened, with the result there will be constant trouble. You should not give room for any disturbance between one community and another. Mr. Speaker, you know how Mahatma Gandhi himself was

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responsible for inventing a kind of Hindustani which could be understood by both the Hindus and the Muslims and he has simplified the language to such an extent that it would be easy for members of both the communities to understand it. So, Sir, we want a language, the Hindustani, which could be understood by both the communities instead of a language which will not be understood by both. As rightly pointed out by my hon. Friend, Mr. Alluri, he resigned from that Sammelanam on account of the differences he had on the question whether it should be Hindustani or Hindi. He proclaimed it as his idea that it should be Hindustani and not Hindi as the *lingua franca* of India, and that we who swear by Mahatma Gandhi should certainly follow his principles, his dictates and testaments, which include the language question also. After all, he wanted to bring about complete harmony between the two major communities in the country. With that object he wanted that Hindustani should be made the *lingua franca* of India, but it is unfortunate that the Constituent Assembly was evidently over-weighed by Mr. Purushotamdas Tandon and his followers who are very strong protagonists of Hindi. I know other Hindus in Northern India who do not swear by Hindi, but who would rather like to follow Gandhi's advice and have Hindustani as the language of our country. I hope when the Constituent Assembly meets again to reconsider or revise the Draft Constitution in the light of the remarks that are made by all Provincial Legislatures and by other people in the country, they will reconsider the matter and not insist upon Hindi only, for it is only a few people who would like to have such differences in this country.

"As regards the appointment of Governors of Provinces, there are two alternatives, one of them is by election and the other by appointment by the President of the Republic. I would rather prefer the latter alternative; namely, appointment by the President. No person who should be a Governor of a Province should come through election. A Governor should be appointed by the President himself. If a Governor is also elected just as any Member of the Legislature is elected or even as the Prime Minister of the State is elected, then we will have little difference between the one and the other. There will always be conflict and trouble. One will think himself to be superior to the other and the latter will be in the same category and so the two authorities should belong to different categories altogether. The Governor should be entirely responsible to the President of the Republic and he should not be beholden to the people of the Province who would be regarded as his masters. If the Governor comes through election just as any Member of the Legislature or even the Premier he owes a good deal of duty to the electors and the Governor also would be expected to act in consonance with the majority of the electors and not be an independent authority who should render equal justice to all classes of people irrespective of the fact, he is elected by one majority party or not. He should be kept altogether free from all considerations of that nature. That can be achieved only if the Governor is appointed by the President and he should

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not belong to the Province itself. He should be selected from Provinces other than that to which he is appointed Governor. We know that in the past Governors coming from distant foreign countries made successful Governors. If, instead of appointing Sir Archibald Nye, a gentleman from our own Province is appointed Governor, the importance, the independence, the unattachedness of the Governor would not exist. He will have a stake in the Province, he will certainly have his friends in the Province and he will not be independent or unattached. He should be completely free from responsibility to any section of the people or to his best friends and he must do even justice to all the people alike.

"Sir, apart from the amendments that I had the pleasure of moving half an hour ago, to which reference was made in my remarks, I would say this. The Draft constitution is a perfect piece of drafting. It has been drafted well. No Constitution can claim to be an original Constitution. It has to take not some words, but whole chapters from other Constitutions and it is only in that way Constitutions have been made and are made. I do not say this Constitution is only that much, but great care has been taken by the authors of this Constitution to take something from the American Constitution, and the major portion of the principles has been taken from the British Constitution and from the Swiss Constitution and to a very large extent from the Government of India Act, 1935. Most of the details that we find in this Draft Constitution have been copied from the Government of India Act, 1935, in a different shape altogether. Instead of being a Federal Constitution, we have a very different kind of Constitution, called the Republic with the States which are not independent. It is not as if it is like the American Constitution with independent States coming together. Here, we are drafting a Constitution with a strong Centre and taking in existing Provinces calling them States. Of course, here and there changes may be made in order to remove differences and difficulties. But, this Draft after having been properly revised and looked into, becomes the law of the land and it is therefore according to this Constitution that the Government of this country is going to be carried on in the future. But there are one or two things that are essential and wanting. One of them is, if we wish to have a Democratic Constitution having adult franchise given to our people, education is a very essential thing. As it is, literacy is very poor in our country and we have suffered on account of the limited literacy in the country, but at the same time by attempting to work democracy, democratic institutions, Legislatures and things like that. Sir, I believe that in order to work a Constitution like this, we require an electorate which will understand what it is doing and which will have a sense of responsibility and will discharge it in that manner. Of course, I hope that before this Constitution is brought into force and it is worked on that basis, steps will be taken to speed up the spread of literacy in this country, but at present we see no such things being done and the Governments of the Provinces are not paying the attention that

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"Sir, I would also suggest to the authors of this Draft Constitution to postpone their high ideal of adult suffrage for some time. They would do well to postpone the introduction of adult suffrage by ten or fifteen years at least, during which period we would have done something for the people by educating them sufficiently in order that they may realise and discharge their responsibility in a suitable manner. Therefore, I would suggest to them to postpone this adult suffrage and expand the present franchise as much as possible. It is only when we have our masters understand their duties and responsibilities that we can work democracy successfully. In addition to this, for running a democratic Government we want a large number of personnel. I do not know whether we have personnel equipped to such an extent as to carry on the Government not only in the Centre but also in the Provinces. We want not only Members of the Legislature but also Ministers . . ."

(AN HON. MEMBER: "Is there quorum, Sir . . .")

MR. SPEAKER:—"There is no quorum."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Who raised the point, Sir?"

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"You may go on, Sir, as if the point has not been raised."

MR. SPEAKER:—"Begum Sultan Mir Amiruddin raised it. If it had not been raised, the hon. Member could have gone on."

THE HON. SRI B. GOPALA REDDI:—"It is only the duty of this House to point out to the Speaker when there is no quorum."

(The bell was rung. After there was necessary quorum, Mr. Abdul Hameed Khan continued his speech.)

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, I was saying that not only should we have intelligent voters but also intelligent personnel for carrying on the Government of our Province and of our country. We do not have sufficient number of suitable people who can carry on the Government of the Province as well as the Centre. We want really able people, people who have the necessary equipment for filling up the gaps in the Provincial Governments and in the Central Government not only in the legislative but also in the executive of the Provinces as well as of the Government of India. We must have people who understand their responsibilities and who will be real Indians not thinking themselves as belonging to this community or that community but people who will be independent and impartial in meting out justice to the various castes and communities. It is only that class of people that we want to grow in this country. We want people who will not think in terms of communities, people who will not think in terms of black or white but people who will think of their country only and people who will remove all differences between man and man and who will treat all alike. Sir, that is very essential and that fundamental should be satisfied. There should be

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no distinction between man and man and people should be fully equipped. They must be able to discharge their duties without any distinction of race or creed in this country. It is only such people who will be fit to govern this country, people who have liberal views and people who have high ideals. This is a liberal Constitution. It is liberal on paper but it will certainly be illiberal if it is to be manned by people who have a narrow outlook, who have been trained to think in terms of castes and classes. What is the use of the Constitution in a country, if we cannot have large number of people who can have wide outlook, who can have liberal view of things and who can work that Constitution not according to the wording of the Constitution Act but in the spirit behind it. If they are not inspired by the spirit behind this Draft Constitution, there is no use of this book at all and all the high-sounding words and ideas that this book contains. I would be a waste, if we do not have men who will rise to the occasion and rule this country for the benefit of all."

MR. SPEAKER:—"There is a very poor attendance. I am thinking of reducing the time-limit to half an hour. That is the only way of solving the problem because there are a large number of amendments given notice of by hon. Members."

BEGUM SULTAN MIR AMIRUDDIN:—"Sir, I have given notice of 29 amendments but till now I have not been given the chance to speak. I need as much time as the Members who have spoken before me."

MR. SPEAKER:—"I wish to know from the hon. Lady Member whether all the Members can speak if we go on like this there are a very large number of persons who have given notice of amendments. I have fixed half-an-hour but five minutes this side or five minutes that side will not matter much."

SRI V. RAGHAVAYYA:—"Sir, it is not as if I do not like this Draft Constitution, not that I do not agree with it. It is good and excellent in its own way. I would not have thought of speaking, Sir, but for the fact that our Leader of the House has chosen to put in the poetical language yesterday that this Constitution's aim seemed to be the establishment of a Socialist State. I have tried my level best to find out . . ."

THE HON. SRI B. GOPALA REDDI:—"I said, Sir, that is what I visualize for India."

* SRI V. RAGHAVAYYA:—"I am thankful for the Leader of the House because he visualizes for a distant future. There is neither Socialism nor is there a way to Socialism in this Constitution. As we pass from page to page, we find a jumble of various Constitutions from various countries. You see the imprint of America with all its characteristic commitments. You see the rule of England with all its naivety and intelligence, diplomacy and cleverness in keeping nations under its foot. You may see at the same time some refreshing features from the Constitution of Ireland though none from those countries which have been painted

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with the blackest of brushes by the capitalist countries. I am referring to those countries under the suzerainty of Soviet Russia. Not that I approve everything in Soviet Russia. I do not want to call myself 'Red' nor am I. I honour all those people who claim infallibility for this Constitution. They assert that all the people of India have to be satisfied by this and that this is Ram Rajya that Mahatma Gandhi worked for and died for. It has become a fashion to quote the late lamented Father of the Nation for each and everything. But this practice becomes a fetish and luckily for us we have been rightly reminded to-day by Pandit Nehru. He has stated, 'It looks as if we quote Gandhi when it suits us and reject him when it does not.'

"Sir, this patch-up of the various Constitutions fails to give this Constitution the uniformity and originality and shape that will stand for all time to come. It has been introduced with the flare of trumpets and the pomp of the Moghuls and behind the deadening noise and the soothing sceptre of Emperor Asoka; you see the lengthening shades of frightening poverty. Capitalists are allowed to exist side by side with the miserable poor man. Nothing is there in this Constitution which speaks of human rights and which speaks of fundamental rights, which says a word as to how to remove poverty from this country. It is really disappointing because it has been framed by a freedom-loving Government, it refers to rights of property and says in Article 24:—

'No person shall be deprived of his property save by authority of law.'

I agree. But in clause 2, it says:—

'No property, movable or immovable, including any interest in, or in any company owning, any commercial or industrial undertaking, shall be taken possession of or acquired, for public purposes under any law authorizing the taking of such possession or such acquisition, unless the law provides for the payment of compensation for the property taken possession of or acquired and either fixes the amount of the compensation, or specifies the principles on which, and the manner in which, the compensation is to be determined.'

Even the redoubtable Revenue Minister had to scratch his head and say how far he is satisfying the requirements of this capitalist Constitution."

THE HON. SRI KALA VENKATA RAO:—"I do not have to scratch my head, Sir."

SRI V. RAGHAVAYYA:—"His views are so accommodating that they do not require any comment. What I want to say is this. The Hon. Revenue Minister thought it fit to fix arbitrarily what the zamindars should get but here the Constitution tells him that there could be no such monkeying with property. It says, we are going to give sixteen annas worth of the rupee to the person

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dispossessed. We cannot reduce it to any particular standard. So, the right to property has been safeguarded and emphasised in all its implications to the fullest length that any capitalist country can go. Then, Sir, you hunt with the hound and run with the hare, when you go further. There are a curious number of inconsistencies which are characteristic of capitalist countries. I do not know why our new Republic should have fallen a victim to these miscalculations. I request, Sir, to peruse Article 31. It reads as follows:—

'The State shall, in particular, direct its policy towards securing—

(i) that the citizens, men and women equally, have the right to an adequate means of livelihood;

(ii) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

(iii) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;'

4-45 p.m.

Again, I ask, are the property discriminations to continue as they are to-day? By concentrating in the hands of a single individual crores of rupees, how are the Government going to safeguard their cherished objects mentioned in clauses (i), (ii) and (iii)? Then there is clause (iv) which says:—

'that there is equal pay for equal work for both men and women.'

What does a mill magnate get for his work? A man sitting and toiling in the mill gets about half a rupee or at the most a rupee in the evening. But a gentleman sitting at home, simply because he has invested his money, ill-earned or unearned, is getting thousand times more. Is this equal pay for equal work?

"Under Article 24, all the pious and laudable hopes mentioned in Article 31 are subjected to the existing rights to property, rights laid down not now but thousands of years ago by the Hindu Kings or the Moghul Emperors or by rulers anterior to both of them. We are living at a time when very near our country there is a revolution working and we wish our time-old notions of property are not safe. It is the intention of all that we can avoid a revolution and another European war. How are we going to avoid a revolution if you are going to keep the mill magnates, millionaires and crorists as they are? Not only that. You are not even preventing them from becoming richer than what they are. If this inequality in wealth and property is continued intact, how are you going to establish Rama Rajya in this country? Property inequalities are the nursery of all disputes, the cause of all wars and discontentment. Do not the framers of this Constitution know that it is property inequalities that have been responsible for all the ills of this miserable country? Why do they not put at least a ceiling limit upon the property that a person can own? There

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are certain laws which lays down that if a person is succeeded, the successor shall part with so much of the property to the State. Even that has not been provided for here. We may decry Russia to our heart's content but nobody can deny the fact that the poor labourer there is not discontented. By the sweat of his brow, he earns his livelihood. He fights for his country as if the war is his concern and not as mercenaries as men in this country do. If that country is taken as a model on which to base our Constitution, it will go a long way to keep the country contented. The authors paint the picture of the coming Constitution in rosy colours, but in reality it will not help to solve our various problems.

"I shall now refer to a few other defects in the Draft Constitution. Take the question of salaries. Just a few hours before Mahatma Gandhi was assassinated, he left his last will and testament to the country when he said that no one in this country should draw more than Rs. 1,200 as monthly salary. However exalted a person may be, the maximum pay in this country shall be Rs. 1,200 and the minimum Rs. 100. Hon. Members will kindly note that this Draft Constitution provides for the following salaries. The President of the Indian Republic gets Rs. 5,500 *plus* all allowances that are now given to the Governor-General. The Governor of a State gets Rs. 4,500. The Chief Justice of the Supreme Court gets Rs. 5,000 and the other judges Rs. 4,500 each. The Chief Justice of a High Court gets Rs. 4,000 and the other judges Rs. 3,500 each. I am surprised to find that the maximum pay in this country is fixed by the framers of the constitution, which they call Rama Rajya, at Rs. 5,500. They have taken ample care not to fix the remuneration of the poorest man. Is this Rama Rajya? Is it for this that millions of people groaned, thousands went to prison and several thousands died? Not only that. When such a Constitution is thrust on us, we are expected to toe the line and sing hallelujahs in praise of this wonderful Constitution. If the Government are believers in Gandhiji, they must respect his dying wish."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"On a point of information. If Rs. 750 can be taken for discharging the duties of a Parliamentary Secretary, why should not Rs. 5,500 be given for the work of the President?"

SRI V. RAGHAVAYYA:—"I may remind the interruptor that Rs. 1,200 is the maximum fixed by Mahatma Gandhi and 750 is always less than 1,200. A lawyer like Mr. Salam ought to have anticipated a rebuff like this.

"The salaries that have been fixed by this Draft Constitution are unconscionable because a poor country like India cannot afford to pay them. I am not very unreasonable when I say this because, when we have an idea of the salaries in other countries, we will come to know that Mahatma Gandhi's verdict is the correct one. My information is, and I speak subject to correction, that the Prime Minister of Japan, when she was an imperial country, was getting

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only Rs. 1,200. The Prime Minister of Australia gets about Rs. 1,500 per month. What about the Prime Minister of England? He gets only £12,000 per year which works out to Rs. 13,000 roughly per month. The Chinese Prime Minister gets the same salary as that fixed by Mahatma Gandhi. Taking a neighbouring country like Ceylon, which has an income of 40 crores and an area equal to two districts or perhaps the one district of Vizagapatam in our Province, the highest salary there is only Rs. 1,800 and that is paid to the Chief Secretary. The lowest salary in Ceylon is Rs. 100, that is, a peon's salary is Rs. 100. I wish that our Government take a leaf from our neighbouring country instead of trying to fix the salaries at Rs. 4,000 and 5,000. Why did it not strike them to assure this country that the lowest salary shall be Rs. 100 and not less, that the lowest-paid man will be assured of his hundred rupees and that he will not suffer for want of food? In this respect, my submission is that the framers of this Constitution have failed to carry out the wish of Mahatma Gandhi. Not only have they failed to carry out his wish, they have failed to recognize the need of the hour. They have failed to see that the world around India is burning. With a neighbouring State like Russia where conditions are different, they cannot keep the poor man in India without grumbling. The rumbling of the revolution is marching ahead and the noise is so loud that even the deaf can hear. It is necessary that we must adapt ourselves to the changing conditions of the world.

"Now I will make a reference to the right to dismiss a Minister. Clause (1) of Article 62 runs:—

'The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister.'

So far so good. Clause (2) runs:—

'The Ministers shall hold office during the pleasure of the President.'

The Prime Minister is elected by the vote of the House, and he must have control over the other Ministers. He works in team with the other Ministers and he alone can know well the defects or drawbacks of his colleagues. The joint responsibility of a Cabinet can be vouchsafed only when the Prime Minister has got the right to deal with his colleagues. The President should not be given the power to dismiss a Minister. So I suggest that the President's power should be limited to appointment and that the Prime Minister alone should have the right to dismiss a Minister.

"I will now come to the position of the Attorney-General for India. The fortunes of the Attorney-General are linked up with those of the President. That is thoroughly wrong. His function is to give advice on matters of law and it has nothing to do with the changing fortunes of politicians. There is no question of his being linked to any election campaign. The President may come to-day and go away to-morrow. I do not know why it is put down that he shall hold office during the pleasure of the President. It is a dangerous position and my suggestion is that it ought not to be continued.

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"Under Article 67 (2), the President shall nominate fifteen members to the Council of State to represent different sciences. I suggest that anthropology also be included in the list of sciences. With two and a half crores of aboriginals living in the country, their mode of life, tradition and history demand this.

"The framers of the Constitution seem to be very fond of bicameral legislatures. The House of Commons in England is having a head-ache in the House of Lords. Since recently the House of Commons is having so many troubles from the House of Lords and it is unable either to kill or to keep the institution. Members of Parliament are elected on the basis of adult suffrage. Simply because England is having a second chamber, there is no point in having a second chamber in India.

"Regarding reservation of seats for minorities, Article 305 says that such reservation shall continue for ten years and that the position after that period may be looked into. My view is that the ten years must be made a statutory limit and after that nobody could have any reservation."

SRI K. T. KOSALRAM :—"Mr. Speaker, Sir, on a point of information நாங்கள் இன்னும் 7 பேர்கள் amendment move பண்ணவேண்டியதாக இருக்கிறது . . ."

MR. SPEAKER :—"எழு பேர்கள் இல்லை. இன்னும் 11 பேர்கள் இருக்கிறார்கள்."

SRI K. T. KOSALRAM :—"இன்னும் 11 பேர்கள் amendment move பண்ணுவதாக இருக்கிறார்கள். இன்னும் பலர் பேசவேண்டுமென்றிருக்கிறார்கள். ஆகையால் இந்த விவாதத்திற்கு நாளை மட்டும் போதுமா அல்லது 29, 30 தேதிகளிலும் இந்த Assembly நடக்குமா என்பதை Mr. Speaker தெரிவிக்கவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்."

MR. SPEAKER :—"I have to inform the House that eleven Members who have given notice of amendments, have to speak to-morrow. Besides, there are Members who have not proposed any amendments but who may desire to speak. The House must be prepared to sit till 8 p.m. to-morrow."

THE HON. SRI B. GOPALA REDDI :—"Personally speaking, I have got engagements for to-morrow which I accepted thinking that the meeting would conclude at 5 o'clock as usual. Originally it was intended to allot only two days for the discussion. It was at your request and at the request of several Members that we agreed to have it for three days. So I request the Chair to conclude the discussion by 5 p.m. to-morrow."

MR. SPEAKER :—"Then I will have to reduce the time-limit to fifteen minutes."

5 p.m. M. MUHAMMAD ISMAIL SAHIB BAHADUR :—"Sir, giving ample time for Members to speak on this vital motion is as important as anything else and therefore it is not easy for me to agree to the cutting down of the time allotted to the Members to speak. But I would make this suggestion to you, Mr. Speaker, that the

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27th April 1948] House may sit even after 5 o'clock to-morrow and go on till we conclude, if the Hon. Leader of the House will be kind enough to accommodate. We do not also want to continue the debate on the fourth day. We may conclude it to-morrow itself by sitting after 5 o'clock, so that Members may have the satisfaction of having fully discussed this motion and at the same time of having fulfilled their desire of going home at the earliest opportunity."

ABDUL HAMEED KHAN SAHIB BAHADUR :—"Sir, the only difficulty is that there will not be quorum throughout the day. Unless the Hon. Leader of the House can guarantee us that there will be quorum, there is no meaning in our prolonging the debate."

SRI R. V. SWAMINATHAN :—"Sir, If you are going to limit the time to fifteen minutes for each speaker, at least Members who have moved amendments may be given some more time."

MR. SPEAKER :—"Members who have given notice of amendments will be given fifteen minutes; but other Members will get only ten minutes."

THE HON. SRI B. GOPALA REDDI :—"I think, Sir, that we may be able to conclude the debate by 5 o'clock to-morrow by the arrangement you have now suggested."

MR. SPEAKER :—"The House will now adjourn to meet again at 11 o'clock to-morrow."

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APPENDIX

[Vide answer to starred question No. 344 asked by Sri V. S. Sankarasubrahmanya Mudaliar at the meeting of the Legislative Assembly, held on the 27th April 1948, page 384 *supra*.]

Number of students who received training in the Government Textile Institute, Madras, during the last three years.

Courses.	Years.		
	1945-46.	1946-47.	1947-48
Instructors' course in Handloom weaving	28	31	30
Special course for weavers	24	11	19
Special course in Jacquard weaving	5	4	3
Special course in hand process of bleaching, dyeing and cloth printing	28	20	5
Artisan course in hand knitting	3	1	1
Instructors' course in hand process of bleaching, dyeing and cloth printing (introduced in 1947-48) ..	..	..	12
Special course in Powerloom weaving (introduced in 1947-48)	..	..	13
			(in three batches).

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, the 28th April 1948.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUKHAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Issue of permits for liquor to Government officials working in dry districts.

* a 264 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether it is a fact that the Government have made provision for secret issue of permits for such Government officials who cannot give up drink even when working in dry districts;

(b) if so, to how many officers were such permits granted and to what extent;

(c) whether the Government have published this notification in the papers;

(d) how many non-official permit holders for foreign liquor are there in these dry areas;

(e) what the total quantity of foreign liquor allotted to them is; and

(f) on what basis were these permits granted?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of Hon. the Minister for Prohibition):—“(a) The Government considered that in the case of Government servants it was desirable that permits for the consumption of foreign liquor should not be given by the Board of Revenue as a matter of routine without the knowledge of the Government. Directions were accordingly issued that applications of Government servants in the dry areas for liquor permits should be forwarded by the Board to the Secretary of the department so that he might obtain the specific orders of the Minister on each application. The object and purpose of issuing these directions was to restrict and to discourage applications for permits from Government servants in prohibition areas.

“(b) A permit was sanctioned by the Government only to one officer in the prohibition districts after the issue of the above directions. The quantity allowed in that case was two units at a time subject to a maximum of four units per month.

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“(c) No.

“(d) One thousand four hundred and thirty-five Europeans and Non-domiciled Asiatics and 177 Indians.

“(e) The total quantity allowed is based on individual requirements subject to the following maxima:—

Non-domiciled Europeans—4 units at a time subject to a maximum of 8 units per mensem.

Domiciled Europeans and Non-domiciled Asiatics—3 units at a time subject to a maximum of 6 units per mensem.

Indians including Anglo-Indians, Parsees and Jews—2 units at a time subject to a maximum of 4 units per mensem.

“(f) Permits are granted to all Europeans and Non-domiciled Asiatics. As regards Indians, permits are normally granted to Anglo-Indians, Parsees and Jews who are not below 45 years of age and to other Indians who are not below 55 years of age, if they produce a medical certificate from a Government Medical Officer not below the rank of an Assistant Surgeon, stating particular ailment for which liquor is essential. A licence-fee is levied on all these permits.”

Issue of permits for liquor to Government servants in prohibition areas.

* 284 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether it is a fact that a Board of Revenue circular L. Dis. No. W. 11637/47-C, dated 23rd December 1947, offered to provide facilities for issuing permits confidentially to all Government servants employed in prohibition areas and also assured to save their embarrassment by undertaking to get their individual applications sanctioned by the concerned Minister secretly;

(b) whether this circular has been sent to all heads of departments in the district through the District Collectors;

(c) whether the Government directed that this circular should be kept confidential;

(d) how many officials have taken advantage of this circular;

(e) by whom was this circular issued;

(f) whether the Minister for Prohibition was aware of this and gave his consent to its issue;

(g) what the reasons are that necessitated the issue of this circular; and

(h) whether the Government will place the same on the table of the House?

* Starred question from the list of 20th April 1948.

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THE HON. SRI M. BHAKTAVATSALAM (on behalf of Hon. the Minister for Prohibition):—“(a) The Government considered that in the case of Government servants, it was desirable that permits for the consumption of foreign liquor should not be given by the Board of Revenue as a matter of routine without the knowledge of the Government and therefore directions were given that applications of all Government servants in the dry areas for liquor permits should be forwarded by the Board to the Secretary of the department so that he might obtain the specific orders of the Minister on each application. The object and purpose of issuing these directions was to restrict and to discourage applications for permits from Government servants in dry areas. It was also considered desirable that such applications should not obtain general publicity.

“(b) The circular referred to was issued to the Collectors, and to the heads of departments.

“(c) The Board's circular on the subject was marked confidential.

“(d) One.

“(e), (f) & (g) The circular was issued in the ordinary course by the Board, apparently to carry out the directions of the Government. There was no reason to bring it to the notice of the Minister.

“(h) The Government do not consider it necessary to do so.”

SRI V. RAGHAVAYYA:—“Sir, the Board's Circular states something like this: ‘In the case of Indian Officers serving in prohibition areas who out of feelings of delicacy may not be anxious to apply openly for such permits, the Government desire that they may send their applications through the Board which will send them confidentially to the Joint Secretary to Government, Revenue Department,’ by name so that they may be put up to the Hon. Minister for Prohibition for orders, etc., If so, what is the object of the Government in issuing a circular like this? Is it to save the feeling of delicacy of the Government officials in those dry areas and to afford them facilities for applying for permits from the Government?”

THE HON. SRI M. BHAKTAVATSALAM:—“Yes, Sir. As I have already stated in my answer, the object of that circular was that there should not be any kind of publicity to such requests for permits which should lead to inducement and encouragement to other officers who might not apply for such permits.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I know, Sir, what is the maximum quantity of foreign liquor allowed to Indians and whether any distinction is made between individual and individual or a uniform quantity is given to all, or the quantity recommended in the medical certificate?”

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THE HON. SRI M. BHAKTAVATSALAM:—"The quantity that will be permitted will depend upon the certificate of the Medical Officer concerned. The Medical Officer is asked to certify what quantity would be required by the person concerned."

SRI V. RAGHAVAYYA:—"Sir, the Hon. Minister for Public Works who is a very reasonable gentleman will admit that the same circular contains an assurance to despatch the orders obtained from the Minister to the Government official concerned demi-officially through the Commissioner for Prohibition, and if it is so, may I know how the purpose of the Government to discourage the Government officials from drinking will be secured by keeping it confidential?"

THE HON. SRI M. BHAKTAVATSALAM:—"Sir, the alleged circular did not contain any such assurance to the officer concerned, as the hon. Member says. I may be permitted to read a Press Note which was issued subsequently on the subject. The Press Note says ' . . . The Government are definitely of the view that no officer who is in any way connected with prohibition and who might previously have been in the habit of taking liquor should apply for a permit for possessing liquor or continue the practice of imbibing liquor. So far as other Government officials in the prohibition districts are concerned, they are in the same position as any other non-officials who might have acquired the habit of taking liquor. With reference to such classes of persons, the Government have laid down rules and regulations restricting the grant of permits to persons who are above a prescribed age and who are suffering from some diseases for which it is considered that the continuance of liquor is necessary. This should be certified by a Government Medical Officer not below the rank of an Assistant Surgeon. Normally, such licences are granted by the Revenue Board; but the Government thought that in the case of the Government servants it was desirable that such permits should not be given by the Revenue Board as a matter of routine without the knowledge of the Government, and therefore, directions have been given that applications of all the Government servants in the dry areas for liquor permits should be forwarded by the Board to the Secretary of the Department so that he might take specific orders on each application from the Minister. The object and purpose of issuing those directions is to restrict and to discourage applications for permits from the Government servants in dry areas and not to favour them with special facilities.'

In the case of non-officials, it was considered sufficient if Medical Officers of Assistant Surgeon's grade should issue certificates and that in the case of officers of Government, medical certificates from the District Medical Officers should be insisted on."

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SRI G. RAJAMANNAR CHETTI:—"In the matter of issue of such permits, may I know what is meant by a unit? Is it one gallon or two gallons as it is in the case of petrol?"

THE HON. SRI M. BHAKTAVATSALAM:—"I must express, want of sufficient knowledge on this matter, Sir. I must therefore ask for notice."

SRI V. RAGHAVAYYA:—"In view of the forthwith denial of the Hon. Minister for Public Works, may I know, Sir, if this very same language was not used in the circular which was issued, namely, that the Minister's orders will be obtained and communicated to the officer concerned demi-officially through the Commissioner for Prohibition? If necessary, shall I hand over the circular to the Hon. Minister for his information?"

THE HON. SRI M. BHAKTAVATSALAM:—"The words 'Orders will be issued' do not necessarily mean that orders granting permits will be issued."

SRI T. VISWANATHAM:—"May I know what are the diseases for which liquor is prescribed by doctors?"

THE HON. SRI M. BHAKTAVATSALAM:—"I should like to have notice, Sir. But I have also seen opinions expressed by eminent doctors that liquor may not be a necessary prescription in the treatment of any of the diseases, and the whole question is being examined, Sir."

SRI P. KANDASWAMY PILLAI:—"Is it consistent on the part of the Government to issue circulars offering facilities and conveniences to the drunkards in the dry areas when their declared policy is complete prohibition?"

THE HON. SRI M. BHAKTAVATSALAM:—"I am afraid, Sir, my hon. Friend has misunderstood the object of this circular."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know whether these officers who are given permits are entrusted with any duties connected with the enforcement of prohibition?"

THE HON. SRI M. BHAKTAVATSALAM:—"No Sir. As I have just now read the extract from the Press note, no officer connected with Prohibition will be given any permits. It has been made clear in that Press Note."

SRI D. V. RAMASWAMI:—"May I know whether any of the retired Civil Assistant Surgeons are empowered to certify and recommend the grant of permits?"

THE HON. SRI M. BHAKTAVATSALAM:—"In the case of officers of the Government, certificates from the District Medical Officers are insisted upon."

SRI V. M. RAMASWAMI MUDALIYAR:—"In view of the number of questions and the amount of criticisms levelled against the circular, may we have the benefit of the publication of the circular referred to, so that its implications may be understood by the Members?"

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THE HON. SRI M. BHAKTAVATSALAM:—"Sir, a Press Note on the subject-matter of the circular has been issued three months after the issue of that circular and I do not think it is necessary to publish the circular now."

SRI A. VEDARATNAM PILLAI:—"Will the Hon. Minister be pleased to state whether it is a fact that a number of Government servants who are working in the Prohibition department in the dry areas are ex-addicts and if so, whether the Government will consider the desirability of replacing them to ensure the successful working of prohibition?"

THE HON. SRI M. BHAKTAVATSALAM:—"Sir, so far I have no information that there are ex-addicts among officers; and there has been no application for permits except from one officer."

SRI V. I. MUNISWAMI PILLAI:—"As it is very easy to get medical certificates from doctors, will the Government consider the advisability of creating an addicts' colony and put all the officers there for some time under observation to see whether they cannot get over the troubles from which they are suffering without drink instead of continuing the system of granting permits?"

THE HON. SRI M. BHAKTAVATSALAM:—"That is a very large question, Sir, which it may not be possible to undertake; but we are considering a very much easier solution whether we cannot straightway refuse all permits altogether."

MUHAMMAD RAZA KHAN SAHIB:—"May I enquire whether the Ministers or the Members of the Assembly are included in the category of officials who are entitled to foreign liquor for reasons of health?"

MR. SPEAKER:—"Members of this House are not officials."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Is it not a fact, Sir, that the quantity now assigned under these permits are sufficient to these officers to go strong for a month and if the quantities allowed are too much will the Government consider at least the question of reducing the quantity so that they may not apply for permits again and again?"

THE HON. SRI M. BHAKTAVATSALAM:—"We shall consider the suggestion, Sir."

SRI G. RAJAMANNAR CHETTI:—"May I know, Sir, under whose authority and by whom was the circular issued and when they are obtaining these permits, is it not possible for the Government to transfer such officers who apply for permits to districts which have not yet gone dry?"

THE HON. SRI M. BHAKTAVATSALAM:—"As I have answered to question No. 264, Sir, the Circular was issued as per the instructions which were issued by the Government."

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SRI P. KANDASWAMY PILLAI:—"Will it not be convenient for the Government to instruct the Revenue Board not to issue permits to anybody in the interests of carrying the programme of Prohibition successfully?"

THE HON. SRI M. BHAKTAVATSALAM:—"Therefore it is, Sir, that the issue of permits has been restricted to cases where the District Medical Officers thought that in the interests of the health of the particular officer the permit was necessary."

SRI D. V. RAMASWAMI:—"Have the Government received any application for supplementary permits, Sir?"

THE HON. SRI M. BHAKTAVATSALAM:—"I have no information, Sir."

SRI A. VEDARATNAM PILLAI:—"Will the Government stop issuing permits for liquor for all Indians (excepting foreigners)?"

THE HON. SRI M. BHAKTAVATSALAM:—"Now permits are issued to Indians only on the strength of medical certificates, Sir."

MUHAMMAD RAZA KHAN SAHIB:—"Is the Hon. Minister aware that such of the officers who got permits in special cases are very much dissatisfied with the quality of the liquor and therefore will the Government try to improve the quality rather than the quantity?"

THE HON. SRI M. BHAKTAVATSALAM:—"The Government have not had such complaints, Sir."

SRI G. RAJAMANNAR CHETTI:—"Is it not possible, Sir, to transfer such officers who apply for permits to districts where there is no prohibition in order to avoid the anomaly of compelling officers who drink during nights to try prohibition cases during the day time?"

THE HON. SRI M. BHAKTAVATSALAM:—"So far only one officer in all the sixteen districts has applied for and got a permit, Sir, and therefore the question has not arisen."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Will the Government publish the names of officers to whom permits have been issued?"

THE HON. SRI M. BHAKTAVATSALAM:—"We will consider the suggestion, Sir. But we have to see whether it would not offer an inducement to others."

Breed of cattle in the Agency tracts and Wynaad.

* 347 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether he is aware that the breed of cattle in the Agency area and in Wynaad is very miserable, unhealthy and is such as not to yield any milk at all;

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(b) how many breeding bulls have been introduced in the Agency tracts of this Province in the past ten years;

(c) what steps the Government have so far taken to introduce and encourage regular cultivation in Agency tracts;

(d) the extent of Podu cultivation therein; and

(e) the extent of damage caused by the same?

THE HON. SRI K. MADHAVA MENON:—“(a) The cattle in the Agency areas and in Wynaad are non-descript or of a very poor breed with low milking capacity and they are generally not quite suited for agricultural purposes due to their stunted growth.

“(b) Vizagapatam Agency	..	..	5
East Godavari Agency	..	..	7
West Godavari Agency	..	..	5

“(c) (i) In order to do intensive propaganda on the right methods of agriculture among the cultivators of the Agency tracts, Government sanctioned the employment in December 1947 of a separate Agricultural Demonstrator and staff for the Seethampeta area of Vizagapatam Agency, the opening of two agricultural depots, one at Seethampeta and the other at Kotturu and free distribution of seeds and manures to poor cultivators.

(ii) To demonstrate to the Agency ryots, the improved methods of agriculture and the correct cultural, manurial, and irrigation practices to be adopted, a proposal to open an Agricultural Farm at *Chintapalle* in the Vizagapatam Agency is under the consideration of Government.

(iii) With a view to training the hillmen of *Polavaram* taluk of West Godavari district in improved methods of farming, a scheme has been sanctioned by Government in February 1948 which provides for the selection of an area of 10 acres of paddy land and 10 acres of dry land in six representative villages of *Polavaram* taluk to give practical demonstration of improved methods of farming on these lands, free supply of improved seeds of crops and vegetables, implements and manures by the Agricultural Department and for demonstration by the Demonstration maistries in the different *firkas* of the various operations in the selected areas under the control of the Local Agricultural Demonstrator.

(iv) To improve the agricultural practices of the hillmen and backward communities in the *Agency tracts of Vizagapatam and East and West Godavari* districts there is also a proposal on hand to appoint a Special District Agricultural Officer with necessary staff with headquarters at *Narasapatam*.

(v) In connexion with the intensification of the drive for the grant of *takkavi* loans to the aboriginal and backward

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communities (*Koyas*) in the *Bhadrachalam and Nagur taluks* of the East Godavari Agency, the Government have ordered that *takkavi* loans may be disbursed partly in cash—up to Rs. 25 subject to a maximum of 90 per cent of the loan actually sanctioned, provided the sanctioning authority is satisfied that assistance is required in cash to pay cultivation expenses such as ploughing, weeding, harvesting and such other expenses.

“(d) The exact area under podu cultivation is not available as this system of cultivation is free from any assessment and hence not recorded in any cultivation account. It is however reported that about 850 acres in *Vizagapatam* and about 100 acres in *Polavaram taluk*, West Godavari district, are under podu cultivation. In the Agency tracts of East Godavari, the practice of podu cultivation is slowly vanishing and at present above 75 per cent of the cultivation is done regularly and only 25 per cent is under podu.

“(e) By podu cultivation an area of land is set on fire to get rid of unwanted vegetation. This results in the fire spreading to the adjoining forests. There is no information as to the extent of damage though there is no doubt that this is a very wasteful method of cultivation.”

SRI V. RAGHAVAYYA:—“In view of the inordinate length of the answer, shall I request you, Mr. Speaker, to have the answer printed and circulated and take it up for putting supplementary questions later?”

MR. SPEAKER:—“Supposing the Assembly is prorogued, then what would be the result? Therefore it is better if the hon. Members put supplementary questions now itself.”

THE HON. SRI K. MADHAVA MENON:—“No figures have been asked, Sir . . .”

MR. SPEAKER:—“I have given a reason and the hon. Member is satisfied. He can put his supplementary question now.”

SRI V. RAGHAVAYYA:—“May I know, Sir, how many cows and bulls have been introduced into the Wynaad Agency areas and what is the sort of the breed the Government want to introduce and also whether the cows there will be able to stand the *Ongole* breed?”

THE HON. SRI K. MADHAVA MENON:—“My Friend's request relates to the Agency tracts in the Province, Sir. I do not think we have introduced any cows at all. We have given bulls to the Agency in the East Godavari. No cows have been sent to Wynaad.”

SRI A. VEDARATNAM PILLAI:—“Will the Hon. Minister be pleased to state, as the general condition of cattle breeding in our Province is not so satisfactory, whether the Government have got any scheme to improve cattle breeding, and if so, what are they and when such a scheme will come into force?”

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

SRI V. I. MUNISWAMI PILLAY:—"Arising out of the answer given by the Hon. Minister to clauses (d) and (e), as great damage is being done to the various areas by podu cultivation will the Government consider the desirability of stopping podu cultivation in all the districts where there is this practice?"

THE HON. SRI K. MADHAVA MENON:—"Podu cultivation has decreased considerably, Sir. And it is now considered a wrong thing to stop any 1000 grain cultivation at this stage. But the Government are discouraging podu cultivation in the Agency areas—ponum cultivation and kumiri cultivation as it is known in South Kanara, which are all similar."

SRI V. RAGHAVAYYA:—"Is the Hon. Minister aware that the Aoriginal tribes Welfare Enquiry Committee, now defunct, has given an elaborate proposal for the improvement of cattle breeding in these areas, and if the Hon. Minister is aware of the report, may I know when he will implement the recommendation?"

THE HON. SRI K. MADHAVA MENON:—"I am thankful to the hon. Member for the information, Sir. I have not read the report yet."

SRI D. V. RAMASWAMI:—"Arising out of clause (c), may I ask what steps the Government have taken to eradicate malaria which is extensively prevalent in the Agency tracts, particularly in Mudavanasa in order to help the hillmen as well as the plainsmen who migrate there?"

THE HON. SRI K. MADHAVA MENON:—"The question relates to the breeding of cattle, Sir, and not the breeding of men. The question may be addressed to the Hon. Minister for Health as to what he has done to check malaria."

M. S. ABDUL MAJID SAHIB BAHADUR:—"May I know what arrangements the Government have made to improve the quality of the breeding bulls in the Province?"

MR. SPEAKER:—"The hon. Member can put a separate question."

Burning of the National Flag in the Annamalai Nagar area.

* 355 Q.—SRI R. V. SWAMINATHAN (on behalf of Sri S. Paramananda Rayar): Will the Hon. the Premier be pleased to state—

(a) whether the Government are aware of the facts that the National Flag was burnt and dishonoured by some hooligans in the Annamalai Nagar area on 5th October 1947;

(b) what action the Government have taken to bring the miscreants to book and protect the honour of our National Flag;

(c) whether the Government are aware that the Sub-Inspector of the Annamalai Nagar Police Station, on being

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informed that the National Flag was being burnt refused to go to the spot where he could have seen for himself the National Flag burning; and

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

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Premier):—" (a) Yes. It is reported that the flag was burnt by Sri Chinnappan, a student of the Annamalai University.

" (b) A case was registered in Cr. No. 106/47 for offences under sections 379 and 426, Indian Penal Code, for the removal and burning of the Indian Dominion Flag, but it was not charged as the Public Prosecutor was of the opinion that no case had been made out.

" (c) The Sub-Inspector of Police visited the place and finding that no cognizable offence could be made out, warned Sri Chinnappan.

" (d) In view of the fact that the local authorities have taken necessary action in the matter, the Government do not propose to do anything further."

SRI R. V. SWAMINATHAN:—"May I know from the Hon. the Leader of the House, Sir, whether he is satisfied that the Sub-Inspector refused to go there or whether he went there in time to see whether the flag was burning?"

THE HON. SRI B. GOPALA REDDI:—"The Police Sub-Inspector was certainly on the scene and he did make some enquiries."

SRI M. S. PATTABHIRAMIAH:—"May I know, Sir, if the incident was an isolated incident or one of the series of such incidents, and if the latter is true, will the Government make an enquiry whether anti-nationalism is not being preached and sedulously cultivated in the Annamalai University and the atmosphere is polluted there?"

THE HON. SRI B. GOPALA REDDI:—"I do not know, Sir, whether I can agree with the general observations of the hon. Member that anti-nationalism is being preached and cultivated in the Annamalai University camp. But, as far as I am aware, there has been only one incident which has come to the notice of the Government where they have taken suitable action."

SRI V. I. MUNISWAMI PILLAY:—"Will the Hon. the Leader of the House be pleased to state whether the University authorities have taken any action on the student so that in future there may not be such indiscipline?"

THE HON. SRI B. GOPALA REDDI:—"I am not quite sure, Sir. But I presume that the University authorities have gone into this question."

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SRI R. V. SWAMINATHAN:—"In view of the fact that because the Sub-Inspector refused to go there in time they were not able to make out a case over this, will the Government make further enquiries regarding the Sub-Inspector's conduct?"

MR. SPEAKER:—"The hon. Member presumes that the Sub-Inspector did not go there. But the answer is that he has gone there. That is the answer of the Hon. Minister."

SRI R. V. SWAMINATHAN:—"Sir, the Hon. Minister said that they were not able to make out a case. I say it is because the Sub-Inspector refused to go there in time they were unable to make out a case. Therefore, will the Government make further enquiries regarding the conduct of the Sub-Inspector and see whether they can make out a case?"

THE HON. SRI B. GOPALA REDDI:—"It is not given, Sir, that the Sub-Inspector refused to go there. It might be that he went to spot a little later. However the Government have taken steps and the Sub-Inspector was transferred from the circle."

SRI A. S. SAHAJANANDAM:—"அங்கே இருக்கும் சப்-இன்ஸ்பெக்டர் அவர்கள் அந்த இயக்கத்திற்கு துணையாக இருப்பது சர்க்காருக்கு தெரியுமா? அவர் மாணவர்களை காட்டிக்கொடுக்கம் ப்டேன் என்கிறார். அதனால் சப்-இன்ஸ்பெக்டர் மேல் ஏதாவது நடவடிக்கை எடுத்தாக்கொள்ள முடியுமா என்று கேட்கிறேன்."

THE HON. SRI B. GOPALA REDDI:—"I do not think the Sub-Inspector was helping the students who were in the Annamalai University camp."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"In view of the aspersion sought to be cast on the Annamalai University will not the Government be able to say definitely that the University as such or the majority of the students as such had nothing to do with the incident or any incidents similar to those?"

THE HON. SRI B. GOPALA REDDI:—"Certainly, Sir. Neither the Vice-Chancellor nor the University authorities have anything to do with the incident nor the majority of the students have. Because one small young fellow Chinnappan did something, the name of the University authorities is now being spoiled."

SRI D. V. RAMASWAMI:—"Is it a fact that the so-called hooligans mentioned in clause (a) were non-students?"

THE HON. SRI B. GOPALA REDDI:—"There was only one student by name Chinnappan."

Firka Development Committees.

* 356 Q.—**SRI K. BOKKAI GOWDER:** Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that a Firka Development Committee has been constituted for each selected firka under the Firka Development Scheme; and

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(b) if so, who are the members selected and what the strength of the Committee constituted is for Kundah Firka of the Nilgiris district?

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

" (b) The Firka Development Committee of Kundah Firka consists of the following members:—

- (i) Collector—*Chairman*.
- (ii) Revenue Divisional Officer—*Vice-Chairman*.
- (iii) Firka Development Officer—*Secretary*.
- (iv) Sri K. Bokkai Gowder, M.L.A.—*Member*.

The question of appointing more non-official members to serve on the Committee is separately under the consideration of the Government. The Collector of the district has also been given the discretion to invite departmental officers and other prominent persons to attend its meetings."

Smuggling in the coastal area of Tanjore.

* 357 Q.—**SRI A. VEDARATNAM PILLAI:** In view of the answers given by the Hon. Minister to my question No. 378 on 3rd November 1947, will the Hon. Minister for Food be pleased to state—

(a) whether the undermentioned articles and foodstuffs and cloth which were smuggled from the coastal area of Tanjore district to Ceylon were captured:—

	1947-48.		1946-47.	
	Maunds.	Value.	Maunds.	Value.
		RS.		RS.
Rice	230	2,300	290	2,900
Blackgram	..	..	190	1,900
Cloth	..	..	..	40,700

(b) whether twenty-two persons were arrested in the said smuggling and one catamaran was taken into the custody;

(c) whether it is a fact that fifteen cases of smuggling with articles worth about Rs. 55,000 were captured near the area of Tanjore district during 1946-47 and four smuggling cases worth about Rs. 47,000 were captured during 1947-48 near the coastal area of Tanjore district; and

(d) what steps the Government propose to take to put an end to this kind of smuggling?

THE HON. SRI H. SITARAMA REDDI (on behalf of Hon. the Minister for Food):—" (a) It is not possible to furnish the actual quantity smuggled. But the value of foodgrains and

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cloth smuggled into Ceylon in 1946-47 and in 1947-48 and seized by the Police and Customs departments is furnished below:—

Name of the article.	1946-47.			1947-48.		
	RS.	A.	P.	RS.	A.	P.
Paddy and rice ..	13,553	14	9	7,886	2	0
Textiles ..	109,712	1	4	2,532	9	0
Blackgram ..	3,652	15	0	..	..	..

“(b) In the above smuggling cases, 155 persons were arrested in all and 16 catamarans and boats were taken into custody in 1946-47 and eight persons were arrested and one catamaran taken into custody in 1947-48.

“(c) Besides the cases of smuggling of foodgrains and cloth given in the answer to clause (a) above, the following other articles such as opium, betelnuts were smuggled to Ceylon and captured by the Police and Customs departments:—

Number of cases.	1946-47.			1947-48.		
	RS.	A.	P.	RS.	A.	P.
Other articles such as opium, etc. 3	10,578	0	0	4	61,412	8 0

Seven persons were arrested in 1946-47 and 46 catamarans were taken into custody in connexion with the above smuggling. None were arrested in 1947-48. One catamaran was seized in 1947-48.

“(d) There is a staff of 1 Sub-Inspector, 5 head constables, 59 constables and 24 temporary coastal watchers working to detect smuggling. Besides the village officers, Revenue Inspectors, Firka Supply Officers and Taluk Supply Officers are attending to this duty. The Government are considering the question of buying high-speed motor launches for anti-smuggling patrol work.”

SRI A. VEDARATNAM PILLAI:—“Are the Government aware that 1,000 bags of rice are being smuggled every week to Jaffna from Tanjore coastal area by steam boats which are more powerful than the boats engaged by the Government to detect smuggling, and, if so, have the Government taken any steps to put an end to this smuggling once for all, especially in these days of food scarcity?”

THE HON. SRI H. SITARAMA REDDI:—“As I have already stated, the Government are proposing to buy high-speed motor launches for anti-smuggling patrol work. When once these launches are available, I believe, Sir, the question of smuggling will be minimized. It cannot once for all be eradicated.”

SRI V. RAGHAVAYYA:—“Will the Hon. Minister be pleased to answer whether this smuggling is due to the inability of the police camp to function or to the connivance of the Ceylon police?”

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THE HON. SRI H. SITARAMA REDDI:—“It is due to the human character, Sir.”

Repairs to the Panayeri ayacut, Attur taluk.

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

(a) whether the Government have received petitions from the ayacutdars of Panayeri in Erramasamudram village, Attur taluk, Salem district, praying for repairs of the same in the interest of “Grow More Food Campaign” of the Government; and

(b) if so, what action has been taken on the same?

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

“(b) A report has been called for from the Chief Engineer (Irrigation). Necessary action will be taken on its receipt.”

SRI A. SUBRAHMANYAM:—“பல ஆயிரம் ரூபாய்கள் செலவு செய்தும் யாதொரு பிரயோஜனமும் இல்லாமல் அரசாங்கத்திற்கு அடிக்கடி நஷ்டம் வருகிறது. புதிதாக கால்வாய் வெட்டவேண்டுமென்று அவர்கள் கூறி இருக்கிறார்கள். அது விஷயமாக அரசாங்கம் என்ன ஏற்பாடு செய்ய போகிறார்கள் என்பதைச் சொல்லவேண்டும்.”

THE HON. SRI M. BHAKTAVATSALAM:—“புதிய கால்வாய் வெட்டவதால் அதைப்பற்றி பரிசீலனை செய்யவேண்டியதாக இருக்கிறது. அதனால்தான் தாமதம். சீக்கிரம் பரிசீலனை செய்து என்ன செய்ய வேண்டுமோ அதைப்பற்றி ரிபோர்ட்டு அனுப்புவதாக சொல்லியிருக்கிறார்கள்.”

Discharge of water into the Kurnool-Cuddapah Canal at Sunkesula headworks.

* 359 Q.—SRI A. VEDARATNAM PILLAI (on behalf of Sri N. Venkata Subbayya): Will the Hon. the Minister for Public Works be pleased to state—

(a) the total discharge of water into the Kurnool-Cuddapah Canal at the Sunkesula headworks, as designed and constructed originally;

(b) what the present discharge is;

(c) what the decrease, if any, is due to; and

(d) whether it is a fact that in the recent past the level of the crest of the Sunkesula anicut has been deliberately brought down; and, if so, by how much?

THE HON. SRI M. BHAKTAVATSALAM:—“(a) 3,000 cusecs.

“(b) 2,000 cusecs.

“(c) The decrease in discharge is due to the lowering of the anicut crest.

“(d) The crest of the anicut was lowered in 1886 by 3 feet and there has been no change in the crest level since then.”

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Stage of construction of certain roads in Tenkasi taluk.

[* 360 Q.—

MR. SPEAKER:—"The hon. Member Sri D. Durairaja Pandian is not in his seat. The answer will be printed in the proceedings."]

SRI D. DURAIRAJA PANDIAN:—"Will the Hon. the Minister for Local Administration be pleased to state at what stage is the proposal for a road from Tenkasi via Pattakurichi to Sundarapandyapuram and Sundarapandyapuram to Surandai in Tenkasi taluk, Tinnevely district?"

THE HON. SRI K. CHANDRAMOULI:—"The road from Tenkasi to Sundarapandyapuram via Pattakurichi is maintained by the Tinnevely District Board. The Special Officer, Tinnevely District Board, has reported that a provision of Rs. 15,000 has been made for the improvement of the portion of the road from Pattakurichi to Sundarapandyapuram and that he has asked the Divisional Engineer (Highways) to prepare the plans and estimates for the extension of the road from Sundarapandyapuram to Surandai."

Construction of a kitchen and dining block for the Queen Mary's College.

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

(a) for how long the question of the construction of a suitable kitchen and dining block for the Queen Mary's College has been pending with the Government;

(b) the reason why no beginning has yet been made in regard to the above construction;

(c) whether any amount has been sanctioned for the construction of a Home Science block for the Queen Mary's College; if so, what the amount is; and

(d) the reasons for the delay in the construction of the Home Science block?

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

"(a) Proposals for the construction of a kitchen and dining hall for the Queen Mary's College hostel were submitted to Government for consideration as a Part II Scheme for 1948-49.

"(b) The work has been sanctioned by the Government and the Chief Engineer has been asked to take up the execution of the work immediately.

"(c) An expenditure of Rs. 1,30,000 was sanctioned for the construction of an additional block for the college to accommodate the B.Sc. Home Science as well as other classes of the college.

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"(d) The delay in taking up the work is mainly due to the necessity for the revision of the design more than once, with a view to bring down the total cost to within the amount administratively sanctioned by the Government."

BEGUM SULTAN MIR AMIRUDDIN:—"Is the Hon. Minister aware that the building where Home Science classes are now being held is in a dilapidated condition and that the construction of a new Home Science block need the immediate attention of the Government? May I know why this matter has been delayed for so long?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"That is why sanction has been given and the matter is being looked into."

BEGUM SULTAN MIR AMIRUDDIN:—"Did not Hon. Minister say that he was trying to revise the estimate? I want to know why the revision of the estimate is taking such a long time?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Sir, we have to depend upon the engineers for these matters, and sometimes such delay does happen, and I am sorry for that."

BEGUM SULTAN MIR AMIRUDDIN:—"Will the Hon. Minister hurry up the Public Works Department, which is more notorious for its delays than Law's delays?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Sir, this is not a question which should be put to me."

Shifting of the Girls' High School, Erode.

* 362 Q.—SRI M. A. EASWARAN: Will the Hon. the Minister for Education be pleased to state—

(a) whether there is any proposal with the Government for shifting the Girls' High School, Erode, to the Coronation ground, Perundurai Road;

(b) what is the area of the Coronation ground;

(c) whether the proposal for shifting the school to the Coronation ground has been carried out;

(d) if not, why not;

(e) how the Government are going to make use of the building in the Coronation ground; and

(f) whether there is a proposal to shift the school to Deputy Superintendent of Police bungalows?

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

"(a) There is no such proposal at present.

"(b) 3.53 acres.

"(c) & (d) There was originally a proposal to shift the school to the Coronation grounds but in view of certain representations, that has been dropped.

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“(e) It is proposed to transfer the site with the shed already constructed in it to the Kalaimagal Kalvi Nilayam, Erode, under certain conditions.

“(f) Yes.”

SRI M. A. EASWARAN:—“Sir, may I know what are the conditions under which the building has been handed over to the Kalaimagal Kalvi Nilayam, Erode?”

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

“The conditions are that the building must be used for the education purpose for which it was being given to them, and that they must pay the money that cost the Government to put up those sheds.”

Institution of a Committee of Inquiry under the Annamalai University Act.

* 363 Q.—SRI R. V. SWAMINATHAN (on behalf of Sri S. Paramananda Rayar): Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the Government have instituted a Committee of Inquiry under the Annamalai University Act;

(b) if so, who its personnel are; and

(c) what its terms of reference are?

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

“(a), (b) & (c) It was originally proposed to have such a committee but now the University have come forward to appoint a committee of their own to go into the matter.”

BEGUM SULTAN MIR AMIRUDDIN:—“Is the Hon. Minister aware that the Committee appointed by the University is usually averse to making any changes in the University Act? I have had this experience having been a member of the Committee constituted by the Madras University. Will the Government, therefore, appoint a separate Committee?”

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

“I am sorry for the experience of the hon. Member. But this is not with reference to the amendment of the University Act. This is for enquiring into certain matters.”

Schools for the education of defectives.

* 364 Q.—SRI A. VEDARATNAM PILLAI (on behalf of Sri N. M. R. Subbaraman): Will the Hon. the Minister for Education be pleased to state—

(a) how many schools for the education of defectives exist in the Province and under whose managements; and

(b) whether they propose to increase the facilities for increasing admission in these schools or increasing more schools for them?

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

“(a) Fourteen, two schools under local bodies and the rest under private managements.

“(b) Yes; a provision of Rs. 46,000 for recurring and Rupees 8,000 for non-recurring expenditure has been made in the budget for increasing the facilities for defective children in the Province. The question of utilizing this amount in the best possible manner is under consideration.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know, Sir, whether the Government intend to start any school for mental defectives in this Province?”

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

“These schools are, Sir, for the blind, deaf and dumb. For the mental defectives, there is no proposal under consideration.”

BEGUM SULTAN MIR AMIRUDDIN:—“Will the Government consider the question of having a school for the mental defectives, because there is urgent need for it in this Province. No provision has been made for this in this Province whereas in Bombay I understand, such a school has been provided?”

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

Certified schools, Sir, are, to a certain extent, expected to cater to this type of defectives also.”

SRI M. S. PATTABHIRAMIAH:—“May I know the number of pupils studying in the schools already opened, Sir?”

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

“I am not able to give the exact number in the various schools now. If the hon. Member puts a separate question, I shall be able to answer it.”

SRI D. V. RAMASWAMI:—“Is the certified school for moral defectives or also for mental defectives, Sir?”

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

“Sir, I have had occasion to visit some of these schools. Moral defects are sometimes due to mental defects.”

Inclusion of Thirukkural as a compulsory subject in the High School classes.

* 365 Q.—SRI A. VEDARATNAM PILLAI (on behalf of Sri N. M. R. Subbaraman): Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government have included Thirukkural as one of the compulsory subjects in the curriculum of the high school classes; and

(b) if so, whether the Government propose to introduce it from the ensuing school year?

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

“(a) & (b) The Government have selected a list of verses

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from 'Thirukkural' to be studied by the pupils in each of the forms I to V of all Secondary Schools where Tamil is the medium of instruction. Selected stanzas will also be included in the S.S.L.C. Text Book in Tamil, published by the Madras University. All the heads of educational institutions have already been circularized to give effect to the scheme from the current school year itself."

SRI A. VEDARATNAM PILLAI:—"Will the Hon. Minister consider the desirability of introducing 'Thirukkural' in higher elementary schools and middle schools?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Yes, Sir. It is for middle schools also. The matter of higher elementary schools will be considered."

SRI V. S. SANKARASUBRAHMANYA MUDALIYAR:—"Sir, are the Government aware that some of the institutions are not teaching verses from 'Thirukkural' on the pretext that they have not received instructions from the Director of Public Instruction?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"No, Sir. I am not aware. If the hon. Member points out any instances, I will look into the matter."

SRI A. S. SAHAJANANDAM:—"அறத்துப்பாலையும், பொருட்பாலையும் எட்டாவது வகுப்பு முடிப்பதற்குள்ளாக ஹையர் எலிமெண்டெரி ஸ்கூல்களில் சொல்லிக்கொடுக்கும்படி ஏற்பாடு செய்யமுடியுமா என்று கேட்கிறேன்."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"அது மாதிரி கண்டிப்பான பதில் ஒன்றும் சொல்லமுடியாது. ஏற்கனவே ஒரு திட்டம் போட்டு ஏற்பாடு செய்யப்பட்டிருக்கிறது. அதன்படி இப்பொழுது நடந்து வருகிறது."

Government College for Muslim Women.

* 366 Q.—M. S. ATAULLAH SAHIB BAHADUR (on behalf of Mohamed Abdul Salam Sahib Bahadur): Will the Hon. the Minister for Education be pleased to state—

(a) whether the Muslim Educational Association has sought an appointment with him for making representations in the matter of the abolition of the Government College for Muslim Women;

(b) whether any appointment has been fixed up and whether any deputation has waited on him so far; and

(c) if not, why no opportunity has been given so far to the said Association?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—" (a) & (b) Yes.

" (c) The question does not arise."

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BEGUM SULTAN MIR AMIRUDDIN:—"May I know, Sir, what the position now is with reference to the Muslim Women's College?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"The position is that it will be transferred to Mr. Ethiraj."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know why the Government did not see their way to transfer this college to the Muslim Education Association, which was anxious to take over the institution?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Sir, the matter has been gone into before, and I have nothing more to add to the information that I have already given."

Escape of certain Communist prisoners from the sub-jail at Vijayavada.

* 367 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether it is a fact that a number of Communist prisoners have made good their escape from the Sub-jail in Vijayavada;

(b) if so, what steps the Government have taken to re-arrest them; and

(c) what are the cases against them?

TUE HON. SRI K. MADHAVA MENON:—" (a) The prisoners escaped from the sub-jail, Kaikalur and not from the sub-jail, Vijayavada.

" (b) & (c) The Police are trying to apprehend these people. They have been charged with rioting and similar offences."

SRI K. T. KOSALRAM:—"Are the Government aware of the fact, Sir, that Communists are conspiring against the Government everywhere?"

MR. SPEAKER:—"This is a general question, and not a supplementary."

Sanads relating to inams under the custody of the Collector of Tanjore.

* 368 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the total number of the sanads (grants) relating to the inams under custody of the Collector of Tanjore; and

(b) whether it is a fact that the copies of the sanads (grants) in Modi script preserved in the Collectorate of Tanjore have become worn and unreadable and the certified copies for the same are not applied to the public?

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THE HON. SRI KALA VENKATA RAO:—“(a) It is not possible to furnish the figures, as the Sanads (grants) under the custody of the Collector of Tanjore are in Modi script which is not decipherable.

“(b) The copies of the Sanads (grants) in Modi script in the Tanjore Collectorate have not become torn and unreadable. They are in good condition. But it is not possible to supply certified copies of these records to the public as there are no qualified persons for copying and comparing the same.”

SRI A. VEDARATNAM PILLAI:—“May I know, Sir, whether the Government have taken any steps to preserve the old records, and if so, what they are?”

THE HON. SRI KALA VENKATA RAO:—“I have already stated that they are kept in good condition.”

Deputy Collectors appointed under rule 9 (a) (i).

* 369 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) how many Deputy Collectors have been appointed under rule 9 (a) (i) during the year 1947-48; and

(b) the various communities to which they belong?

THE HON. SRI KALA VENKATA RAO:—“(a) Sixteen.

“(b) The communities to which they belong are as shown below:—

Non-Brahmin (Hindus)	..	..	7
Brahmins	..	..	6
Anglo-Indians and Indian Christians			2
Backward Hindu Communities	..		Nil.
Harijans	..	..	Nil.
Muslims	..	..	1

The hon. Member is informed that the rule of communal representation does not apply to temporary appointments made under Rule 9 (a) (i).

Besides the 16 referred to above, 23 Deputy Collectors were also appointed under Rule 4-B of the Madras Civil Service (Executive Branch) Rules. The rule of communal representation does not apply to appointments made under rule 4-B either. The Communities to which the 23 Deputy Collectors belong are given below:—

Non-Brahmin (Hindus)	..	..	9
Brahmins	..	..	10
Anglo-Indians and Indian Christians			3
Backward Hindu Communities	..		No information.
Harijans	..	..	Nil.
Muslims	..	..	1

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SRI K. T. KOSALRAM:—“May I know from the Hon. Minister what are the essential qualifications necessary for the appointment of Deputy Collectors under rule 9 (a) (i)?” 11-45 a.m.

THE HON. SRI KALA VENKATA RAO:—“That is a curious rule, Sir. It was brought into effect during the course of the war when they could not hold the tests that were necessary. Previously persons who were promoted to the Deputy Collector's grade were subjected to severe tests. In selecting these candidates under rule 9 (a) (i), their previous records and other factors were taken into consideration and they are appointed temporarily but they are not given any assurance that they will be continued in the same posts.”

SRI V. I. MUNISWAMI PILLAI:—“In view of the fact that the Harijan representation is very small, will the Government consider the desirability of appointing such people who have passed the examination in future years?”

THE HON. SRI KALA VENKATA RAO:—“Since Harijans are not getting proper representation, the Government have decided to give representation to them and backward communities in the eight posts that were advertised this year.”

SRI R. V. SWAMINATHAN:—“May I ask the Minister, Sir, how these Harijans and Backward communities were left as nil?”

THE HON. SRI KALA VENKATA RAO:—“I thought the hon. Member would speak for only backward communities. Let me tell him that the backward communities were given separate representation in the communal G.O. recently issued. Previously they were merged with the Hindus. They are given two seats out of every 14 seats. Now that the Government have decided that the Harijans and Backward Communities should be separately represented, their claims in future recruitment will be considered sympathetically by the Government.”

MUHAMMAD RAZA KHAN SAHIB:—“Is it a fact, Sir, that some of the Deputy Collectors who were appointed under rule 9 (a) (i) in the year 1945 are not regularized whereas a number of Deputy Collectors who were appointed in 1947 were regularized and are on probation. If so, will the Hon. the Minister please go into the matter?”

THE HON. SRI KALA VENKATA RAO:—“I think every year only about 12 persons out of list about 145 or so will be promoted and regularized and the others are not regularized and the remaining people continue on a temporary basis. When they are so promoted and regularized, all the rules relating to the appointment and the Communal G.O. will be applied.”

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SRI R. V. SWAMINATHAN:—“ Arising out of the answer given by the Hon. the Minister that backward communities were merged with the Hindus, may I take it if the backward communities are merged with other communities they will not get anything? ”

THE HON. SRI KALA VENKATA RAO:—“ As I have said previously, the backward communities were till recently merged with the Non-Brahmin Hindus. Only recently the Government altered the communal G.O., looked into the matter and provided two seats for the backward communities separately.”

SRI P. KANDASWAMY PILLAI:—“ Suppose, Sir, the services of a 9 (a) (i) Deputy Collector are terminated, if he applies again, will the Government consider the desirability of taking into account his past service in his future appointment? ”

THE HON. SRI KALA VENKATA RAO:—“ No such assurance can be given. Incidentally, I may inform the hon. Member that these appointments under rule 9 (a) (i) and 4-B are being given the go-by, this year.”

SRI V. RAGHAVAYYA:—“ May I ask the Minister, Sir, whether the claims of Yerikulas, the Yenadis and other backward communities will be considered in making these appointments, if they are qualified to hold the posts? ”

THE HON. SRI KALA VENKATA RAO:—“ I request the hon. Member who is so much concerned with those communities to contact them and ask them to make the necessary applications, if they are suitably qualified.”

SRI K. BRAHMANANDAM REDDI:—“ How long will the Government apply this rule 9 (a) in appointing people.”

THE HON. SRI KALA VENKATA RAO:—“ It is being given a go-by.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ May I ask the Hon. Minister whether the number which is given to non-Brahmins includes also the number which is given to the backward communities? ”

THE HON. SRI KALA VENKATA RAO:—“ There may be some backward community people formerly included in the non-Brahmins. But now, under the new communal G.O., separate provision is made for the backward communities and Harijans.”

MUHAMMAD RAZA KHAN SAHIB:—“ Will the Hon. the Minister please see that out of the 12 Deputy Collectors that are being regularized, persons belonging to the minority communities are not done any injustice? ”

THE HON. SRI KALA VENKATA RAO:—“ I will certainly look into the matter.”

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Suspension of collection of revenue in Sankarankoil and Koilpatti taluks.

* 370 Q.—SRI R. S. MANICKAM: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether it is a fact that the collection of land revenue for the current year has been suspended in the taluks of Sankarankoil and Koilpatti, Tinnevely district;

(b) if so, what is the reason;

(c) whether it is a fact that the collection of land revenue is being made in the Sattur and Srivilliputtur taluks of Ramanad district; and

(d) if the answer to clause (c) is in the affirmative, what is the reason for collection of revenue while the same is suspended in the two taluks mentioned in clause (a)?

THE HON. SRI KALA VENKATA RAO:—“ (a) & (b) The two taluks were badly affected by the failure of the north-east monsoon and the collection of the kists which fell due in February and March 1948 has been postponed to April and June 1948, respectively.

“ (c) & (d) So far as Government are aware, there has been no postponement of the collection of kists in these two taluks as they were not so badly affected by the failure of the north-east monsoon as the taluks of Sankarankoil and Koilpatti.”

Hospital for Women and Children, Egmore.

* 371 Q.—BEGUM SULTAN MIR AMIRUDDIN: Will the Hon. the Minister for Public Health be pleased to state why the Hospital for Women and Children at Egmore, Madras, is staffed mainly by men officers and why there is no Women Civil Surgeon in that hospital?

THE HON. SRI A. B. SHETTY:—“ The Government Hospital for Women and Children is and has always been considered as the premier institution for the teaching of medical students and post-graduates from all over India and for the training of Army Medical Officers. This is the only institution in the Presidency where men can get training in Obstetrics and Gynaecology as per University regulations. It is essentially concerned with teaching and research. As such, all senior posts have been occupied by eminent men, who have brought this hospital up to its present level.

“ Even with the limited opportunity, research done so far in Obstetrics and Gynaecology has all been by men and not by women civil surgeons. All research and a majority of papers published have been by men only.

“ The hospital which caters to the need of All-India requirements has to be of a high standard in respect of administration, in addition to its teaching and research work, and

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men are considered generally to be more suitable for such strenuous jobs. Account has also to be taken of the fact that there are few women doctors with the requisite administrative experience in this department at present. In most of the British, American and other Universities, all professors of Obstetrics and Gynaecology have as a rule, been and are men only.

"It may be pointed out that there is the Victoria Caste and Gosha Hospital, Madras, which is exclusively meant for women doctors."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know, Sir, why in the Government Hospital for Women and Children, women should not be given the opportunity to specialise and do research work in a woman's subject, namely, Gynaecology?"

THE HON. SRI A. B. SHETTY:—"Women can do that in this hospital and the Gosha hospital."

SRIMATHI A. V. KUTTIMALU AMMA:—"Is the Hon. the Minister aware that we have a woman as Surgeon-General in Travancore?"

THE HON. SRI A. B. SHETTY:—"I have no information. It may be so."

BEGUM SULTAN MIR AMIRUDDIN:—"May I ask the Hon. Minister why senior women doctors who are capable of becoming Professors are excluded from the Women and Children Hospital?"

THE HON. SRI A. B. SHETTY:—"There is no such bar. This hospital has Women Assistant Surgeons on its staff but those women doctors, so far, have not done any research worth the name." (Laughter.)

SRIMATHI A. V. KUTTIMALU AMMA:—"Have the Government tried any woman and found her unfit for research work after such a trial?"

THE HON. SRI A. B. SHETTY:—"It is open to women to do research work. They have the Gosha hospital. The Women and Children Hospital at Egmore has on the staff a number of paid as well as honorary Women Assistant Surgeons."

BEGUM SULTAN MIR AMIRUDDIN:—"Is it not a fact that the claims of senior women doctors are overlooked and junior men are appointed to the posts of civil surgeons?"

THE HON. SRI A. B. SHETTY:—"There is a separate cadre for women and there is no question of overlooking senior women doctors."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"In view of the Hon. the Minister's tirade against women civil surgeons, may I ask him what are the facilities that are given to women surgeons for such research work and whether they are given equal facilities with men for such work?"

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THE HON. SRI A. B. SHETTY:—"The same facilities are open to them if they have the ability and impulse to do research work."

SRI R. V. SWAMINATHAN:—"May I ask the Minister whether men are admitted into women's hospital?" (Laughter.)

MR. SPEAKER:—"This is a maternity hospital. How can a man be admitted into it?" (Laughter.)

MUHAMMAD RAZA KHAN SAHIB:—"Is it not a fact, Sir, that by nature and temperament, women are more fitted for research work than men?"

MR. SPEAKER:—"It is an expression of opinion."

THE HON. SRI A. B. SHETTY:—"I am only stating facts. So far as intelligence is concerned, women are as competent as men and this question has been definitely settled by psychological tests."

BEGUM SULTAN MIR AMIRUDDIN:—"Is the Hon. the Minister aware that to-day the post of the head of the most important Surgical Research Institute in Russia is being held by a woman doctor?"

THE HON. SRI A. B. SHETTY:—"I have questioned persons who have recently returned from America and Britain and they say that it is mostly men professors and men doctors that do the research work there, and that there are hardly any women of outstanding ability or merit or international fame." (Laughter.)

SRI D. V. RAMASWAMI:—"May I ask the Government whether they propose to give any facilities for women surgeons for doing research work so that we may fill the gap?"

THE HON. SRI A. B. SHETTY:—"We are giving the same facilities to women as we give to men doctors. We are sending women doctors also for higher training in foreign countries."

SRIMATHI A. V. KUTTIMALU AMMA:—"Has the Hon. Minister heard of Dr. Ida Scudder who is one of the most well-known woman doctor in the world?"

THE HON. SRI A. B. SHETTY:—"A single swallow does not make a summer. She may be an exception." (Laughter.)

BEGUM SULTAN MIR AMIRUDDIN:—"May I ask why the Hon. the Minister is adamant in his attitude towards women doctors and whether he has read the criticisms of women's organizations in regard to his attitude to women doctors that have appeared in the press. Will he not change his opinion even after such strong expression of public opinion?"

THE HON. SRI A. B. SHETTY:—"I am not giving an opinion. I am only stating matters of fact." (Laughter.)

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Water-supply scheme in Sivaganga.

* 372 Q.—SRI R. V. SWAMINATHAN: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Panchayat Board, Sivaganga, requested the Government for contribution for water-supply scheme in Sivaganga;

(b) if so, how much the Government have contributed; and

(c) how the matter stands now?

THE HON. SRI A. B. SHETTY:—“(a) No, but the Government will bear half the cost of the scheme, as usual, by way of grant.

“(b) & (c) The questions do not arise; grants are given on post-execution system.”

SRI R. V. SWAMINATHAN:—“Is it not a fact that Government issued instructions and orders to the Engineering Department to take up this work immediately in view of the scarcity of water in that area?”

THE HON. SRI A. B. SHETTY:—“Yes, Sir. They have already provided a sum of Rs. 40,000 for the purpose.”

MR. SPEAKER:—“Question-time is over. We have got three more questions. The Hon. Ministers will read the answers and there will be no supplementary questions on them. The other alternative will be to print the answers in the proceedings. Instead of that, I think it is better if the Hon. Ministers read the answers for those questions.”

Protected water-supply scheme in certain villages in Tiruchendur taluk.

12 noon. * 373 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Public Health be pleased to state—

(a) at what stage is the protected water-supply combined scheme of Tiruchendur, Kavalpatnam, Arumuganeri and Punnakayal villages in Tiruchendur taluk, Tinnevely district; and

(b) how many villages are included in the above scheme?

THE HON. SRI A. B. SHETTY:—“(a) Plans and estimates for a composite scheme to serve these four and other villages are under preparation.

“(b) Eleven villages.”

The Thakkar Baba Vidyalaya, Thyagarayanagar.

* 374 Q.—SRI A. S. SAHAJANANDA: Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether it is a fact that a lakh and odd rupees have been sanctioned to the Thakkar Baba Vidyalaya, Thyagarayanagar, Madras;

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(b) if the answer is in the affirmative, whether the amount was recommended by the Harijan Uplift Committee constituted by the Government;

(c) how many Harijan students are in the hostel; and

(d) what is the total strength of the Industrial School?

THE HON. SRI B. GOPALA REDDI (on behalf of Hon. the Minister for Rural Development):—“(a) Yes, Sir.

“(b) No, Sir.

“(c) Sixty-five.

“(d) Sixty-five.”

Scales of pay to the employees in the State Transport.

* 375 Q.—SRI M. KANNIYAPPAN: Will the Hon. the Minister for Prohibition be pleased to state—

(a) the present scales of pay to the employees in the State Transport, viz., Drivers, Conductors, Inspectors and Cleaners;

(b) whether the workers are entitled to get the benefits of the Provident Fund gratuity;

(c) whether they are supplied uniform while on duty;

(d) how many mechanics have been taken into service; and how many are proposed to be taken; and

(e) what are the daily allowances on duty to transport workers?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of Hon. the Minister for Prohibition):—“(a) The scales of pay sanctioned for the posts referred to are as follows:—

Drivers	Rs. 40—1—50
Conductors	Rs. 30—1—40
Checking Inspectors	Rs. 35—1—45
Chief Inspectors	Rs. 50—5—90
Cleaners	Rs. 20—1—25

“(b) The answer is in the negative.

“(c) Drivers and Conductors are supplied with uniform at State cost. The question of supply to others is under consideration.

“(d) Thirteen mechanics have so far been employed in the State Transport Service and eight more are proposed to be employed as additional buses are introduced.

“(e) Batta is paid to the Drivers, Conductors, Checking Inspectors and Timekeepers at the following rates:—

Drivers—Annas eight for each shift.

Conductors, Checking Inspectors and Timekeepers—Annas six for each shift.”

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Lending of Co-operative Deputy Registrars or Sub-Registrars to House Construction Societies.

* 376 Q.—SRI N. M. R. SUBBARAMAN: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether the services of Co-operative Deputy Registrars have been lent to House Construction Societies in the Province;

(b) if so, to what societies;

(c) whether Madura House Construction Society is included in the above societies; and

(d) if not, why not?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of Hon. the Minister for Prohibition):—“(a) Yes, Sir.

“(b) The free services of a Deputy Registrar of Co-operative Societies have been lent to the Madras Co-operative House Construction Society and the free services of a Co-operative Sub-Registrar have been lent to each of the Co-operative House Construction Societies at Tanjore, Trichinopoly and Palamcottah for a period of one year.

“(c) No, Sir.

“(d) Free services of Government staff are not sanctioned to societies as a general rule but only on consideration of the case of each society on its merits. In this case, the Government considered that the Society can afford to pay for the services of a Deputy Registrar.”

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

II.—DRAFT NEW CONSTITUTION OF INDIA—cont.

MR. SPEAKER:—“The next item in the agenda is the discussion of the Draft Constitution of India. I have told the House that 11 Members who have given notice of amendments have not spoken and further hon. Members who have not given notice of amendments also want to speak. So I fix 20 minutes as the time limit for each hon. Member.”

SRI K. BRAHMANANDAM REDDI:—“Sir, I suggest that hon. Members who have given notice of amendments may be given some more time.”

MR. SPEAKER:—“We should finish this debate before 5 o'clock to-day. That is the desire of the Hon. the Leader of the House. Only if we fix 20 minutes for each hon. Member will we be able to finish before 5 o'clock.”

* BEGUM SULTAN MIR AMIRUDDIN:—“Sir, last evening you stated that you would thereafter allot half an hour to each Member. Some Members who spoke previous to that dealt with irrelevant matters, yet they were permitted to speak for nearly an hour. As I have given notice of 29 amendments, next only to Mr. Bhashyam, I request that sufficient time be given to me to explain these amendments. May I point out that the criterion for fixing the time limit for the speakers should be the number of

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amendments moved by them. I need sufficient time especially in view of the fact that I represent not only the Muslim League but also the womanhood of the Province. No woman Member of this House has yet spoken on the Draft Constitution. It is necessary that women's view-point should also be brought to light.”

MR. SPEAKER:—“Five minutes this way or that does not matter.”

BEGUM SULTAN MIR AMIRUDDIN:—“The criterion should be the number of amendments moved by the speakers.”

SRI A. KAMESWARA RAO:—“I submit that those who have not given notice of amendments must also be permitted to speak.”

BEGUM SULTAN MIR AMIRUDDIN:—“The session may be extended if necessary.”

MR. SPEAKER:—“Provided there is time, I will allow even hon. Members who have not given notice of amendments to speak.”

* BEGUM SULTAN MIR AMIRUDDIN:—“Mr. Speaker, Sir, in the short time at my disposal, I am afraid I shall be able only to touch very briefly on a few of the points in the Draft Constitution of India in regard to which I have moved amendments. At the outset, I must give expression to the feeling that this report falls very much short of our expectations. The main objective of the Members of the Committee who produced this draft seems to have been to forge a constitution whatever be its defects, hence they were not careful about the legal and technical aspects of constitution making. It is indeed a pity that a document which aims to mould the future of this great country should not have been free from glaring inconsistencies and anomalies. This is all the more to be regretted since the constitution is to be a rigid one and is not to be easily alterable.

“Part III dealing with ‘Fundamental Rights’ has been acclaimed to be the most notable feature of the constitution as it aims to guarantee to the citizens the essence of freedom. But, on careful scrutiny, it becomes apparent that the high-sounding declaration contained therein is merely a pious assertion of no political value or constitutional significance. This is evident from the fact that while clause (1) of Article 13 declares that all citizens shall have the right of freedom of speech, movement, residence, association, pursuit of profession, etc., the right to enjoy freedom of worship and religion having been inadvertently omitted from the list and the succeeding clauses of the same article thoroughly reduce the contents of these rights, inasmuch as it is stated that the rights mentioned in clause (1) shall not affect the operation of any existing law, or prevent the State from making any law curtailing these rights. Since clause (1) is hedged in

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with so many exceptions that ultimately a person is deprived of all the liberties he is supposed to have been given and the purpose of the formulation of fundamental rights in the constitution has been defeated. It should have been left to the Supreme Court to read into the rights what restrictions were legitimate instead of the rights having been rendered absolutely ineffective by clauses 2 to 6. What value can one attach to a declaration of 'Fundamental Rights' when there is no guarantee that these rights will not be interfered with? It has been rightly proclaimed that the whole of Part III grants the substance of Fundamental Rights to the State and only the shadow of it to the free citizens of India. If any Act of Parliament as distinguished from one which amends the constitution can impair these rights, can they with any justification be termed fundamental rights guaranteed by the constitution? I wish to know in what manner these rights are better than ordinary legal rights which can be granted by the Legislature one day and taken away subsequently. Since the formulation of fundamental rights was an essential feature of the Cabinet Mission Scheme and it was emphasized that a Committee should be set up for this purpose, the enunciation of these rights formally finds a place in the Draft under discussion, but there can be no gainsaying the fact that by tortuous manoeuvrings the framers of the constitution have thoroughly impaired and destroyed these rights and rendered them absolutely ineffective. Evidently the purpose of the high-sounding declaration of fundamental rights in Part III is merely to practise a delusion on the world at large and on the citizens of free India. If the rights mentioned are to be really treated as fundamental rights, provision must be made to the effect that they cannot be taken away except by an amendment to the constitution. If it is intended that the citizens of this land should enjoy the substance of fundamental rights, clauses (2) to (6) of Article 13 should be deleted from the constitution or at least substantially modified, both in language and contents, and a new article should be inserted at the end of Part III stating that the rights granted in that part cannot be abridged, impaired or destroyed except by an amendment to the constitution.

"Again, Sir, we find that Part III which deals with 'Fundamental Rights' abounds in inconsistencies. I have already pointed out that clause (1) of Article 13 is subject to clauses (2) to (6) of the same article and that each of these clauses declares that nothing in clause (1) shall affect the operation of any existing law. But on the contrary Article 8 of the constitution provides as follows: 'All laws in force immediately before the commencement of this constitution in the territory of India, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.' How then can we reconcile clauses (2) to (6) of Article 13 with Article 8? Further when we turn to the proviso to Article 27 we find that this again is inconsistent with Article 8. Thus Part III dealing with 'Fundamental Rights' is a medley of conflicting and contradictory

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provisions. It is a matter of great regret that the draft constitution should have been framed in such a manner. A written rigid constitution where in the words of Omar Khayyam:--

'The Moving Finger writes and having writ
Moves on: nor all your Piety nor Wit
Can lure it back to cancel half a line,
Nor all your tears wash out a word of it,
except with great difficulty,'

should be free from such conflicting provisions and inconsistencies which would not do credit even to ordinary enactments. I hope the defects will be duly rectified when the Draft comes up before the Constituent Assembly, for final approval.

"Sir, with regard to the minorities, some provision has been made for the protection of their interests. But in the present mentality of the majority community in India, which is not actuated by ideas of fairplay at all, but which, on the other hand, is obsessed with the sense of power and is bent on trampling upon the rights of the minorities in every sphere of life, as is evident from the attitude adopted by this Government towards the Muslim minority, it is felt that these provisions will prove to be nothing more than moral maxims or adages even though they may be justiciable. The futility of provisions for safeguarding minority rights and even for judicial review in the absence of the principles of righteousness sinking deep into the soul of the nation is evident from the case of the Negroes in America, who despite being granted rights under the Constitution have not enjoyed those rights and in whose case even judicial review has been of no avail for the Judges, who have been drawn from the majority community, have imported into the law their own interpretations. Similar, I am afraid, will be the fate of the minorities in India even in regard to justiciable rights. Therefore it is a mere delusion to imagine that provision such as that found in Article 296 will be effective in protecting the rights of the minorities unless and until the majority community in this land learns to be governed by the principles of honesty, justice and fairplay.

"Article 35 provides for a uniform Civil Code. This Article should be so modified as to exclude the Muslim personal law from its scope, for the personal law of the Muslims is based on the Holy Quran and an interference with it will be tantamount to an interference with the religion of the Muslims. Provision has been made for the appointment of special officers for the minorities. But I do not attach any value to this, for after all, who will be the special officers? They will be the nominees of the Government and they are bound to report in the manner the Government would desire them to do. This provision can serve the purpose merely of propaganda to create a favourable public opinion and world opinion on behalf of the majority community in India.

"It is a matter of regret, that separate electorates which guaranteed to the minorities their true representatives and allowed them

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the opportunity of self-expression have been done away with. Not merely this, even the formula suggested by the late Maulana Monamad Ali, requiring 25 per cent of the votes of the other community has not been accepted, despite the fact that it was advocated even by a staunch Congressman like Dr. Syed Mahmud, a Minister of Bihar, who proclaimed that the acceptance of that formula would not be a concession to the Muslims but would be in the larger interests of the country, for it would strengthen the bonds of unity. Instead what has been granted is reservation of seats, which is wholly illogical without separate electorates. The reservation of seats for Muslims is a patent recognition of the fact that the attitude of the majority community in this land to-day is not such as to enable the Muslim minority to stand in a general electorate with confidence. Since it is felt that there is necessity for the reservation of seats for Muslims, it must also be conceded that the person who is to represent the Muslim community should be one who is in a position to reflect the will, the aspirations, the requirements of that community and not those of the majority community. If suitable provision is not made to secure this end, the purpose of reservation of seats is bound to be defeated and it might as well be dispensed with. I am of the opinion that separate electorates should be conceded to Muslims. If this is not acceptable, as an alternative I suggest that the formula advocated by Dr. Syed Mahmud be adopted which requires that every person standing for election, whether Hindu or Muslim, should secure 25 per cent of the votes of the other community. It is not joint electorates that will help to foster a spirit of harmony and concord between the communities but some method such as this. In a Province like Madras where the Hindus are in such a preponderant majority, how can joint electorates be conducive towards the promotion of unity, for on account of their numerical strength, the Hindus can entirely ignore the Muslim voters and it is only the Muslims who will have to depend upon the support of the Hindus? This instead of promoting good feelings between the two communities will, on the other hand, tend to create discontent, frustration and bitterness in the minds of the minority community. Friendship it must be remembered, can never be unilateral; it must be bilateral.

"Sir, an important characteristic of the Draft Constitution is that there is no element of Federation in it except in nomenclature. In a true Federation, the Federating Units must be autonomous but this is not so in the report before us. On the other hand, every attempt is made therein to strengthen the Centre and form a strong unitary Government. In other words, the Draft aims to build up a new Leviathan of totalitarianism and encourages the centripetal flow of power in a manner that might easily render it dangerous to liberty, for over the heads of an elected Legislature and a Ministry responsible to it is to sit a President elected indirectly wielding enormous powers . . ."

SRI R. V. SWAMINATHAN:—"Sir, is there a quorum in the House?"

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(The bell was rung, as there was no quorum, and more hon. Members came in to make up quorum.)

MR. SPEAKER:—"I think it is better that hon. Members finish their speeches in 10 to 15 minutes each. It would be much better if the hon. Members can finish in 5 to 10 minutes even. I do not want to cast reflections on the speeches of hon. Members."

THE HON. SRI B. GOPALA REDDI:—"If for the third time, there is no quorum, we shall adjourn, Sir."

MR. SPEAKER:—"That is another alternative. But it is better if hon. Members make short speeches."

BEGUM SULTAN MIR AMIRUDDIN:—"I am not anxious to speak, Sir. All that I want is that my views be recorded. If you so desire, I shall write out my speech and hand it over to you, to be incorporated in the proceedings."

MR. SPEAKER:—"If you are not making a speech, how can I ask the reporters to copy out what you have written and put it in the proceedings?"

* BEGUM SULTAN MIR AMIRUDDIN:—"Then, Sir, I shall proceed. I was dealing with the point that there is no element of Federation in the Constitution except in name, with the enormous powers of the President. It must be remembered that it is the existence of similar provisions in the Weimar Constitution that enabled Hitler to acquire dictatorial powers through constitutional means. Particularly the emergency powers of the President of India are pregnant with dangerous possibilities for what exactly constitutes an emergency will be a matter of his discretion. The draft is an excellent confirmation of the criticism that Nationalist India stands for the '*status quo*'; for much of the condemned Government of India Act, 1935, including section 93, has been reproduced therein. Thus an Act which was declared to be the 'charter of slavery' by Congressmen is now being acclaimed by them as a charter of freedom. I wish to know how it is that the Congressmen who were so vociferous against section 93 of the Government of India Act, 1935, are now the supporters of its inclusion in the new Constitution. It is indeed a pity that the future Constitution of India provides for authoritarianism in a garb of democracy; for a unitary form of Government under the cloak of federation.

"Sir, we find that the Provinces have been given very little powers and that the financial sources provided for them are most inadequate. Not merely have the recommendations of the Sircar Committee as regards the sharing of the Central Revenues not been accepted, but restrictions have also been imposed on the Provinces in the matter of raising loans. Further residuary powers which should have been left to the Provinces have been given to the Centre. As regards the Concurrent List, not only have the powers of the Centre been enlarged but it has also been given the right to administer these powers, while under the Government of India Act, 1935, administrative powers were lodged with

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the Provinces. Article 226 makes a further encroachment upon the Provincial field for it is provided therein as follows:—

‘226. *Notwithstanding anything in the foregoing provisions of this Chapter, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List specified in the resolution, it shall be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter.*’

This means that a State, which is a unit in a Union has no guarantee that it will be sovereign even in respect of matters enumerated in the State List, for the Centre can always encroach upon it through a resolution of the Upper House. This Article strikes at the very root of provincial autonomy and should be deleted from the Constitution.

“The procedure for Constitutional amendments suggested in the draft constitution provides another instance of the Provinces being ignored, for the ratification of the Provinces is required in three cases only, namely, for amendments to make a change in the Legislative List or in regard to the powers of the Supreme Court or the representation of the Provinces in Parliament. In other federations, the units enjoy larger powers with reference to constitutional amendments. In the United States of America though the Centre may propose amendments by a two-thirds majority the Congress amendments are valid only if ratified by the several States by a three-fourths majority. The States in the U.S.A. can also propose amendments by two-thirds majority. In Australia and Switzerland also the units play a very prominent part in Constitutional amendments. It is essential that the Provinces in India should be empowered to propose Constitutional amendments by two-thirds majority.

“Sir, the Draft Constitution has no roots in the soil of India. The traditions and the genius of the people of this land have been for the creation and development of local institutions, hence the centripetal flow of power as envisaged in the Draft Constitution runs counter to the aspirations of the peoples of the various Provinces. Moreover, in a big country like India with so many differences between one region and another it is not desirable to have a unitary form of Government for it will not always be easy for the Centre to exercise the powers with reference to the requirements of the various Provinces. The Centre can be strong, but it should derive its strength from the willing co-operation of the units and not by force which might undo the whole future of the Constitution and afford a pretext for the fissiparous tendencies that are gaining ground in the Provinces, such as the demand for an independent Dravidasthan. There may be a desire for union, but in the words of Professor Dicey desire for union is different from a desire for unity.

“Coming now to the election of the Governors, I feel that it would not be in consonance with provincial autonomy if the

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Governors were to be virtual nominees of the President. The other alternative, namely, the election of the Governors on the basis of adult franchise, would be too costly and would moreover lead to frictions between the elected Premiers and the elected Governors. I, therefore, feel that it would be better if the Governors were elected by an electoral college consisting of the Members of the Legislature, municipalities, district boards and also university bodies, the election being held in accordance with the system of proportional representation by means of the single transferable vote. I am of the opinion that University bodies should also be included in the electoral college for it is necessary that the educated and intelligent citizens of the land should have their due share in the election of the Governors.

“The Draft Constitution provides for adult franchise at all future elections, but I am afraid at the present time when ignorance and illiteracy are stalking the land, this system may not usher in the Utopia that has been dreamt of. The country is not yet prepared for adult franchise and it would not be a wise step to launch upon it at present. The reform may be tried after ten or fifteen years, during which time steps may be taken to wipe out illiteracy from the land.

“So far as the judiciary is concerned, I find that the provisions of the Draft Constitution are on the whole satisfactory, with a few exceptions. . .”

MR. SPEAKER:—“The hon. Lady Member will have to finish her speech in five minutes.” 1-21 p.m

* BEGUM SULTAN MIR AMIRUDDIN:—“I have to deal with many more points and I assure you that I will not take more time than necessary. With reference to the judiciary, of late the tendency on the part of the executive has been to curtail its powers, one of the methods resorted to being the appointment of special tribunals not subject to the jurisdiction of the ordinary law courts. I am, therefore, gratified to find that under the new Constitution the High Courts would be seized of control over all tribunals whether special tribunals, administrative tribunals, revenue courts or the like. But, in regard to the Federal Judiciary there are two articles which require elucidation. One is Article 103, clause (1), to which reference was made by my hon. Friend Mr. Bhashyam. I am entirely in agreement with him that this article requires clarification and elucidation, because it is stated therein that the President shall appoint the judges of the Supreme Court after consultation with such of the judges of the Supreme Court and the High Courts as may be necessary for the purpose. This is rather vague. It must be explicitly stated who and how many judges have to be consulted. This should not be left to the whims and fancies of the President.

“Then again, Article 107 requires elucidation, which empowers the Chief Justice of India to ask a retired judge of the Supreme Court or of the Federal Court to sit and act as a judge

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of the Supreme Court. This article does not specify the circumstances under which this power should be exercised. It is necessary, that the circumstances under which this can be done should be stated as otherwise the power is liable to be abused.

"As regards the salary of the judges, the Constitution leaves it to the provinces to fix the same. But it is desirable that this should be fixed in the Constitution itself both on the grounds of uniformity and on other grounds. The minimum salary of a puisne Judge of the High Court has been fixed at Rs. 3,500 and that of the Chief Justice at Rs. 4,000. But I am of opinion that in these days when there is a cry for reducing the salaries of high officials, in a country like India where poverty is so rampant, the salary proposed for judges in the Draft Constitution is rather high. When Rs. 4,000 per mensem was deemed to be a high salary for European Judges many of whom had to maintain two establishments, one overseas and the other in India, it is evident that the minimum salary of Rs. 3,500 proposed for Indian Judges is rather high, having regard to the fact that their standard and mode of life are much simpler than those of Europeans. Moreover, simplicity is to become the rule in Nationalist India and . . ."

MR. SPEAKER:—"The hon. Lady Member is repeating the arguments put forward by Mr. Raghavayya yesterday. Perhaps the hon. Lady Member was not here at the time."

BEGUM SULTAN MIR AMIRUDDIN:—"I was not present then. In keeping with the dignity of the office, the following maximum salaries should be prescribed and not more. For the Chief Justice of the Supreme Court, Rs. 4,500; any other judges of the Supreme Court Rs. 4,000; for the Chief Justice of the High Court Rs. 3,500; and for any other judge of the High Court, Rs. 3,000."

THE HON. SRI B. GOPALA REDDI:—"After all the difference is only Rs. 500."

* BEGUM SULTAN MIR AMIRUDDIN:—"Yes, Sir, but rupees 500 per individual is a substantial amount. The salary of a judge should be in keeping with his status and dignity but at the same time it should not be too high for a poor country like India. I have, therefore, suggested such reduction as is reasonable bearing all points in mind. In regard to the age of retirement of High Court Judges I am afraid I cannot agree with Mr. Bhashyam. In view of the fact that the age-limit of the judges of the Supreme Court has been fixed at 65, provision should not be made for a higher age than 60 for the High Court Judge, for there must be some difference between the Supreme Court and the High Court Judge. The difference in the age of retirement of the Supreme Court and High Court Judges must be kept up especially because the Judges of the Supreme Court are usually recruited from the High Courts. . ."

MR. SPEAKER:—"The hon. Lady Member has already taken 35 minutes."

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BEGUM SULTAN MIR AMIRUDDIN:—"I shall not be long, Sir. I have to refer to matters relating to women."

MR. SPEAKER:—"I shall give you three more minutes to finish the speech."

* BEGUM SULTAN MIR AMIRUDDIN:—"Sir, with reference to the age of retirement of judges I say that in a country like India, where, unlike the West, people do not enjoy longevity, it is not fair to retain a High Court Judge beyond the age of 60 in the interests of the younger members of the Bar and the services have also to be taken into consideration. The Madras Advocates' Association, I believe, is in accord with my views in regard to this matter."

"I have not yet dealt with any of the matters relating to women. I am glad that under Article 10 the fundamental right of equality of opportunity in matters of public employment has been granted to women and that no citizen shall be ineligible for any office under the State on the ground only of sex. It is also gratifying that the principle of equal pay for equal work for both men and women has been accepted. On the other hand, we find that the concession that women enjoyed heretofore of seats being reserved for them in the Legislatures has been removed. I approve of this, for time has arrived when women should learn to stand on their own legs and not look forward to props. I have expressed it before and I wish to reiterate again that women should demand no favours, they should ask for no privileges, they should plead for no concessions merely on the ground of their being women, but that merit and efficiency should be their watchword and the basis of their demand for admission in every walk of life. I expect the men of this land to afford to women due opportunities on the basis of merit, for in the words of the Frenchman Charles Fourier, 'One could judge the degree of civilization of a country by the social and political position of its women'."

MR. SPEAKER:—"If equal treatment is to be given, I think, I should not give more time simply because she is a lady Member."

* BEGUM SULTAN MIR AMIRUDDIN:—"Certainly, I do not ask for more time because I am a woman. I want equality with the men members who have spoken previously. Why should the time-limit have been reduced when a woman's turn came to speak, despite the fact that she had to deal with a large number of amendments moved by her?"

MR. SPEAKER:—"I am sorry I cannot give any more time."

SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, I thought I should speak only on my amendment, but I have been forced to speak now beyond that because of certain remarks made by the Hon. Mr. Kala Venkata Rao . . ."

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Mr. SPEAKER:—"The hon. Member should not exceed the time-limit of 20 minutes. Of course, I gave some concession to the hon. Begum Sultan Mir Amiruddin because she is a lady Member."

SRI R. V. SWAMINATHAN:—"Sir, the Hon. Mr. Kala Venkata Rao made an eloquent plea for a separate Andhra Province. I understand that there is a race among the Andhra Congress leaders particularly for the creation of a separate Andhra Province. Whenever some of the Andhra leaders go and meet the members of the High Command, immediately we find someone or other of the Andhra leaders, including the Hon. Mr. Kala Venkata Rao, coming forward and saying, we want a separate Andhra Province. So also, whenever the Hon. Minister talks about it, some other Andhra leaders come forward and say, we want a separate Andhra Province. Each one of them says, 'no, no, I am more than anybody else interested in the creation of a separate Andhra Province; I am putting up a strong fight in favour of it' and thus by making this kind of propaganda every one wants to win over the Andhra people. We are worried and irritated because the Andhra leaders always speak of a separate Andhra Province. After all, why should they want a separate Province, we cannot understand. They have been putting forward this plea for the last ten years in spite of the advice of the Congress High Command. Though Mr. Kala Venkata Rao calls himself the obedient boy of the High Command, he is not obeying the advice of the High Command. I do not know why. I say this is not the time to indulge in this business. I would ask them to wait for some time more. It is a very important problem which has to be considered seriously. That is why the High Command gave them that advice and I do not see why the Andhra leaders including the Hon. Mr. Kala Venkata Rao should go against the advice of the High Command."

"If you take the question of Tamilnad politics, some of the Tamils call themselves as people who have migrated from Andhra and they talk Telugu in their houses and for that reason they say, 'we are cent per cent Andhras though we are living in Tamilnad.' So saying, these people are interfering in every walk of life. Taking the case of our Premier, the Hon. Mr. O. P. Ramaswami Reddiyar, he is cent per cent Telugu; he came from Andhra Desa about hundred years ago. And, he is our Premier. I cannot, therefore, understand why under such circumstances you want a separate Andhra Province."

"Again, Sir, if you look at the Ministry itself—of course, there are only 12 Ministers now instead of 13—there are only two Tamils while the other Ministers are all Andhras and others and even among these two, one is in the hospital now. (Laughter.) Of course, if they want to have a separate province for themselves, we have no objection, and if they want to go away they can go away as the Pakistan people have done. But, when they go away, they should not do any harm in respect of administration or create disunity among the Tamils. That is all I want."

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"In regard to the boundaries of the Andhra Province, the Hon. Mr. Kala Venkata Rao said, that it should be left to the Boundary Commission. I say, we need not go so far. We have got 'Nannool' which is one of the oldest documents written thousands and thousands of years ago and there, the boundary of the Tamilnad is specifically mentioned. There is a sentence in 'Nannool' which says 'வங்கடம் முதல் கன்னியாகுமரிவரை.' What is stated in the stanza is that Vengadam, meaning thereby Thirupati, is the boundary of the Tamilnad."

Mr. SPEAKER:—"I would suggest to the hon. Member that all these points may be placed before the Boundary Commission."

SRI R. V. SWAMINATHAN:—"Yes, Sir, but, since the Hon. Minister, Sri Kala Venkata Rao, referred to it, I had to reply him. As I said, the boundary of Tamilnad extends up to Vengadam and we are prepared to do any sacrifice to see that it is retained. For instance, I, who belong to the martial races, am prepared to do anything, by sacrifice even, for the Tamilnad and its boundary."

"Coming to the question of the Madras City, nobody can claim it except the Tamils and there is no question of leaving it to be decided by any Boundary Commission or by any plebiscite. Of course, we know that the plebiscite will be in favour of the Tamilnad. But, why should we undergo all these things? Suppose a man comes to my village Paganeri and claims my house as his own, will I agree to it and why should I agree to it? It is my own house. Similarly in the case of the Madras City, it is cent per cent Tamil city. If they want Madras City for the Andhra Province, we regret we will have to put up a strong fight, even if it means blood-shed. We are prepared if they do not lay any claim to Madras City to agree to the boundary of the Tamil country up to Vengadam. Otherwise, even people from far off South will come to Madras and see that Madras City is established for Tamilnad."

SRI V. RAGHAVAYYA:—"Would it be violent or a peaceful fight?"

SRI R. V. SWAMINATHAN:—"It may not be on Congress method. I have moved an amendment to Article 37 for special care in regard to backward communities. Even in Article 10 (3) of the Draft Constitution, it is stated that privileges must be given to backward communities and for that I do not understand why the Leader of the Opposition should seek to remove the word 'backward.' I was under the impression that the Leader of the Opposition was one of the gentlemen who has got a soft corner in his heart for the suppressed and oppressed and backward communities."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"A personal explanation, Mr. Speaker, so that the hon. Member may not go further."

[.M Muhammad Ismail Sahib Bahadur] [28th April 1948]

"In sub-clause (3) of Article 10, the word 'backward community' is mentioned. It reads:

'Nothing in this Article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens who, in the opinion of the State, are not adequately represented in the services under the State.'

Sir, even some sections of the backward classes may be excluded who, in the opinion of the Government, are adequately represented in the services but my amendment will include all the backward classes and also some other classes that may in the opinion of the Government not be adequately represented in the services under the State. My amendment is really in favour of the backward classes and if my hon. Friend thinks that it is against the interests of the backward classes, I will go even to the extent of saying that I shall withdraw it."

SRI R. V. SWAMINATHAN:—"The hon. Member has taken some time in explaining the position and I am sure I shall be compensated to the extent of the time lost to me.

"The Government will certainly define which are the backward communities; we here can say which are the backward communities and so far as Madras is concerned, we have a list of 154 communities and those communities would get the benefit of this provision. I am glad it is realized that backward communities must be given preference. But in Article 25 (2) they have made a contradictory provision and they say that there would not be any special preference shown to any community in regard to admission into any educational institution. Unless educational facilities are given, how can backward communities make themselves fit to get jobs? Dr. Subbarayan, the other day, when he was the Leader of the House said: 'If the backward communities make themselves fit to hold any office, the Government are prepared to give them the offices.' I say, Sir, unless you give facilities to these communities to advance in the matter of education, how can they get themselves qualified and be fit for jobs? Therefore, I think it should be properly amended. I see, Sir, that in Article 37 they have omitted the backward communities. Of course the members of the Constituent Assembly may not know the difficulties and sufferings of backward communities. I do not know of the conditions of the backward communities in other provinces but in the Tamilnad, they are undergoing quite a lot of suffering and handicaps. I do not mean to suggest that the Constituent Assembly has purposely omitted reference to it; it might have been left out by oversight and if their attention is drawn to it they may also include the backward communities. Hon. Members may be wondering why I should be speaking on behalf of backward communities time and again. Of course I belong to that community but it is not on account of that mere fact only; it is the position in which they are placed that makes me represent their case. I belong to the Thevar community but I am not speaking for my own community but for all the 154 backward communities

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who are suffering. This morning the Hon. the Revenue Minister in his reply has stated that it is because the backward communities are merged in the Non-Brahmin community they were not able to get any chance. I was myself feeling when talking about the backward communities that preference should be given to them, whether I was not suffering from a sense of inferiority complex and was asking to myself: Why should we plead for separate seats? But the Hon. the Minister himself admits it and therefore, I feel that the plea I had put up for my community and the fight I have put up for them are right and according to him, I feel not only in respect of the Government appointments but also for seats in Legislature and such other bodies, there must be reservation for them. We are not minorities but we form the majority. I shall explain why I seek protection for these communities. When the Non-Brahmin movement was started, the Brahmins were very few; the others were in a big majority but they wanted protection because they thought that the Brahmins were entrenched in power and were capable of enjoying all the benefits of the start they had had. Similarly to-day the backward communities are the majority communities but still they seek protection from the others who are enjoying power. For that purpose, I submit that seats must be reserved not only in the services but also in the Legislature and other institutions.

"For the election of the President I do not know why it should be an indirect election. Look at the system obtaining in America, the people elect their President. On account of the work of Mahatmaji, everybody down to the villager knows what is politics and there will be no harm in leaving the election of the President to be decided by the people direct and the Vice-President also must be similarly elected.

"Alternative proposals have been made, with regard to the election or the nomination of the Governor. Let me tell you, Sir, that I hate nominations and why should we be at the mercy of some other people. It is just possible that undesirable people who are not popular with the people here but in the good books of the members of the Central Government may get the chance and therefore I feel that he should be elected by the people.

"I am not sure how far the speeches of hon. Members and the proposals made here will carry weight with the Constituent Assembly. We, from the backward communities, are about 15 to 20 in a House of 212 and no Member from our community has been elected to the Constituent Assembly and had we a member from the backward communities there, he would have put up their case in the Constituent Assembly. But unfortunately, nobody is there. Even by means of the single transferable vote, we could have elected three or four members but due to party mandate and other things we were unable to get in there. That is why I say, I want justice and nothing more. I do not say that we must be given weightage; only take the census and give us what we are entitled to on the basis of numbers that is all. I do not wish to bring the name of Mahatmaji here. He is not alive and if he were, we can go to him and represent our grievances and request

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him to intervene. I want that definite provision must be made in the Constitution for the protection of the backward communities."

H. S. HUSSAIN SAHIB BAHADUR:—"Mr. Speaker, my object is to add an explanation to Article 19 (2) so as to make the assurance doubly sure. We have had and we are still having verbal and oral assurances with regard to the safeguards for minority communities but mere declaration will not suffice and the declarations must be incorporated in a proper manner in the Constitution itself. The Indian Union is called a secular State, a state which has no religion of its own which means that the Government will not in any manner interfere with the free exercise of religion by the various classes of minority communities. If that is so, Sir, I do not see the reason why in article 2 it should be provided that the State shall not be precluded from making any law restricting any economic, financial, political or other activity which may be associated with religion. We, the religious minorities vehemently protest against such an article going into the constitution which threatens the liberty which they have hitherto enjoyed under an alien Government. The constitution has been very ably and skilfully drafted but what is it that we find here; except for the change in the nomenclature, the broadening of the franchise and the restriction placed upon religious freedom, it practically copies most of the features of the preceding administration.

1 p.m. "But then how can a Government of the people, a Government which claims to be a secular State and is fully independent and sovereign can go its own way by incorporating a clause like this interfering with the free exercise of religion by the people? Therefore, Sir, I wish to bring to the notice of this House and through this House to the special notice of the Constituent Assembly that they should not forget the fact that there are religious minorities in this country and that these religious minorities have got their own personal law with regard to their economic, financial and other secular matters. Religion, Sir, is a matter of faith and belief. If these religious minorities are not given the fullest freedom without let or hindrance to exercise their religious rights or any practice that is associated with religion freely, then where is religious liberty at all? For example, there are the Muslims and the Christians who have got their personal law, for regulating their secular affairs. The Christians have got their Canon Law and the Muslims have got their own law and jurisprudence, which lay down rules for regulating their inheritance, endowments, gifts, wills, guardianship and such other matters. If according to Clause 2 of Articles 19, the State is to reserve the power to make any law regulating or restricting any such personal law of these religious minorities, I say, Sir, that the assurance about the safeguarding of the interests of the minorities will result in nothing. It will be regarded as perfectly useless. Therefore, it is provided in the constitution itself according to my amendment by adding an explanation to clause 2 of article 19 to the effect that "Nothing in this clause shall

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be deemed to affect the personal law of the religious minorities, prescribed by their religion for the regulation of their economic, financial and other secular affairs." Therefore, Sir, I would strongly plead, on this occasion while we are discussing the Draft Constitution of India on which our very future existence depends, that the Constituent Assembly which is the sovereign assembly for passing the future constitution of this country should take a special note of this fact. It is quite possible that the framers of the Draft Constitution might not have had this aspect of the question in mind. But then, it is up to us now at least to see that such rights are fully guaranteed. It is quite necessary that the religious minorities should be allowed as a matter of right the full and free exercise of their own personal law with regard to secular matters which I have mentioned.

"Therefore, Sir, this clause 2, article 19 causes, and naturally to, a good deal of anxiety among the minorities, especially the religious minorities. And it is likely to give rise to good deal of friction and discontent among the various religious minorities that are living in this land. We may not foresee what huge proportions such conflict and discontent will assume in the future, because we have all along been complaining that the religious minorities or religious communities have been a sort of obstacle to the progress of the country. But then, Sir, when it is said that these religious minorities will have the fullest freedom of conscience, religion and worship, it is up to the State to see that there is no interference on the part of the State with the exercise freely and fully of all their religious rights. Therefore, Sir, it is no use simply blowing hot and cold in the same breath. I would very strongly add on this occasion, that this amendment that I have proposed should be incorporated in the Draft Constitution so as to dispel all doubts, and remove all causes of friction in the future.

"Now, Sir, speaking about the constitution as a whole, there are many good features in it, but at the same time, I should say that there are many bad features also. It is for the members of the Constituent Assembly to go into the question as fully and deeply as the importance of this subject requires. Of course, in this Assembly we have been debating on this Draft Constitution for the last three days and perhaps it is only of some academic interest to us here. But we have got our representatives in the Constituent Assembly; it is their duty to see that our views are represented there in the proper manner. Therefore, so far as we, the Members of this House are concerned, it will depend entirely on our representatives in the Constituent Assembly. Perhaps it is on account of this feeling among us that we have got. . ."

M. S. ABDUL MAJID SAHIB BAHADUR:—"There is no quorum, Sir."

THE HON. SRI B. GOPALA REDDI:—"Sir, this is the second time, if there is no quorum for a third time, we shall adjourn."

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MR. SPEAKER:—"This want of quorum shows that I must reduce the time-limit."

(The division bell was rung.)

H. S. HUSSAIN SAHIB BAHADUR:—"Just before the division bell was rung, I was about to refer to this lack of interest shown by this House in the debate on the Draft Constitution for India. I was about to say, Sir, that our Members perhaps felt that they had got their representatives in the Constituent Assembly and that they would take care of the constitution there. Perhaps on account of that feeling, this lack of quorum has become a regular feature of this debate."

THE HON. SRI B. GOPALA REDDI:—"There is no lack of decorum."

H. S. HUSSAIN SAHIB BAHADUR:—"I do not know if lack of quorum means lack of decorum also."

"Anyhow, we must all realise that our very existence in future depends on this Constitution which we now debate. One of the main features of this Constitution is the broadening of the franchise. The other main feature is the introduction of joint electorates instead of separate electorates. With regard to the introduction of adult franchise, I would like to say that for the time being instead of introducing it throughout, we could restrict it. I do not feel that our people are educated enough to realise the importance of franchise or of casting a vote for electing their representatives to the legislatures. A large majority of them are illiterate; they do not know how to read or write. We must first educate them to the extent necessary. After a period of ten years, we can think of introducing universal suffrage on the basis of age. That is my suggestion, Sir. Unless we educate our 'masters,'—as we call the voters—we cannot confer certain rights on them, because those rights will in nine cases out of ten be abused or would be influenced by the influential section of the people."

"Now I come to the question of joint electorates. Hitherto, the entire blame for the lack of unity among Hindus and Muslims has been placed at the door of separate electorates, so much so, that even the blame for the division of the country has been placed at the door of separate electorates. We are not concerned with whatever has happened in the past. We do not want to say that the separate electorates that we have enjoyed so far have been of immense benefit to us. But now we have to face a really different situation. And we have to take things as they come. Therefore, Sir, I do not wish to say, that we do not want to give a trial to joint electorates. (Hear, hear.) Thinking people will know that joint electorates will promote communal harmony among the people in this country. I would certainly welcome that step. But at the same time, I would go a step forward and say, that the reservation of seats be removed, because if it persists, it will remind us again of our separateness of the past. If joint electorates are of real benefit to us, let us have joint electorates without reservation of seats."

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* SRI M. G. NATESA CHETTIYAR:—"Mr. Speaker, Sir, 1-15 p.m.
this is a very unique occasion when we are asked to give our considered suggestions on the future Constitution of this country. Liberty of speech has been granted by the Party and non-Members are asked to express their opinion without any reservation and cast their vote as they like, and this has made the occasion doubly unique."

"By a resolution, dated 29th August 1947, the Constituent Assembly appointed this Drafting Committee to draft a Constitution for the governance of this historic land. The Constituent Assembly also appointed different committees at various stages so as to make available to the Drafting Committee full information for the preparation of an important document which affects not only the present but also the future policy so that it might become an unalterable document defining the rights and privileges of the citizens of this country as a whole and also of those of the States joining the Union. The Drafting Committee must have followed the decisions taken by the Constituent Assembly or by the various Committees appointed by the Constituent Assembly in preparing the Draft Constitution for the governance of this country. The objects and aims of the Constituent Assembly cannot be better put before this hon. House than by my reading the very words of the Objectives Resolution moved by Pandit Jawaharlal Nehru:—

'This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution, the territories that now comprise British India, the territories that now form the Indian States, and such other parts of British India as are outside British India and the States as well as such other territories as are willing to be constituted into the Independent sovereign India, shall be a Union of them all: and wherein the said territories, whether with their present boundaries or with such others as may be determined by the Constituent Assembly and thereafter according to the law of the Constitution, shall possess and retain the status of autonomous units, together with residuary powers, and exercise all powers and functions of government and administration, save and except such powers as are vested in or assigned to the Union or as are inherent or implied in the Union or resulting therefrom.'

I want to ask whether the document presented by the Drafting Committee contains any of these terms. I ask whether the implementation of Provincial Autonomy, sovereignty of the units and independence of the States joining the Union, are there in the Draft Constitution. I ask whether the Drafting Committee had taken only its own views into consideration or whether it had taken into consideration the pledge given to the people of this great country. I enter my emphatic protest, and through you I request the hon. Members to enter their emphatic protest,

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against this Constitution. The Constitution that has been presented is not the Constitution that has been decided upon by the Constituent Assembly. The Objectives Resolution is clear enough, and for the benefit of the hon. House, I will quote from it."

Mr. SPEAKER:—"We have not got time for reading quotations."

* SRI M. G. NATESA CHETTIYAR:—"We have got out of many shackles but we have not yet got out of the shackles of time. If I want to explain all my amendments and say what all I want to say on them, I want at least three hours. Having known the importance of the document, it would not have mattered much if you had extended the session. This is a document which is going to confer rights or take away rights; but on a discussion on that document, we have got a time limit. I have placed twenty-nine amendments before the House and how can I deal with all of them? So I have taken the last minute decision to refer only and solely to the Constituent Assembly's Resolution on which I base almost all my amendments. Interests of minorities, independence and sovereignty of the States, vesting of residuary powers, election of Governors, election of President, everything is contained in this all-embracing resolution. The mover of the resolution said in the Constituent Assembly:—

"This is not a resolution, this is not a law, this is not a State Paper that I am bringing before the House. I am putting a pledge before you to be given to the millions of the people in this country. If it is passed, it will be a sort of pledge that we shall have to carry out."

Sir, this is not a pledge to be kept in the frigidaire. It has to be carried out by the Constituent Assembly. On this one ground, on this one passage in the resolution, I can ask the House to recommit this Constitution to a fresh Constitution Drafting Committee.

"To begin with, this Constitution has not got an article in regard to the national flag and the coat of arms. (Muhammad Raza Khan Sahib: What a discovery!) Yes, Sir, it is a great discovery. There is no doubt about it. I am yet to come across any Constitution so far framed by a Constituent Assembly which does not provide an article in the Constitution describing the national flag and the coat of arms. India seems to be the first country which has forgotten her flag and coat of arms. No doubt the resolution of the Constituent Assembly has prescribed them, but it is absolutely necessary that the national flag as well as the coat of arms must find an important place in the articles of the Constitution.

"Let me take the Preamble. The word 'Independent' is removed. But what is said in explanation of the removal? It is said that the word 'Sovereign' is there, that 'Independence' is implied in 'Sovereignty', and that, therefore, the addition of the word 'Independent' does not mean anything extra. In

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between the words 'Sovereign' and 'Republic', the word 'Democratic' has been inserted by the Drafting Committee. I ask: has not the word 'Republic' the meaning of 'Democracy'? Hon. Pandit Jawaharlal Nehru also has explained this fully in the resolution. That word is unnecessary. If at all any word must have come in there, it is the word 'federal' because this Constitution is based on a federal structure. No mention has been made about the word 'federal'. So, the title of the Constitution must have been 'Sovereign Federal Republic'. The title of a Constitution must not be subject to constant changes. We are framing this Constitution not only for the present but also for the future. When the Socialists get a majority in the elections and form a Government, they would very much like to have the title 'Socialist Republic'. By using the words 'Democratic Republic', are we not limiting the scope of the Constitution? If we say 'Democratic', should we not be in a position to make it much more than what it is in Western Europe? The title by using the word 'Democratic' is not elastic enough. We want a developed democracy; we want to evolve a better form of Government than democracy. We must not limit the scope of the Constitution. The title 'Sovereign Federal Republic' will suit the requirements of the future also.

"The Constitution is said to be 'federal' and the units joining the Centre are said to be 'autonomous'. I think both these words are fiction here. No federation is there, no autonomy is there."

Mr. SPEAKER:—"The hon. Member can continue his speech after lunch."

The House then adjourned for lunch.

(After lunch—2-30 p.m.)

* SRI M. G. NATESA CHETTIYAR:—"Mr. Speaker, Sir, in the Constitution the word Union that is used is borrowed from the North American Constitution. Is there anything like a Union in the present Constitution under the Government of India Act? As a matter of fact when the Constitution is going to be Federal in its structure, how could the word Union be used? The Union form of Government is vastly different from the Federal form of Government. The Union form of Government is strictly attached to religion and loses the character of being secular. May I refer, Sir, for the benefit of the House what sort of Constitution will be most suitable for this country. The term 'Federal Government' is interpreted as follows in the modern Constitutions of many countries: 'It is a form of Government in which the essential principle is that there is a combination of two or more States under one central body for certain permanent common objects. In the most perfect form of Federations, the States agree to delegate to a Federal Government certain powers or functions inherent in themselves in their sovereign or separate capacity and the Federal Government in turn, in the exercise of those specific powers, acts directly not only

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on the community working up the Federation but also on each individual as a citizen.' Sir, the term Federation conveys a definite meaning, namely, the implementation of sovereignty in each unit in the separate capacity and also implies a double allegiance, one to the State and the other to the Federation. The States retain unimpaired their individual sovereignty yielding voluntarily certain powers to the Federal Government. The political development by united action and the advantage resulting from the establishment of cultural, administrative, commercial and world unity sets our choice to the term Federation instead of Union"

M. S. ABDUL MAJID SAHIB BAHADUR:—"Mr. Speaker, there is no quorum."

MR. SPEAKER:—"If there is no quorum and if there is not a sufficient number of members to watch the debate, I think it is better to reduce the time-limit of each speaker to ten minutes."

SRI T. VISWANATHAM:—"How does the limiting of time help the position, Sir?"

MR. SPEAKER:—"Then we may be able to conclude the debate earlier. The rule says that 'if at any time it is brought to the notice of the Chair that there is no quorum, the division bell shall be rung and if after an interval of not less than 2 minutes, there is still no quorum, then the Chair shall adjourn the House to the next day, or to a later hour on the same date.'

"The hon. Member may therefore kindly finish his speech in three minutes."

SRI M. G. NATESA CHETTIYAR:—"It will not be possible for me to finish my speech within three minutes, Sir. I shall at least require 10 minutes."

MR. SPEAKER:—"In that case, the hon. Member will please resume his seat. He has already taken 15 minutes before lunch. I now call Mr. Brahmanandam Reddi to speak."

SRI K. BRAHMANANDAM REDDI:—"May I know the time allotted to me, Sir?"

MR. SPEAKER:—"Fifteen minutes."

* SRI K. BRAHMANANDAM REDDI:—"Mr. Speaker, Sir, though there may not be quorum in this House and though there may not be many hon. Members present to hear our speeches, inasmuch as those speeches that are delivered here are going to be utilized by the Government for their purposes elsewhere, I think we need not have a quorum and that even if we address an empty House, there may be no harm, Sir. Our object will be served if our speeches are transmitted to the Constituent Assembly."

MR. SPEAKER:—"Let not the hon. Member raise a point of order on the quorum."

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* SRI K. BRAHMANANDAM REDDI:—"We are thankful to you, Mr. Speaker, and the Government for affording us an opportunity to express ourselves on this vital question as to how we should govern and be governed. At the outset I may say that it becomes very difficult to improve upon the language or the pattern of the draft as prepared by high politicians and eminent jurists. But the patterns or types of Constitutions are so very different in different countries that the oft-quoted saying 'much may be said on both sides' applies to this Constitution also. As in the case of political theories, so also in the case of types of Constitutions, much can be argued either way. The very fact that different types of Constitutions are obtaining in different countries of the world is proof positive of the fact that any one type for the sake of logic and argument, will hold the field as well as the other."

"Now, Sir, in adopting a Constitution, according to me two vital considerations have to be observed, namely, (1) whether it is going to be a sort of rigid Constitution or a flexible one and (2) whether the Constitution that we are going to adopt suits the temperament and the genius of the people and also the conditions we are at present in. Now I very much wish, Sir, that a mere skeleton of a Constitution should be provided and the flesh and other things should be allowed to grow by healthy conventions. Judged by these tests, this Draft Constitution compares very well with any best Constitution in the world."

"Now, Sir, much has been argued by the members of the Muslim League group in favour of separate electorates. They went to the length of saying that that if you do not want to give us separate electorates, we do not want any reservation of seats at all. I humbly submit, Sir, that that is not the sort of attitude that should be adopted by the Muslims. I do concede that it is possible for them to argue very forcibly in favour of separate electorates as it is possible for us to argue against it also. But as is well said, the proof of the pudding is in the eating. We have tried separate electorates for quite a long time and we have seen and the country has seen to its bitter experience that its adoption has resulted in the two-nation theory and the consequent partition of the country. And you are all well aware that the partition of the country has been obtained at a very heavy cost. Even after partition things are not as happy as we had liked them to be. There is no peace in the country yet and there is no happiness anywhere. I therefore submit that the system of separate electorates does not suit our country. So it is laid down in Part XIV of this Draft Constitution that for the first ten years from the commencement of this Constitution there is to be reservation of seats for the minorities and at the end of that period they may themselves find that no reservation at all is necessary. I submit, Sir, that in a country like India, with our bitter experience in the past, certainly separate electorates are going to cause much hardship and prove dangerous to the society, and so the only alternative is that special reservation for minorities such as Muslims, women, etc., should be provided for the first ten years and later on it should be scrapped, if possible."

[Sri K. Brahmanandam Reddi]

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"Now, Sir, as regards the question of the non-inclusion of the Andhra Province in Part I of the First Schedule, really we deplore it. Speaking for myself, Sir, I yield to none in my passionate desire for having an Andhra Province at an early date and if possible almost immediately. But as observed by Pandit Nehru, we have to see to the well-being of India as a whole. But I do not certainly agree with the observation of Pandit Nehru when he said that Andhras are going into hysteria over this matter. Speaking for a cause which we honestly feel and pleading for it and stressing our claims with regard to a matter which is conceded by all sides is certainly not going into hysteria, wild or mild. It is very regrettable that Panditji whom we love and adore should have said in such strong terms as that.

"So, I now move the following amendment" :—

'In Article 304 the following shall be inserted as clause 1 and existing clauses (1) and (2) shall be renumbered as (2) and (3):

"An amendment of the Constitution regarding enumeration of States in Part I of the First Schedule shall be made by the President so as to get into being States based on language and contiguity within two years of the coming into force of the Constitution of India, provided that within the said period of two years India is not in or at war or in the opinion of the President is not threatened with imminent war with any foreign State or country provided further that India is not in, or threatened with such grave internal disorder as in the opinion of the President such an abovesaid amendment cannot be made and provided further that the said period of two years shall begin or run as the case may be as soon as the emergency mentioned in the two preceding provisos ends."

"So we have been depending for a very long time on the assurances given by our leaders at the Centre. Every morning we get up, or once in a week, we see in the papers that the Andhra Province is going to be formed in April or May. But it is eluding us every time. And every time our leaders go and press for it, it is reported that the leaders have said that the matter will be taken into consideration at a very early date. So my amendment does not limit the time within which an Andhra Province may be brought into being. It says, 'within two years.' I am not fixing any time-limit. It shall come into force within a year after the coming into force of the Constitution of India. So it does not mean that we have to wait for another year after the commencement of the Constitution. If provincial leaders agree, and if leaders at the Centre agree, we may get an Andhra Province at an early date, failing which, under no circumstances, shall the separation of the Andhra Province and constituting it as a separate State and having it under Part I of the First Schedule be delayed for more than a year after the Constitution of India comes into effect. That is my amendment with regard to the Andhra Province.

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"Then my next point is with regard to the Governors. I prefer to have the alternative method, for two reasons. One is that though adult suffrage is to be the basis of our franchise in the next coming elections, still inasmuch as a large mass of the electorate is illiterate, I say, Sir, that the alternative method is conducive to the orderly administration of the State. I am not giving out the reason already published in the papers, viz., that it would be a source of constant friction between the Governor and the Chief Minister if both of them are directly elected by the people. There is a lot of force in that contention. Apart from that contention with which I entirely agree, there is a second point, namely, that because a large mass of the population is illiterate, it is better we follow the alternative method, at least for a period of ten years until the Constitution is later amended.

"The third suggestion I wish to make, Sir, is that every one of us wants to have a strong Centre. Certainly we entirely agree. But I am afraid, under the present Draft Constitution we are making the Centre so strong that it has power to strangle the Provinces or the States. Such a power, under the present emergency and disorderly conditions we are in, may have been considered necessary; yet in the long run after we are out of the wood, viz., the present internal disorder, I feel that such a power vested in the Centre will certainly not be helpful for the happy and orderly growth of the States. We have a provision under Articles 226 and 228 which says that the House of Parliament has power to make laws with regard even to the subjects in the State List and when they exercise that power, any law made by a State which is not in conformity with that law shall be deemed to be void. And the only safeguard provided in this Article is that it must be in the national interest. After all national interest is a very wide term which may cover many things which we may not for the present visualize. So I do not think it is necessary to have provisions of that type. And further, I see, Sir, in the Union list, the State List and the Concurrent List, all residuary powers. All residuary subjects not mentioned in any of these lists must be given to the State and added to the State List. But we see in the Schedule that all residuary subjects that are not specifically mentioned in any of the lists are given to the Union. I have a strong objection to that, because after all as our hon. Friend Mr. Salam was often pointing out power corrupts and absolute power absolutely corrupts; such a power may lead to a constant source of trouble between the State and the Union.

"And with regard to the Centre, Sir, we have a President who has practically all the powers which the Governor-General was exercising previously under the Government of India Act of 1935. I see no reason, though the President may be invested with authority for even dissolving the House of Parliament . . ."

MR. SPEAKER:—"The hon. Member has one more minute to finish his speech. The hon. Member must know that there are

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several other members to speak, apart from those who have given amendments, such as Mr. Vaidyanatha Ayyar, Mr. Prakasam and so on."

* SRI K. BRAHMANANDAM REDDI:—"Now, Sir, with regard to the President's power of admitting Bills, I see in the Constitution under Article 191 that in the case of Money Bills the President has absolute power to withhold his assent. And in the case of other Bills, he can send it back for reconsideration. The article does not provide for what happens after reconsideration. Suppose the Bill is again passed. What should happen to the Bill in such a case? The Draft is silent. So I suggest that the Bill as passed by the House of people after such representation should be deemed to have obtained the assent of the President."

MR. SPEAKER:—"The hon. Member will resume his seat. The hon. Member Mr. Kosalram will now speak."

SRI K. T. KOSALRAM:—"Mr. Speaker, Sir, எனது amendment சம்மந்தமாக ஒரு சில வார்த்தைகளைச் சொல்லிவிட்டு நிறுத்திக் கொள்ளுகிறேன். Article 131-ல் கவர்னர் தேர்தல் சம்மந்தமாக இரண்டு alternative கொடுக்கப்பட்டிருக்கிறது. நமது அரசியல் திட்டத்தில், அதில் ஒன்று கவர்னரை சாதாரணமாக வோட்டர்கள் நேரடியாக தேர்ந்தெடுப்பது என்பதும் மற்றொன்று ஏற்கனவே இருக்கும் கவுன்சில் அங்கத்தினர்களிலிருந்து நாலு பேர்களை தேர்ந்தெடுத்து மத்ய அரசாங்கத்திற்கு அனுப்பினால் அவர்கள் அதிலிருந்து ஒருவரை கவர்னராக பொறுக்கி எடுப்பது என்றும் இருக்கிறது. அது ஒரு அபத்தமான காரியம். அவர்களாகவே அங்கிருந்து யாரையாவது கவர்னராக நியமிக்கும் பொறுப்பை மத்ய அரசாங்கம் விட்டு விடலாம். அவர் செய்யும் சிறியதவறுகளை அரசாங்கம் உணராது. அதை விட்டுக் கொடுக்க காரணம் இருக்கிறது. ஆனால் யாரை நினைக்கிறார்களோ அவர்கள் உண்மையாக வரமுடியாது. மேலிருந்து யாரை நினைக்கிறார்களோ அவரைப் போடுவதற்கு ஹேதுவாக இருக்கிறது. அந்த நிலைமையை இந்த alternative article உண்டுபண்ணி இருக்கிறது. மக்களுடைய உண்மையான ஆதரவைப் பெற்றவர் இந்த மாகாணத்தின் கவர்னராக இருக்க வேண்டுமென்றால் மக்களிடத்தில் நேரடியாக வோட்டுகளைப் பெற்று அதன் மூலம் தேர்ந்தெடுத்து மாகாணத்தின் உண்மையான பிரதிநிதியாக வந்து ஒரு கவர்னராக இருக்கமுடியும். அந்த நிலைமையில் நாம் இங்கே முடிவு பண்ணியிருக்கிறோம் என்பதற்காகவே எனது amendment-ஐ இந்த சட்ட சபையில் 'பாஸ்' பண்ணவேண்டுமென்பது என்னுடைய அவா. அதை நான் ஒரு முறை வாசிக்கிறேன். அது நண்பர்களுக்கு தெரியக்கூடிய முறையில் . . ."

MR. SPEAKER:—"நீங்கள் வாசிக்க வேண்டாம் உங்கள் amendment-ன் காப்பி ஒவ்வொருவரிடத்திலும் இருக்கிறது."

SRI K. T. KOSALRAM:—"இந்த நிலைமையில் கவர்னர் தேர்தலை நமது சட்ட சபை அங்கத்தினர்களுக்கு கொடுக்கவேண்டும். அவர்கள் யாரை தேர்ந்தெடுத்து அனுப்புகிறார்களோ அவர்தான் மாகாணத்தின் கவர்னராக இருக்கவேண்டும் அல்லது அவர்கள் யாரையாவது சர்வாதி காரத்தில் வைத்துக்கொண்டாலும் அதைப்பற்றி அவசியம் இல்லை. இந்த நிலைமையில் நமது மாகாணத்தின் அன்றாட வேலையில் தலையிடக்கூடிய நிலைமையில் மத்திய அரசாங்கம் செய்வதை நாம் பொறுத்துக் கொண்டிருக்க முடியாது. மாகாண சுய ஆட்சியைப்பற்றி வெகு விரிவாக பேசிக்கொண்டிருக்கும்போது இந்த மாதிரி எல்லா விதமான சிறிய சிறிய காரியங்களில் மத்ய அரசாங்கம் ஏற்றுக்கொள்ளும் பொறுப்பு ஓரளவு இது அறிஞர்கள் இருக்கக்கூடிய அரசியலில், வருந்தக்கூடியதாக இருக்கிறது. இந்த நாட்டின், இந்த தேசத்தின், பாதுகாப்பு போ"

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[Sri K. T. Kosalram]

ன்ற முக்ய விஷயங்களை அவர்கள் நடத்திக் கொண்டிருக்கவேண்டும். அதைத் தவிர பல சிறிய விஷயங்களில் மத்ய அரசாங்கம் பொறுப்பேற்றுக் கொண்டிருக்கிறது.

"அதைத் தவிர நமது முஸ்லீம் லீக் நண்பர்கள் தனித்தொகுதி வேண்டுமென்று ஒவ்வொரு வரும் பேசி வருகிறார்கள். இந்த தனி தொகுதியானது இந்த தேசத்தை எத்தனை அபாயத்தில் கொண்டு போய் விட்டது. எத்தனையோ கொலைகள் நடந்திருக்கிறது. ரத்த ஆறுகள் ஓடிக்கொண்டிருக்கின்றன. அதற்கெல்லாம் இந்த தனித் தொகுதிதான் காரணம் என்பதை இன்னும் மறந்து விடமாட்டார்கள் என்று நினைக்கிறேன் அதைப்பார்த்து வருந்தாமல் இருக்கமாட்டார்கள்."

"அதைத் தவிர நமது ஆந்திர சகோதரர்கள் தங்களுக்குத் தனி ஆந்திர மாகாணம் வேண்டுமென்று எங்கு பார்த்தாலும் கத்திக்கொண்டிருக்கிறார்கள். எனது நண்பர் கனம் பிரம்மாநந்தம் ரெட்டியார் அவர்கள் கூட இப்பொழுது சொன்னார்கள். தமிழ்நாடும் ஆந்திர நாடும் பிரியாமலிருப்பதால் யார் உண்மையாக கஷ்டப்பட்டுக்கொண்டு வருகிறார்கள் என்று பார்த்தால் இந்தத் தமிழ்நாட்டார்கள்தான். தமிழர்கள் ஒவ்வொரு நாளும் கஷ்டமடைந்தகொண்டு வருகிறார்கள். இப்பொழுது பார்த்தால் தமிழ் நாட்டு பணமெல்லாம் ஆந்திர நாட்டிற்காக சிலவழிந்தகொண்டிருக்கிறது. நமது கனம் Finance Minister கோபால் ரெட்டிக்குக்கூட நன்றாகத் தெரியும் இந்த சட்டசபை அங்கத்தினர்களத்தனை பேருக்கும் தெரியும். தமிழர்கள்தான் நஷ்டமடைகிறார்கள் தமிழர்களின் stunt இருக்கிறார்கள் constitution-க்கு பிறகு boundary commission அமைக்கப்படும் என்று இருக்கிறது. அரசியல் நிர்ணய சபையில் இதைப் பாஸ் பண்ணியவுடனே boundary commission ஏற்படப்போகிறது என்றிருக்கிறது அதற்கு மத்தியில் பல மெம்பர்கள் பல political stunts தங்களுடைய உயிரை தியாகம் செய்கிறேன் என்று சொல்லுகிறார்கள். தமிழ் stunts-களும் ஆந்திர stunts உடையவை இருக்கிறார்கள். அரசியல் வாதி களுக்கு இது அவசியமில்லை. சென்னை-யாருக்கு சொந்தம் என்பதைப் பற்றி விவாதம் வேண்டியதில்லை. ஒரு குழந்தைகூட சொல்லிவிடும். இதைப்பற்றிப் பிரமாதமாகப் பேசி மக்களை ஏமாற்றவேண்டித் தவசியமில்லை. இந்த நிலைமை constitution-ல் தெளிவாக இருக்கிறது. இந்த ஆந்திர பிரிவினையும் சென்னையின் சொந்தமும் London Commission வந்தவுடனே தீர்ந்துபோய் விடும். அதன் பிறகு ஆந்திர சகோதரர்களை சலாம் போட்டு அனுப்ப தயாராயிருக்கிறோம். அதன்மேல் ஒரு நிமிஷம்கூட வைத்துக் கொண்டிருப்பதற்குப் பிரியப்படவில்லை என்பதை நான் அவர்களுக்குச் சொல்லுகிறேன். இந்த நிலைமையில் என்னுடைய amendment ஆனது மிகவும் முக்யமானது. நமது மாகாண கவர்னரையும் நமது மாகாண ஆட்சி நிர்வாகத்தைக்கொண்ட இந்த தீர்மானத்தை அரசியல் நிர்ணய சபை கவனித்தாலும் சரி கவனிக்காவிட்டாலும் சரி, மாகாண அபிப்பிராயம் இதுதான் என்றும் இதை நீங்களேதான் செய்யவேண்டுமென்பதையும் அவர்களுக்கு தெளிவுபடுத்துவதற்காகத்தான் நான் இந்த amendment-ஐ move பண்ணி இருக்கிறேன். ஆகையால் இந்த amendment-ஐ அத்தனை பேரும், அத்தனை அங்கத்தினர்களும் ஒப்புக்கொள்வார்கள் என்று நம்பி நான் முடித்துக்கொள்ளுகிறேன்."

MR. SPEAKER:—"In this connexion the hon. Member says that the amendment should be put to the vote of the House. I wish to suggest to the House that it won't be possible for us to put all the amendments to vote. The proceedings as well as the amendments and the main motion will be sent to the Constituent Assembly. Only the main motion will be put to the vote of the House. If everybody agrees, that is the procedure which I want to adopt. If anyone presses that his amendment should be put to vote I shall have to yield and put it to the vote of the House."

AN HON. MEMBER:—"You need not yield, Sir."

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SRI T. VISWANATHAM:—" I think your original suggestion is all right, Sir."

SRI V. I. MUNISWAMI PILLAY:—" Sir, I move that the motion as well as the amendments . . ."

MR. SPEAKER:—" Order, order."

THE HON. SRI B. GOPALA REDDI:—" He wants only to formally move it, Sir."

MR. SPEAKER:—" Not now."

* SRI K. BOKKAI GOWDER:—" Mr. Speaker, Sir, on this historic occasion, I did not want to move an amendment. I would not have moved the amendment which I did yesterday under ordinary circumstances. But, Sir, lately the circumstances have developed so far that it is very necessary and vital that the Constituent Assembly should favourably consider my amendment and incorporate it in the constitution. Before dealing with the circumstances, I would like to say a few words, Sir, about the importance of the Nilgiris district which the Provincial Government is either neglecting or is hampering from development. Sir, the geographical conditions of the district, its topography, natural set up, etc., are such that it by nature forms a separate entity and a district by itself. There the agricultural conditions, the agricultural produce, etc., are different from those in the plains. Therefore the problems of the district are not easily understood or appreciated by the authorities that be. It is therefore necessary that it should be under the administration of the Centre when the advice of the local people would be taken then and there in its administration."

" Then again the weather conditions there and the ideal atmosphere that it enjoys makes it a national health resort for the whole of India. Therefore that nationally important place should be developed and maintained in the interests of the nation as a whole. Sir, the natural resources, the mineral wealth, the forest wealth and water-sources of the district still remain unexploited. They can be exploited properly and immediately only by the Central Government and for the benefit of the nation and people of the district."

" Again it is a place of All-India importance in the sense that it is a strategic military centre. You know, Sir, there is already a military cantonment and barracks and the Cordite Factory. Again now there is a staff college being established . . ."

THE HON. SRI B. GOPALA REDDI:—" It has already been established from the 5th of this month. It has come into existence."

* SRI K. BOKKAI GOWDER:—" Thanks for the information. Again the Central Government are going to establish a Forest College and the Penicillin Factory is also going to be situated in the district. Then again its natural set up, its hills and dales afford a very good training centre for guerilla warfare. All these things go to make the district very important for the

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whole of India. I may even say that the district has become of late of international importance also. The United Nations Economic Council is going to meet in the district and I think that the district is going to be the headquarters of that Council. When such is the case I do not understand the attitude of the present Government or the authorities that be. Sir, there is a sinister move in some quarters that the district should be abolished. I do not know what is the motive behind such a measure. (Muhammad Raza Khan Sahib:—" It is a provincial matter.") Again, Sir, in regard to financial conditions also the district is self-sufficient. I shall mention here only one item, namely, the Central Excise. The excise revenue from the district is nearly a crore of rupees from both tea and coffee. This the Central Government gets and I do not know what the Provincial Government gets for its share from that revenue. It is not true, as is said in some quarters, that the district is not self-sufficient and that money is being spent on the district from the revenue of other areas. It is not really so. It is that district's money that is being lavishly spent in other areas unmindful of the improvement to the district and the amelioration of the people of the district. Therefore, I say, that only under the Central administration the people of the district can be improved from their backwardness. In this connexion I will have to say something about a conspiracy or connivance of the neighbouring districts. I am made to understand that the district will be vivisected and that the two parts annexed to the land-greedy people of the adjoining districts. I do not know what is the move behind. If the district is considered to be small for administrative purposes some portions of the neighbouring districts can be added on to that district and it may be maintained as a separate administrative unit. Perhaps the connivance was there before severally but there is this joint connivance by the adjoining districts so that they might cut away the district and share the booty between them. I visualize, Sir, that this is just like the Pathan tribes invading the Kashmir valley and sharing the booty between them. I cannot tolerate any such thing, Sir, namely, the territorial claims or the desire to exploit the backwardness of the people, leading to such measures and policies. This should not be given any notice by the Government if it is really people's Government. That is my request."

THE HON. SRI B. GOPALA REDDI:—" May I know wherefrom he got the information that somebody is going to creep in, Sir."

* SRI K. BOKKAI GOWDER:—" Something to this effect has appeared in the papers, Sir. Then, Sir, the educational policy of the Provincial Government is also hostile to the people of the district. The Hon. the Minister for Education has time and again and in season and out of season says that the mother tongue of the people should be taught in the elementary schools. But the people of the Nilgiri Hills are forced to learn a foreign language, namely Tamil. I do not know if the policy of the Hon. Minister for Education is only to force his own mother tongue down other people's

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throats. (Hear, hear.) If the policy of the Hon. Minister is to teach in the mother tongue of the people concerned, I would like to know what steps he has taken to teach the mother tongue of the people of the Nilgiris district. Even in the elementary school stages some foreign tongue is forced on them. Again the Government's policy seems to be to have a college for each district, and the only exception from that rule is the Nilgiris. I do not know why there should be such stepmotherly treatment. It is these things that forced me to move this amendment. Though there was an agitation in the district for a long time for some such move, I was one of those who opposed that move emphatically. But now circumstances and the manoeuvring of the people in power have forced me to move this amendment and it is for the good of the people of the district and the nation as a whole that this amendment should be favourably considered by the Constituent Assembly and incorporated in the Constitution. Thank you, Sir."

* SRI G. RAJAMANNAR CHETTI:—"Mr. Speaker, Sir, it is a proud privilege that to-day in the year of our Lord 1948 we are considering the Draft Constitution of our country. To-day we are considering the future constitution because we have fought for the freedom. While we fought for the freedom we have also fought for the freedom of the masses of this country who expected that their status would be raised to the level of those in other countries. Mr. Speaker, the Congress has been fighting for the freedom and it was in the year 1921 that a mass movement was inaugurated and again in the years 1930 and 1932 and finally in 1942. The objective of the Congress was complete independence according to the Lahore Resolution of 1928. Even while passing the resolution the Leftists under the leadership of Netaji Subash Chandra Bose said "That while having the objective as complete independence, we must also state that real independence, that is, economic freedom for the masses must also be ensured, in order that the freedom for which we are fighting may reach the masses who are participating in the freedom struggles."

3-15 p.m. "Unfortunately, we have not proceeded on those lines, and to-day who are the framers of the Constitution? Members of this House who have been indirectly elected to the Constituent Assembly under the Act of 1935—and the Constitutional Pandits—with all due respect to them—are, or have been, guided by France, England and other countries and not by countries where people enjoy political and economic freedom. These countries are capitalist countries, and our Constitutional Pandits, with the knowledge of the Constitutions of such capitalist countries, cannot produce and place before us a Constitution that can satisfy the needs of the masses in general. I have given notice of amendments of a very general nature bearing on the fundamental and basic character of the Constitution. In the Preamble, Mr. Speaker, we are told that we must have a Sovereign Democratic Republic. Sir, democracy is a very vague and elusive term. I have suggested that it must be a Sovereign Democratic Socialist Republic. The Members of the Constituent Assembly are, of course, elected by us, but have

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they been elected by the people who really are the masters, and with whose sanction they must have drafted this Constitution in order to enforce it effectively? There was loose talk and there was a vague talk about this Constituent Assembly, long before this 1942 struggle, by our eminent leaders. That was challenged by our Leftist leaders like the late lamented Srinivasa Ayyangar, Netaji Subash Chandra Bose and others. Any constitution produced by the Constituent Assembly, without the power behind it, in order to enforce it, is as ineffective as any other Constitution. It is not complete independence that we have attained to-day, Dominion Status has been conferred on us. Under those auspices we have drafted this Constitution. The Leftists in the Congress like Netaji Subash Chandra Bose and other leaders have been stressing on this point that economic independence is more important than political independence, and if we cannot plan for economic freedom, there is bound to be another struggle after the attainment of political independence. That is why, Sir, I have moved my amendments. I have moved that in Article I (1) for the words 'Union of States' the words 'Union of Socialist Republican States' be substituted. If we cannot accept this principle in general, there is bound to be another struggle between vested interests, capitalist interests and the oppressed masses that are suffering. I have also moved that for Article 30, the following shall be substituted, namely:—

'The State shall strive to promote the welfare of the people by establishing a new social order based on economic freedom and social and political justice.'

As I said, Sir apart from the Constitutional Pandits who get inspiration from capitalist countries, unfortunately, even our leaders have the English and French Constitutions as their ideal. That is why we have been protesting against it, and in order to testify to that statement, please allow me to refer to the preamble. It is—

'We, the people of India, having solemnly resolved to constitute India into a Sovereign Democratic Republic and to secure to all its citizens: Justice, Social, Economic and Political.'

I ask, Sir, what justice it is? 'Economic justice' is a very elusive and sometimes dangerous phrase. What is justice to hon. Members and the hon. Mr. Gopala Reddi, cannot and will not be justice to my mind. How are we going to do justice to the generality of the masses who depend on us? Justice that we obtain at the hands of the Hon. Mr. Gopala Reddi cannot satisfy the masses. This is the kind of justice that we are going to offer to our people who have suffered for the attainment of freedom, and whose services we have sought before. This word 'justice' can easily be associated with the British Constitution and British principles. What does it mean by liberty, fraternity, equality, etc.—17th century slogans? Should these guide the framing of our Constitution in the year 1948, when such theories and principles have undergone revolutionary changes? I say, Sir, that it is not the kind of freedom that we have fought for and bargained for.

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“ Sir, I now come to Article 30 which says—

‘ The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life. ’

Mark the words ‘ justice, social, economic and political ’. What kind of social justice, what kind of economic justice and what kind of political justice it is, we do not know. It may suit the gentlemen in power to administer, probably with the best of intentions, with their conception of economic justice, social justice and political justice. That cannot satisfy the demands of the masses. It is a continuance of the present in a modified form.

“ Article 31 says—

‘ The State shall in particular, direct its policy towards securing—

(i) *that the citizens, men and women equally, have the right to an adequate means of livelihood;*

(ii) *that the ownership and control of the material resources of the community are so distributed as best to subserve the common good. ’*

In its place, I have moved that the following shall be substituted, namely,

‘ The State shall direct its policy towards securing—

(i) *the establishment of a classless society in which the exploitation of one man by another, one class by another, one nation by another, will cease, in which private ownership will be replaced by the ownership of the State, over the entire resources of the nation’s wealth and production, industries and communications,*

(ii) *the development of production and equitable distribution of wealth on the basis of a planned economy,*

(iii) *the creation of a social order in which all the amenities of a happy, peaceful and ever progressive life will be available to every man by law,*

(iv) *the social equality for woman through the achievement of economic independence for them. ’*

Mr. Speaker, I have placed before this House the above amendment for consideration, because it is a historical necessity. It has been the role of the Forward Block party to which I belong. Even from the year 1938 we have been telling within the Congress that unless we place before the country a programme for the economic freedom of our people, we will not be serving the purpose for which we have been struggling. Mere political independence will not serve the purpose. Rightists in the Congress have been consolidating their position wherever possible by fighting the consolidation of Leftists’ element. Unfortunately, the Leftist element in this country, failed and failed miserably to consolidate itself. It is the victory of the Rightist element in this country that is responsible for the

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production of a Constitution of this nature in this year of 1948. If, on the other hand, we the people who fought for freedom, the Leftists had really exerted our influence and managed to be in power at the proper time, there would be plans ready for the future according to our ideologies which would suit the purpose and ideologies of the masses, who have been struggling not only under the weight of British Imperialism but also under the weight of Indian capitalists and feudalists. It is for this purpose that we have been playing the role. Unfortunately, the other Leftists of the country refuse to fall in line with Forward Block and hence have not been able to do their part in the manner in which they ought to have done, and therefore to-day the people are suffering. They are suffering in spite of the freedom they have attained. What is the freedom they have got now? As I said, Sir, mere political justice and economic justice, according to the conception of our brilliant Finance Minister Mr. Gopala Reddi cannot satisfy the masses. While he was reading his speech, I said that it was more a thesis than a speech, which remark, he thought, was an uncharitable one. I pay a compliment to the manner in which he has made the speech, though I may say that the matter was very disappointing.

“ With these remarks I commend my amendments to the acceptance of the House. After all my amendments are very simple.”

MR. SPEAKER:—“ No vote will be taken on the amendments.”

* SRI G. RAJAMANNAR CHETTI:—“ It is a question of ideology, Sir. It is that ideology with which I am moving my amendments that I commend. And I hope that, that must be the ideology behind this draft that is responsible for this Draft Constitution. It is disagreeable and disappointing to the people who have been expecting all these years that our leaders, who have fought for freedom, would establish Rama Rajya here as promised and redeem the *Daridranarayanas* about whom we have been crying from street corners and platforms. These people have been disappointed, Sir, and hence my amendments.”

DR. M. J. SAMUEL:—“ Mr. Speaker, Sir, at this stage I do not want to make a long speech, but I would just like to move the amendment standing in my name.”

MR. SPEAKER:—“ The hon. Member need not read his amendment. He has already read it.”

* DR. M. J. SAMUEL:—“ I have not read it, Sir. The amendment is—

‘ At the end of Article 224, after clause (c) the following shall be added:—

(d) *Parliament shall not unreasonably refuse to entrust to the Government of any State such functions with respect to broadcasting as may be necessary to enable that Government*

(i) *to construct and use transmitters in the State,*

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(ii) *to regulate and impose fees in respect of construction and the use of transmitters and the use of receiving apparatus in the State.*

3-30 p.m. "Sir, this is a subject which many hon. Members have not thought of in this House in moving their amendments. Therefore, Sir, I wish to draw the attention of this House to the injustice done to this Province and other Provinces. Under the present constitution, the Provinces are deprived of their right to have their own broadcasting systems while some of the States which are much smaller and less important than the Provinces have been allowed to enjoy their rights with respect to broadcasting. Sir, broadcasting in any modern country is a powerful factor of communication and Provinces must make use of this medium of communication for improving the percentage of literacy in India. Sir, ninety per cent of the people of India are illiterate, and in order to improve the percentage of literacy, broadcasting is important. Broadcasting in modern countries has already played a very important part in uplifting the masses. In India also, this medium has to be made use of in a greater degree for educating the public, both adult and children. Sir, in the Government of India Act of 1935, broadcasting is included in Part VII of the Federal Legislative List. Section 129 of that Act as adapted provides:

'The Dominion Government shall not unreasonably refuse to entrust to the Government of any Province or the Ruler of any Acceding State such functions with respect to broadcasting as may be necessary to enable that Government or Ruler—

(a) to construct and use transmitters in the Province or State;

(b) to regulate, and impose, fees in respect of, the construction and use of transmitters and the use of receiving apparatus in the Province or State.'

'Any functions so entrusted to a Government or Ruler shall be exercised subject to such conditions as may be imposed by the Dominion Government, including, notwithstanding anything in this Act, any conditions with respect to finance, but it shall not be lawful for the Dominion Government so to impose any conditions regulating the matter broadcast by, or by authority of, the Government or Ruler.'

Then, Sir, questions regarding the legality of the conditions and reasonableness are to be determined by an Arbitrator to be appointed by the Chief Justice of India. The 1935 Act as adapted says:

'If any question arises under this section whether any conditions imposed on any such Government or Ruler are lawfully imposed, or whether any refusal by the Dominion Government to entrust functions is unreasonable, the question shall be determined by an arbitrator appointed by the Chief Justice of India.'

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Sir, in the Draft Constitution, broadcasting is included in item 29 of the Union List. The only restriction with respect to broadcasting is that contained in Article 244 (b) where it is said 'Notwithstanding anything contained in Article 16 or in the last preceding article of this Constitution, it shall be lawful for any State to impose by law such reasonable restrictions to the freedom of trade, commerce or intercourse with that State as may be required in public interest.' That article also deals with the power of Parliament to make laws with respect to broadcasting in any State for the time being specified in Part III of the First Schedule. It explains that Government can make laws for regulating and controlling broadcasting and if necessary to secure some provincial funds in regard to broadcasting. Sir, Provincial Governments are responsible for the education of the people of the Province and for the uplift of the masses. If they are deprived of powers in regard to broadcasting, it is just like taking away from the Provincial Government the freedom of speech. Article 224 of the Draft Constitution says:

'Notwithstanding anything in clause (1) of Article 217 of this Constitution—

the power of Parliament to make laws with respect to telephones, wireless, broadcasting and other like forms of communication in any State for the time being specified in Part III of the First Schedule shall extend only to the making of laws for their regulation and control.'

Therefore, Sir, to take away this freedom of broadcasting from the Provincial Governments is taking away the freedom of speech of the Provinces. For the last ten or fifteen years, we have been seeing that the Provincial Broadcasting Department costs about four lakhs of rupees to instal and maintain community radio sets, etc. Sir, I understand that there are one thousand such community receivers in this Province. In this respect this Province leads other Provinces. I also understand that it is proposed to extend this scheme and that the Government are proposing to get nearly 30,000 sets. Therefore, Sir, there must be some provision in the Constitution to see that the Provinces get some share in that revenue so as to make use of broadcasting effectively.

"Then, Sir, I have given some other amendments which do not appear on the Agenda and I would like to say a few words with regard to them. First of all, I would like to say a few words on religious education that is imparted in schools at present. During the days of the British Government, this religious education was not permitted in the State schools and the schools run by the Government but the aided schools were given the freedom to impart religious instruction to their pupils. But, Sir, after some time, there was a conscience clause inserted and was put into practice with the result that some pupils were given the option to attend or not to attend these religious instruction classes. Sir, I think, under the present conditions, this has brought about some indiscipline among the pupils. In certain colleges, this led to indiscipline among the youths because they are deprived of

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this moral education in classes. Therefore, I urge upon this Government to insist upon the drafters of the Constitution to take this fact into consideration and to provide for religious instruction being imparted at least in aided schools and make it a compulsory subject in the curricula of those schools.

"Then, Sir, about joint electorates, I will not say much because it is in the interests of some minority communities that joint electorates with reservation of seats have been provided for. Some of my friends from the opposite benches have made some cogent remarks about joint electorates. Mr. Raghavayya, the other day, made a very powerful speech condemning the reservation of seats. Sir, if you allow joint electorates with reservation of seats, you go the same old way, having communal representation on the councils and in the legislature. Therefore, it is better if they completely abolish joint electorates with reservation of seats. From my experience of elections for the last ten or fifteen years, I would like to say that electioneering in our Province is rather at a very low degree. The ordinary people and the peasants are illiterate and they have not understood the value of the vote. Therefore under the present system, we should not have adult franchise because the ordinary man is illiterate and he does not know how to use his right of vote. I therefore feel that at this stage adult franchise is an innovation in the present state of our country, and I propose that adult franchise should be abolished at least for some years and literacy qualification should be adopted instead."

SRI R. V. SWAMINATHAN:—"I second the amendments, Sir."

* SRI PYDAH VENKATANARAYANA:—"Mr. Speaker, Sir, the provisions in the Draft Constitution in its essential aspects and salient features seem to be a reproduction of the Government of India Act of 1935 as adapted and amended by the Indian Independence Act of 1947. The 1935 Act was not a constitution, Sir, enacted by the people of India and given to ourselves, but a constitution which was granted to us by the Britishers, the erstwhile rulers of our country. I rather wonder how the drafting committee thought it fit to adopt many of the provisions of such a condemned constitution. I wish the Drafting Committee had drawn up a constitution to suit the peculiar and indigenous needs of our country. Sir, it is not too late yet and hope that the Constituent Assembly when it considers this report will so change the provisions of the Draft Constitution as to suit and satisfy our national needs and requirements.

"Then, Sir, in respect of citizenship rights, Article 5 confirms that right. It says: that a person can acquire eligibility for citizenship if he had only lived in the State for a period of one month. Sir, this period of one month is too short a period and I hope it should be enhanced to at least one year. I do not think any other constitution of any other country is so liberal in respect of citizenship.

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"Then, Sir, I come to the election of the Governor of a State. Article 131 lays down the principle for the election of a Governor and it was in consonance with the spirit of the resolution of the Constituent Assembly passed already. There is an alternative provided in that article, that is, nomination by the President from a panel of four candidates to be elected by the members of the Legislative Assembly of the State. Such an appointment of a Governor of a State in these days of democracy, I feel, is utterly retrograde and reactionary. In these days of democracy, a Governor should only be elected by direct vote of all the persons who have a right to vote at a general election for the Legislative Assembly of the State. However big a person may be, he should not be nominated to governorship. I hope the Constituent Assembly would not adopt the alternative proposal contained in Article 131 but would adopt the original article, namely, that the Governor of a Province shall be elected.

"Then, Sir, it is not clear about the powers assigned to the Union Government and the State Government. Sir, the Centre of an independent country should be a very strong centre. There should be absolutely no quarrel over it. To make the Centre strong, the Centre should be assigned important matters such as national defence. Other subjects of importance which should be allotted to the Centre are Posts and Telegraphs, Telephones, National Highways, Railways, Income-tax, Corporation tax, External Affairs, etc. Matters of defence and all questions relating to war should be assigned to the Centre. But, the Centre should not be burdened with too many unnecessary or unimportant subjects, which ought to be really left to the Provinces. The first list contains the Union subjects. There are more than 90 subjects in this category. Then, List II contains the State subjects, which are more than 60 in number and the third list is the concurrent list of subjects. Sir, the last list, the concurrent list, is not an absolute necessity. This concurrent list is virtually a list of subjects which should go to the States. That is why I have given notice of an amendment that List III should be omitted altogether and added on to List I. Then, coming to Union List about 50 per cent of the subjects contained therein should again go to the States. If the Centre is strong and if the States are not autonomous and weak the required purpose will not be served. Therefore, I say the Provinces should be made really autonomous.

"Then about the allocation of central revenues between the Centre and States, I feel that the Constituent Assembly should take into consideration the recommendations of the expert Finance Committee which submitted a report. The Drafting Committee did not take the benefit of their recommendations and have not embodied those recommendations in respect of the allocation of Central Revenues between the Union and the States. I have given notice of an amendment that those recommendations should be embodied in this Draft Constitution so that the States will get their legitimate demands satisfied.

"Then, Sir, in respect of the formation of Provinces on a linguistic basis, we all thought that the Drafting Committee would

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take care to include the Andhra Province also in the First Schedule to Part I. But the Committee thought provision can be made for it at a later stage. They had in view the formation of the Provinces of Orissa and Sind. Nothing prevents them, Sir, from making a provision for the Andhra Province in the Draft itself. I hope the Constituent Assembly will make provision for this and satisfy the wishes of the Andhras. The formation of Provinces on a linguistic basis is an agreed policy. It has ceased to be a controversial subject. With these words, Sir, I commend my amendments to the House."

* SRI T. VISWANATHAM:—Sir, I wish to move the following amendment:—

Add the following at the end:—

"and on such consideration this Assembly is of opinion that the Draft Constitution requires amendment so as—

(1) to make previous sanction of the President of the Indian Union necessary for introducing or taking into consideration, in a State Legislature, any law or rule having the force of law which seeks to affect the fundamental rights of a citizen, and to reserve such Bills passed by a State Legislature for assent by the President;

(2) to make it clear that the right of citizenship of the Union includes and extends to the right of being admitted into (a) Government service and (b) Educational institutions in any State subject only to prescribed qualifications and standards and considerations of space in the latter case, and to no other reservations or proportions based on community, caste, religion or place of birth except for reservations in favour of Harijans for a period of 15 years;

(3) to prohibit the introduction or consideration of legislation which (a) seeks to affect *bona fide* rights acquired under law in force at the time of such acquisition without payment of just compensation, (b) bars the jurisdiction of Civil Courts to adjudicate rights of private parties as amongst themselves or as between private parties and Government of a State or Union, (c) which purports to have retrospective effect as from a date prior to the date of publication of the Bill except of laws indemnifying Government servants (in Civil, Military, Naval or Aerial services) under extraordinary circumstances, or (d) which restricts free trade and commerce between States or discriminates against particular State or States;

(4) (a) to alter the enumeration of States in Part I of the First Schedule so as to make it consist of Linguistic Provinces (on the lines stated in the Constitution of the Indian National Congress), namely, (1) Andhra, (2) Assam, (3) Bihar, (4) Bengal, (5) Gujarat, (6) Karnatak, (7) Kerala, (8) Mahakoshal, (9) Maharashtra, (10) Punjab, (11) Tamil Nadu, (12) United Provinces, (13) Vidarbha and (14) Utkal;

(b) to add to Part II of the First Schedule Bombay and Madras Cities, and

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(c) to make provision for carving out bi-lingual areas where necessary and include them in Part II of the First Schedule."

Sir, I have not given notice of amendments to particular Articles because we are expected to have a general discussion on the principles embodied in the Draft Constitution. Therefore, I thought I might draw the attention of the Constituent Assembly to certain principles on which the Constitution ought to be based.

"The first principle, Sir, is that the previous sanction of the President is to be made necessary wherever any law is to be introduced in a State legislature affecting the fundamental rights of the citizens. It might be said, Sir, that if the law adversely affects the fundamental rights of the citizens, it might be invalidated later on. But the history of constitutional progress in America has shown that subsequent invalidation by adjudication in a court of law, is not sufficient protection against the invasion of these rights by the State legislatures. Therefore, I have suggested that the previous sanction of the President is to be made necessary in the case of laws affecting the fundamental rights.

"Secondly, Sir, I want that it should be made clear that the right of citizenship of the Union extends to the right of being admitted into Government service and educational institutions throughout India. Article 13 has seven clauses but the phrases 'in any part of the territory of India' and 'throughout the territory of India' occur only in Clauses (d) and (e). The existing section 298 of the Government of India Act has been split up into Clause (3) of Article 10 and Clause (1) of Article 13 but the phrase 'throughout the territory of India' has been added to only two of these items but not to the others. This might have been done as a result of loose draftsmanship or by design. I do not attribute any bad intention. My point is that the right of citizenship should include and extend to the right of being admitted to Government service and educational institutions in the country. You may be aware, Sir, that to-day the applicants of Madras are treated as foreigners in other Provinces and students from other Provinces are treated as foreigners in our Province. If we value the citizenship of the Union and claim that the citizen of a State is equally the citizen of every other State in the Union, this right of citizenship must include and extend to the right of being admitted into educational institutions and Government services also anywhere in the Union. Sir, we have seen in this Presidency that this fundamental right to education is now sought to be restricted in several ways and several Government Orders have been introduced. Under the future constitution, where we say that everybody is entitled to education, we must see to it that everybody has got the right of being admitted into any educational institution subject only to prescribed qualifications and standards."

THE HON. SRI B. GOPALA REDDI:—"Suppose, Sir, if there are only hundred seats in a Medical College and thousand students apply, what should be done?"

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* **SRI T. VISWANATHAM:**— In the latter case, consideration of space will apply. I have included that also in the amendment. To-day it may be considerations of space but to-morrow the Government should take steps to see that space is made available for all the thousand students. As soon as the present financial conditions of the Government improve, there should be no considerations of space. I am very glad my hon. Friend has aided me by his interruption. In the present circumstances, certain reservations are necessary for a period of 15 years in the case of the Harijans.

“Sir, in this legislature we have had experience of Bills affecting fundamental rights being introduced, discussed and passed with thumping majorities. They become the law of the land. One of the fundamental rights is that no person shall be convicted except for violation of law. The citizen is given the protection of law but if the law itself is subject to the ravages of the executive, what is the use of the law? The Constitution should therefore provide that no State should be in a position to make ravages on law according to its whims and fancies. There will be no more sanctity in law if the law is not based upon well-known and well-understood principles of jurisprudence.

“Sir, under Article 24, it is stated that ‘no person shall be deprived of his property save by authority of law.’ The whole thing is based on the fact that legal processes must be scrupulously observed. But we have seen examples of the Madras Legislature trying to enact laws which are not based on juristic notions of justness and fairness. The time has come in the existing circumstances of the country to put a check upon the Executive of the States. So, I have proposed certain amendments so as to prohibit the introduction and consideration of any legislation which seeks to adversely affect the bona fide rights except on payment of compensation.

“Hon. Members are aware, Sir, how several times, there has been a duel here, on every bit of legislation where the Government have sought to oust the jurisdiction of the courts. Sir, that law is not law which bars the jurisdiction of the courts to adjudicate on disputes between the State and the citizen. In another country, it might be said that these are well-understood principles and need not be embodied in the Constitution. But, situated as we are and knowing what is happening on the floor of this Assembly, it is necessary that we should guard ourselves against this tendency. I hope the Constituent Assembly will take note of things which are happening in the Provincial Legislatures particularly in the Madras Legislature and provide safeguards against the Executive committing ravages against law.

“Sir, the Government also have been introducing Bills giving retrospective effect of not only one or two years but for very long periods. Retrospective legislation is a very bad legislation. It is permissible only under certain circumstances where we have to indemnify officers of Government who have done something

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under emergencies. Excepting this, legislation should not have retrospective effect or be retrospective. Such legislation is passed only by autocrats. If we call ourselves a democracy and pass such legislation, then we will become an elected autocracy which will be much worse than the hereditary autocracy, viz., the kings with whom, luckily, we have no concern now. The Constitution must provide necessary safeguards. The law is inviolable. If it is inviolable by the citizen, it must be made inviolable by the State also.

“Sir, I now come to the question of the formation of the Andhra Province. I am not going to repeat what has already been said on it. I also put the thing on another basis, viz., that the new Constitution should enumerate the Provinces not as they were in the 1935 Act but as they are enumerated in the All-India National Congress Constitution. Sir, we have fought and won freedom through the Indian National Congress with a constitution based on linguistic provinces. I submit, therefore, that in the new Constitution, the provinces may be enumerated in the way in which they are enumerated in the Congress Constitution and early steps taken so that by the time the new Constitution comes into operation, the new provinces on a linguistic basis may come into existence.

“Sir, under Article 131 there are alternative provisions given with regard to the election or nomination of Governors. The Constituent Assembly in its proceedings accepted the principle of election of the Governor. When such is the case, the Drafting Committee had no power to suggest alternatives. It will only create cleavage of opinion in the country. The argument that the election of a Governor would create friction between him and the Chief Minister who is also elected by the same kind of electors, is not convincing. On the contrary, if the same kind of electorate elects the Prime Minister and also the Governor, there will be greater harmony but not friction. Even here, Sir, it is not accurate to say that it is the same electorate which elects both. The Prime Minister is chosen by the legislature and he is elected by the electors of one constituency but the Governor is elected by the electors of the whole province. It is wrong, therefore, to say that the same electors elect both the Governor and the Prime Minister and, as I have already said, this method of election will produce greater harmony and not conflict between the Governor and the Prime Minister. Sir, these are some of the fundamental points I have mentioned. I have no time to deal with the other points.”

MR. SPEAKER:—“All hon. Members who have given notice of amendments have already spoken. Twelve more hon. Members want to take part in the debate. The Hon. the Leader of the House wants forty-five minutes for his reply. Therefore, if the House is prepared to sit till 6-30 p.m. I can give a chance to the other Members who want to speak.”

SEVERAL HON. MEMBERS:—“Yes, Sir.”

[Sri R. Subba Ayyar]

[28th April 1948]

4 p.m. SRI R. SUBBA AYYAR :—"Mr. Speaker, Sir, இந்த திருத்தங்களை நான் ஆமோதிக்கிறேன். முழு மனதுடன் ஆமோதிக்கிறேன். முதலாவதாக இந்த அரசியல் திட்டத்தைப்பற்றி விவாதிப்பதை பார்த்து நமது பூர்வ சரித்திரத்தை ஞாபகப்படுத்த விரும்புகிறேன். காங்கிரஸ் ஸ்தாபனம் ஆரம்பம் முதலிலிருந்து வயது வந்த எல்லோருக்கும் வோட்டுரிமை அளித்து அந்த முறைப்படி தேர்தெடுத்து அந்தப்படி அமைத்த அரசியல் நிர்ணய சபையின் திட்டம்தான் நமக்கு வேண்டுமென்றும் அப்படி வகுக்கப்பட்ட திட்டத்தையேதான் நாம் ஒப்புக்கொள்வோம் என்றும் காங்கிரஸ் வாதிகள் சொல்லி வந்தார்கள் அந்த திட்டத்தின் கீழ் போராட்டத்தையும் நடத்தினார்கள். அப்படி நாம் எண்ணியபடி வயது வந்தவர்களுக்கு வோட்டுரிமை அளிக்கப்பட்டு தேர்தெடுத்து அரசியல் நிர்ணய சபை இல்லாவிட்டாலும்கூட இப்பொழுது இருக்கும் இந்த ஜனநாயக முறையில் தேர்தெடுக்கப்பட்ட நமது பிரதிநிதிகள்கொண்ட, நமது மக்களால் தேர்தெடுக்கப்பட்ட அங்கத்தினர்களைக்கொண்ட, ஒரு அரசியல் நிர்ணய சபையை நமக்குக் கொடுத்து அதால் ஒரு திட்டம் தயாரிக்கப்பட்டு அதைக்குறித்து இங்கு இப்பொழுது விவாதிப்பது என்பது நமக்கு சந்தோஷத்தைத் தருகிறது. முதலில் இந்த அரசியல் நிர்ணய சபை விஷயமாக இந்த சபையில் இந்த விவாதம் நிகழ்ந்த சமயத்தில் நமது முஸ்லிம் லீக் நண்பர்கள் இந்த மாதிரியான அரசியல் நிர்ணய சபை என்பதே கிடையாதென்றும் அது பொய் என்றும் சொல்லி வந்தார்கள். அந்த மாதிரியான அரசியல் நிர்ணய சபையும் இல்லவே இல்லை என்றும் சொல்லி வந்தார்கள். ஆனால் இப்பொழுது அவர்கள்கூட இந்த விவாதத்தில் கலந்துகொண்டு இந்த அரசியல் நிர்ணய சபை என்பது நிச்சயம் என்றும் அதன் கீழ் ஏற்பட்ட அரசியலை ஒப்புக்கொண்டு இந்தியா ஒற்றுமையாக இருக்கவேண்டுமென்றும் இப்பொழுது தெரிவித்துக்கொண்டிருப்பதைப் பார்க்க அது மிகவும் வரவேற்கத்தக்க விஷயமாகும். (Cries of hear hear.)

"இரண்டாவதாக இந்த ஜீவாதார அடிப்படையான உரிமைகள் என்ற விஷயத்தில் இந்த திட்டத்தில் மதப் பிரசாரம் செய்வதற்கு ஒரு உரிமை எல்லா மதஸ்தர்களுக்கும் கொடுக்கப்பட்டிருக்கிறது. அப்படிப்பட்ட உரிமைகள் வழங்குவதைப்பற்றி பலருக்கு ஆட்சேபிக்கிறேன். இல்லாவிட்டாலும்கூட நான் அதை மிகவும் ஆட்சேபிக்கிறேன். என்னென்றால் சாதாரணமாக இந்த மதத்திற்கு நம் நாட்டில் முக்கியமாக ஹிந்து சமூகத்திற்கு இந்த மதப்பெயரால் மிகவும் கெடுதல் உண்டாக இருக்கிறது என்ற விஷயத்தை நாம் மறந்துவிடக்கூடாது. இந்த மதம் என்பது ஆங்கிலத்தில் சொல்வது போல ஒரு 'one way traffic' ஆக இருக்கிறது. எப்பொழுதும் பிற மதத்தினர்கள் ஹிந்து சமூகத்தினர் மீது பிரசாரம் செய்து ஹிந்துக்களை தங்கள் மதத்திற்கு மாற்றி இருக்கிறார்கள். அவர்கள் ஹிந்து மதத்திற்கு எந்த விதமான சாதகமும் செய்யவில்லை. ஆனால் இந்த மதப் பிரசாரம் என்ற பெயரால் நமது ஹிந்து சமூகத்திலிருந்து முஸ்லிம்கள் மூன்றில் ஒரு பங்கு ஹிந்துக்களை தங்களுடைய மதத்திற்கு இழுத்துக்கொண்டிருக்கிறார்கள். அதைப்போலவே மூன்றில் ஒரு பங்கை கிருஸ்தவர்களும் தங்களுடைய மதத்திற்கு இழுத்துக்கொண்டிருக்கிறார்கள். ஆனால் இந்த முஸ்லிம்களும் கிருஸ்தவர்களும் நம் நாட்டைச் சேர்ந்தவர்களல்ல என்று நான் சொல்லவில்லை. ஒரு சமூகத்தினர் மற்ற சமூகத்தினருக்கு கெடுதலை உண்டாக்குவது கூடாது என்பதைத்தான் நான் சொல்லுகிறேன். சரித்திரத்தைப் பார்த்தால் இந்த மதப்பிரசாரமானது ஒரு சமூகம் மற்ற சமூகத்தை தன்னுடைய சமூகத்திற்கு மாற்றுவதற்கு வேதவாக இருக்குமே தவிர மெஜாரிட்டியாகிய ஹிந்துக்களுக்குச் சாதகமாக இருக்காது என்பதைத் தாழ்மையுடன் நான் தெரிவித்துக்கொள்ளுகிறேன். இது fundamental rights என்பதாக சேர்க்கப்பட்டிருக்கிறது. அது நவறு. அதாவது, அதைக் கட்டாயம் நீக்கிவிடவேண்டும்மென்பதே என்னுடைய அபிப்பிராயம்.

"அடுத்தபடியாக பெருவாரியாக இந்த திட்டம் பிரிட்டிஷாருடைய 1935-ம் வருஷத்திய ஆக்டை எல்லா அம்சங்களிலும் அடிப்படையாகக் கொண்டிருக்கிறது அந்த அடிப்படையைக் கொண்டே எல்லா அம்சங்களிலும் ஏற்பாடு செய்யப்பட்டிருக்கிறது. அங்கங்கே சில இடங்களில் அமெரிக்கா அரசியல்

திட்டத்தையும், கனடா அரசியல் திட்டத்தையும் அனுசரித்து இன்னும் சில இடங்களில் ஜப்பானிய அரசியல் திட்டத்தையும் கூட கொஞ்சம் அனுசரித்துப் போவதாக தெரிகிறது. அப்படி இருந்தபோதிலும் பெருவாரியாக பிரிட்டிஷ் அரசியல் திட்டத்தையே ஏற்றுக்கொண்டு அவைக்கப்பட்டிருக்கிறது. ஆகையால்தான் இந்த திட்டத்தில் capitalist prestige என்ற பிரகாரம் அதாவது முதலாளிகளுடைய கொள்கையைக் கொண்ட அநேக அம்சங்கள் இத்திட்டத்தில் காணப்படுகிறது. அதுவுமல்லாமல் பிரிட்டிஷ் ஆட்சியில் நாம் எந்த அம்சங்களில் அரசியலில் இருந்தோமோ அந்த மாதிரியான அம்சங்களை இந்த திட்டத்தில் முக்யமாக சேர்க்கப்பட்டிருக்கிறது என்பது எல்லோருக்கும் ஞாபகம் இருக்கும். 1935-ம் வருஷ ஆக்டின் 93-வது பிரிவின்கீழ் கவர்ன்மெண்டு சாவாதிகாரம் பூராவையும் எடுத்துக்கொண்டு அரசியல் பூராவையும் suspend செய்தவிட்டு நடத்துகிறது என்ற திட்டமானது இன்னும் இந்த திட்டத்தில் இருந்து கொண்டிருக்கிறது. ஜனநாயக ஆட்சி ஏற்பட்ட பிற்பாடும் socialist democracy பெயரைப் போட்டுக்கொண்டு அரசியல் நடத்தி காலத்தில் அந்த section 93 பிரிவின்கீழ் உள்ள கொள்கையை இந்த அரசியலில் சேர்த்துக்கொள்வது நியாயமா என்பதை நாம் யோசிக்கவேண்டும். இந்த திட்டம் தயாரித்த சமயம் பர்மாவில் சில அரசியல் கலவரங்கள் நடந்தது. அதனால் இதை சேர்த்துக்கொண்டார்களோ என்பதும் தெரியவில்லை. அப்பொழுது பர்மாவில் ஏககாலத்தில் 5, 6 மந்திரிகளைக் கொலை செய்து விட்டதால் மந்திரிகளுக்கு நெறுக்கடி ஏற்பட்டு மந்திரி சபை பூராவும் கலைக்கும்படியான சமயம் ஏற்படுமோ என்று யோசித்திருக்கலாம் அப்படி கோளாறுகள் ஏற்பட்டு அரசாங்கம் பாதிக்கப்பட்டால் அரசாங்கம் நடக்குமோ நடக்காதோ என்று இதை சேர்த்துக்கொண்டார்களோ என்னமோ தெரியவில்லை. அப்படி பிரளயம் ஏற்பட்டால் யாரால்தான் என்ன செய்ய முடியும். ஆகையால் இந்த section 93 படி அதிகாரங்களை எடுத்துக் கொள்வது என்பது மிகவும் ஆட்சேபிக்கத்தக்க விஷயம்.

"இன்னும் அநேகம் மாகாணங்களில் இரண்டு சட்ட சபைகள் இருக்க வேண்டுமென்று சொல்லப்படுகிறது. இதையும் கூட ஆட்சேபிக்கவேண்டியதாக இருக்கிறது. இப்பொழுது ஜனநாயக ஆட்சி முறை வந்திருப்பதால் இந்த மேல்சபை இருக்கவேண்டியது அவசியமற்றது. மேலும் மத்ய கவர்ன்மெண்டார் இந்த மேல் சபைக்கு nomination முறையை வைத்துக் கொண்டிருக்கிறார்கள். நாம் இப்பொழுது ஜனநாயக ஆட்சி முறையில் இருக்கும்போது கூட இந்த 1948-ம் வருஷத்தில் இந்த மேல்சபையை வைத்துக்கொள்வது என்பதும், அதற்கு nomination முறை வைத்துக் கொள்வது என்பதும் ஜனநாயகத்திற்கு விரோதமானது. முக்யமாக இந்த அரசியல் திட்டத்தில் வயது வந்தவர்களுக்கு வோட்டுரிமை அளிப்பது என்ற விஷயமும் மாகாண வகுப்பு பாதுகாப்பு என்ற விஷயமும் இன்னும் பல விஷயங்களும் வரவேற்கத்தக்க விஷயங்களாகும். அதிகமாக இன்னும் சொல்ல விரும்பவில்லை. ஒரு விஷயத்தை மாத்திரம் சொல்லிவிட்டு முடித்துவிடுகிறேன். இந்த அரசியல் நிர்ணய சபை போன டிசம்பரில் முடித்துவிடுகிறேன். இதை நடைபெற முடியாமல் தடுக்கவேண்டுமென்று ஆரம்பித்தபோது இதை நடைபெற முடியாமல் தடுக்கவேண்டுமென்று பலர் முட்டுக்கட்டை போட்டும் அதை நடத்துவேன் என்று பகிரதப் பிரயத்தனம் செய்தார்கள். அப்படி இருந்தும் இப்பொழுது நமக்கு இந்த அரசியல் திட்டம் கிடைக்கும்படியான நிலைமை வந்திருக்கிறது. இதற்கு நமது பிரதம மந்திரி ஜவஹர்லால் நேரு பல இடையூறுகளுக்கு மத்தியில் பாடுபட்டு இப்பொழுது ஒரு திட்டம் கொண்டுவந்திருப்பது வரவேற்கத்தக்கது என்று சொல்லி இந்த மாறுதல்களை ஏற்றுக்கொள்ளவேண்டுமென்று சொல்லிக்கொண்டு நான் முடித்துக்கொள்ளுகிறேன்."

* M. S. ABDUL MAJID SAHIB BAHADUR :—"Mr. Speaker, Sir, the atmosphere in this House is uninspiring and unenthusiastic. There ought to be an abundant amount of enthusiasm now. But one finds that there is no enthusiasm among the representatives of the people who ought to show great enthusiasm because they are discussing the Draft Constitution of this country which will settle the destiny of the millions of people and their fate and fortune perhaps for centuries to come.

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" Mr. Speaker, the time at my disposal is so short, that it will not be possible for me to enter my remarks on every Article of this Draft Constitution. I do not propose to traverse the beaten track or to repeat the arguments of others. With regard to fundamental rights, it has been acclaimed to be the most notable feature of the Constitution guaranteeing the citizens the essence of freedom achieved after years of suffering and sacrifice.

" Sub-clause (1) of Article 13 declares that all citizens shall have the right of freedom of speech, of association, of movement and of profession. This naturally captures the imagination of the people. But all the succeeding clauses reduce the contents of the fundamental rights so that they will amount to nothing more than what they were in the old days of British Rule. The Constituent Assembly has given certain rights to the people with one hand and taken them away with another by hedging the rights with several restrictions.

" Sir, I now come to Article 24 of the Draft Constitution. It leaves it to the legislature to deprive a man of his property without defining the circumstances under which he should be so deprived. This is an extraordinary power vested in the legislature and is contradictory to the rights guaranteed in Article 13 of the Draft Constitution. It is only in exceptional circumstances and for very necessary State purposes and in cases of general emergency that a man's properties can be taken away from him. They should be returned to him as soon as the crisis is over." (At this stage the Deputy Speaker took the Chair.)

" Madam, Article 24 provides for payment of compensation, but not for adequate compensation. It will therefore be open under this Article to deprive a man or a class of persons of their property and make provision for compensation which may be insignificant or illusory.

4.15 p.m. " Times may change, new parties may come, expropriatory measures may be undertaken by such parties and the Government. Therefore, in such changing times, the only rock on which the citizens can stand is the Constitution. Expropriatory measures would be treated as amendments to the Constitution itself and there should be a clear provision enabling the citizen to test the adequacy of compensation in a Federal Court.

" Then I pass on to Article 31 of the Draft Constitution with regard to the directive principles of State's policy, 'that the operation of the economic system does not result in the concentration of the wealth and means of production to the common detriment'. This is clearly aimed at the capitalists who have amassed or who are amassing huge wealth in their hands and is likely to be used against small people who in a way form the backbone of India's industries and commerce. If such small capitalists are frightened by State policy, there will be a setback to private enterprise and production. Amassing is an incentive for people to work more, plan more and develop the industries of

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to interfere in their endeavours after they have brought to fruition their ideas, they may not make any new venture, they may not develop or plan. It is no doubt a good idea to prevent the concentration of wealth, but it should not be done so directly as is now contemplated by the Draft Constitution. The declaration of State policy to prevent concentration of wealth in Article 31 (iii) could well have been left out and the Legislatures to come may be given a free hand to decide the policy on such matters by appropriate legislation.

" Then, Madam, with regard to the Constitution of the Parliament referred to in Chapter II, we find that no seat is allotted for Trade and Commerce. In the opinion of the Committee they probably thought it was unnecessary. I think when they come to consider the importance of Commerce, they must make a provision for the representation of Trade and Commerce. If this representation is denied to a vital link in the country's prosperity, I am afraid, Sir, this will go against the prosperity of the country.

" With regard to the selection of Governors, I need not go into the question, whether he should be elected by adult suffrage or by some other means. Here, I want to refer to one important aspect. Article 188 gives enormous powers to a Governor, in cases of grave emergency even to suspend the Constitution relating to any body or authority in the State. The necessity for such huge powers in one individual, though for a short period, has to be hedged round by making it obligatory on the part of the Governor to take the advice of the Chief Minister and the Council of Ministers. If we are going to invest the Governor with vast powers, who, let us suppose, is elected by adult suffrage, he will at once become not an individual but an institution, who would go against the very fundamental rights of the people of this country and he will bring the working of the Constitution to a standstill. Therefore, I would wish that such enormous powers should not be vested in the person of the Governor to be elected or selected.

" Then, with regard to the allocation of finances, I am really unhappy to note that the *status quo ante* is being maintained. Considering the financial position of the Province, five years' postponement for the consideration of this question is too long a period. By implementing the great social reform, I mean prohibition, we have suffered a very great land-slide in the finances of this Province. Therefore, we must urge on the Constituent Assembly that the question of the allocation of the finances should be taken up immediately and decided upon. I am quite confident that the Leader of the House, who also happens to be the Minister for Finance, would use all his good offices and influence with the Constituent Assembly, to see that this question is taken up as early as possible. Financial allocation is a very important matter and I hope this question will be taken up by the higher authorities.

" With regard to the question of separate electorates, Madam, Deputy Speaker, I do not propose to elaborate because several of

“அடுத்தபடியாக ஒன்று சொல்ல விரும்புகிறேன். இந்த மாகாணத் துறிய்பாக பிற்போக்கைச் சேர்ந்த 145 பிரிவுகள் கொண்டவர்கள்

இருக்கிறார்கள். சற்றேறக்குறைய மாகாணத்தின் ஜனத்தொகை ஆரோக்ஷிகமாக உள்ளது என்று சொல்லப்படுகிறது. அதில் பேர்பாதியாகிய 2½ கோடி பிற போர்களைச் சேர்ந்தவர்கள் இருக்கிறார்கள். ஆனால் இந்த அரசாங்க உத்யோகங்களில் அவர்கள் இருப்பதை கணக்கெடுத்துப் பார்த்தால் இந்த பிறபோர்களைச் சேர்ந்தவர்கள் உத்யோகங்களில் எத்தனை பேர்கள் இருக்கிறார்கள் என்பதை இந்த சபைக்குத் தலைவராயிருப்பவர் யோசனை செய்ய மார்க்கட்டும். அப்படி பார்க்கிறபோது எந்தெந்த வகுப்பினர்கள் பெரிய உத்யோகங்களில் சலுகைகள் பெற்று உத்யோகங்கள் பெற்றிருக்கிறார்கள் என்று நன்று விளங்கும். நூற்றுக்கு 4 பேர்கள் கொண்ட கிரஸ்தவர்களில் எத்தனை பேர்கள் உத்யோகங்களில் இருக்கிறார்கள். நூற்றுக்கு எட்டுமீயே கொண்டு முஸ்லிம்கள் எங்கு பார்த்தாலும் எல்லாவிதமான உத்யோகங்களிலிருக்கிறார்கள். அநேகம் தடவைகளில் இங்கு பேசப்பட்டு இந்த அரசாங்கத்தில் கடைசியாக பிற்போக்கு வகுப்பினர்களுக்கு என்று இரண்டு ஸ்தானங்கள் ஒதுக்கப்பட்டிருக்கிறது. இது ரொம்பவும் வெறுத்தக்கனம் வீசிக்காத தக்கதுமாகும். இந்த நீதிபுள்ள முறையைப் பற்றி நான் சொல்லிக்கொள்ளவே வெட்கப்படுகிறேன். ஜஸ்டிஸ் கட்சி காலத்தில் கூட இந்த பிற்போக்கு வகுப்பினரை இவ்வளவு நச்சுக்கி அமைக்கப்படவில்லை. பாதாளத்தில் வைக்கப்படவில்லை என்பதை வருத்தத்துடன் சொல்லிக்கொள்ள விரும்புகிறேன். இப்பொழுது என்ன நடக்கிறது. இம்மாகாணத்தில் இரண்டு வருஷத்திற்குள் சில குறிப்பிட்ட வகுப்பினர்களை கலெக்டர்களாகவும், டிவிஷனல் கலெக்டர்களாகவும், தாசிஸ்தர்களாகவும், டிபுடி தாசிஸ்தர்களாகவும், கலெக்டர்களுடைய பர்ஸனல் அசிஸ்டெண்டுகளாகவும் மாற்றப்பட்டிருக்கிறார்கள். அவர்களை விரல்விட்டு எடுத்துச் சொல்ல முடியும் என்பதைச் செக்ரெட்டரி கூறுகிறேன். ஏன்? அதிகம் தூரம் போவானேன். இந்த மாகாணத்தைப் பற்றி என்னென்ன உத்யோகங்கள் வழங்கப்பட்டு பிரமோஷன் செய்யப் பட்டிருப்பதை ஆராய்ந்து பாருங்கள். இவ்விதமாக அரசாங்கத்தை நடத்திக் கொண்டு போனால் வருங்காலத்தில் இந்த பிற்போக்கு வகுப்பினர்களைப் பெரிய புரட்சி ஏற்படுமல்லவா? அப்படி புரட்சி ஏற்பட்டால் யார் பதவியில் இருப்பார்கள். இந்த பிற்போக்கைச் சேர்ந்தவர்களும் ஹரிஜனங்களும் தான் எனவே இந்த பிற்போக்கு வகுப்பினர்களை பராமுக்கமா! ஒதுக்கித் தள்ளுவதை வேண்டாமென்று நான் கேட்டுக்கொள்ளுகிறேன். இந்த மாதிரியானவைக்கே மேலிடமிருந்து நாம் காத்திருக்கக்கூடாது. நாம் ஜாதிப் பிரிவினை இருக்கக்கூடாது கட்சிப் பிரிவினை இருக்கக்கூடாது. நாம் எல்லோரும் ஒன்று, நமக்கு எல்லோருக்கும் ஒரே சுதந்திரம் என்கிற வாழ்த்தையும் அதிகம் வாழவேண்டும். உத்யோகங்களில் பார்த்தால் தப்பித்தவரிடையே மலையாளிகள் இருக்கிறார்கள். அதைக் கண்டு சந்தோஷமடைகிறேன். அநேகம் ரெட்டியார்கள் உத்யோகங்களிலிருக்கிறார்கள் அதைக் கண்டும் சந்தோஷமடைகிறேன். அநேகம் முதலியார்கள் உத்யோகங்களிலிருக்கிறார்கள் அதைக் கண்டும் சந்தோஷமடைகிறேன். உத்யோகங்களிலிருக்கிறார்கள் அதைக் கண்டும் சந்தோஷமடைகிறேன். உத்யோகங்களில் போட்டு சந்தோஷமடையக்கூடாது? அப்படிப் போட்டுப் பார்த்துக்கூடாது என்று நான் அவர்களைக் கேட்கிறேன். இதன்பற்றி எவ்விதம் பேசலாம் என்றும் கேட்கலாம். ஜாதியைப் பற்றி பேசுபவர்கள் எவ்விதம் பேசலாம் என்றும் கேட்கலாம். எப்படி அவன் காங்கிரஸ்காரனுக்கு இரண்டு பதவிகள் கொடுத்திருக்கிறான் என்று நினைக்கிறேன். அது என் கிரியாவைப்போன்றது என்று நினைக்கிறேன். அதைக் கேட்பது தப்பா? இதைப் பற்றி காங்கிரஸ் தான் கேட்கிறேன். அதைக் கேட்பது தப்பா? இதைப் பற்றி காங்கிரஸ் பிரசாரம் செய்ய உரிமை யிருந்தும் இதுவரை என் செய்வதில்லை? பத்து வருஷத்திற்கு மற்றவர்களுக்கு உத்யோகங்களை கொடுப்பதை நிறுத்திக் கொள்ளட்டோம். இப்பொழுது பிராமணர்களுக்குக் கொடுப்பதை நிறுத்தி யாகிவிட்டது. இப்பொழுது உத்யோகத்தில் முற்போக்கிலுள்ள ரெட்டியார், முதலியார், நாடார், முன்னாள் நாயர் முதலியவர்களுக்கு உத்யோகம் வழங்கப்படுவதை நிறுத்திக்கொள்ளட்டோம்! இந்த பிற்போக்கு வகுப்பினர்களுக்கு 10 வருஷம் காலம் வரையில் அவர்களுக்கு வேலை கொடுத்த பதவி வாட்டும். அவர்களும் 10 வருஷம் வேலை செய்து சகித்து பெருமை படட்டும். அவர்களும் 10 வருஷம் வேலை செய்து சகித்து பெருமை

[Sri A. Subrahmanyam] [28th April 1948]

சந்தர்ப்பம் அளித்துப் பாருங்கள். அதன் பிறகு நீங்கள் பேச்சளவில் யாரையும் நியமித்துக்கொள்ளலாம். இதை எல்லோரும் ஒப்புக் கொள்ளவேண்டியது நியாயமாக இருக்கும் என்று சொல்லுகிறேன். இப்பொழுது பார்த்தால் இங்கே 13 மந்திரிகள் இருக்கிறார்கள். இந்த 13 மந்திரிகளில் பிற்போக்கைச் சேர்ந்தவர்கள் யார் இருக்கிறார்கள் என்று கேட்கிறேன். ஒருவர்கூட இல்லவே இல்லை. ஆனால் நமது கனம் சவாமி அதனுக்கு ஒரு மந்திரி வேலை கொடுக்கக்கூடாது. நமது கனம் பொருளாதாரத்துக்கு ஒரு மந்திரி பதவி கொடுக்கக்கூடாது. நமது கனம் சேலம் எ. சுப்பிரமணியனுக்கு ஒரு மந்திரி பதவி கொடுக்கக்கூடாது. இந்த கூடாது? எங்களுக்கு திறமை இல்லை என்று நினைக்கிறீர்கள். நமது ஓமந்தூர் இராமசாமி ரெட்டியார் அவர்கள் பிரதமராக இருந்து அரசாங்க வேலையை எவ்வளவு அழகாக பார்க்கிறார் பாருங்கள். 'ஆம், இல்லை' யோசிக்கப்படும், எழுவில்லை' என்று தமிழில் சபையில் பதில் சொல்லி வருகிறார். அதைப்போல் நடத்துவதற்கு எங்களுக்கு தைரியம் இல்லையா? நாங்கள் அப்படி பார்க்க மாட்டோமா. எங்களைப் போட்டு இந்த ரெட்டியார்கள் ஏன் பார்த்து சந்தோஷப்படக்கூடாது? நாங்கள் செய்யமாட்டோமா? ஆகையினாலே இம்மாதிரியான சந்தர்ப்பத்தை எங்களுக்குத் தேடிக் கொடுங்கள் என்று கேட்டுக்கொள்ளுகிறேன். இது சம்மந்தமாக இந்த மாகாணத்தில் பல கிளர்ச்சிகள் நடந்துவருகின்றன. இப்பொழுது பேசுகிறபோது கூட கனம் மந்திரி காளா வெங்கட்ட ராவ் கூட குறிப்பாக எங்களுக்கு இரண்டு ஸ்தானங்கள் ஒதுக்கப்பட்டிருக்கிறது என்று சொன்னார்கள். அதன் பிரகாரமே இனி இந்த உத்தியோகங்கள் வழங்கப்பட்டுக் கொண்டே வரும் என்று சொல்லப்படுகிறது. ஆனால் பிற்போக்கு வகுப்பினர் நூற்றுக்கு 50 பேர்கள் இருக்கிறார்கள். நூற்றுக்கு ஐம்பது பேர்கள் இருக்கக்கூடியவர்களுக்கு 14 ஸ்தானங்களில் இரண்டு ஸ்தானங்கள் தான் ஒதுக்கப்பட்டிருக்கிறது. ஆனால் நூற்றுக்கு 24 சத விகித முள்ள முதலியார், ரெட்டியார், நாயர், மேனன், நாயர் முதலியவர்களுக்கு (ஜனத் தொகையில்) 14 ஸ்தானங்களில் ஆறு ஸ்தானங்கள் ஒதுக்கப்பட்டிருக்கிறது. இப்படி இருந்தால் இந்த பிற்போக்கு சமூகம் எப்படி உயரும், எப்பொழுது முன்னுக்குவரும் என்று கேட்கிறேன். அதைப் பற்றி சொன்னால் எல்லோருக்கும் உத்தியோகம் வழங்கப்பட்ட பிறகு பிற்போக்கு வகுப்பினர்களுக்கும் உத்தியோகம் வழங்கப்படும். அவசரப்படவேண்டாம் பொறுத்திருங்கள் என்று சொல்லுகிறார்கள். இது எப்படி இருக்கிறது என்றால் பாதம் அல்லா, பால்கோவா, கோதுமை ரொட்டி இன்னும் பலவிதமான பலகார பட்சணங்களை சாப்பிட்டுவிட்டு ஜீரணசக்தியற்று சுகித்து கொழுத்திருக்கும் ஒருவன் பலநாள் பட்டினியால் வாடி வதங்கி இருக்கும் ஒருவனைப்பார்த்து உனக்கு பசிஎடுக்கிற தென்றால் உனக்கு மட்டும் முன்னால் எப்படி ஆகாரம் கொடுக்க முடியும். அவசரம் வேண்டாம் பொறுத்திரு. வரிசையில் நின்றிரு. வரிசையில் எல்லோருக்கும் கொடுத்துவிட்டு வரும்பொழுது உனக்கும் கொடுக்கப் படும் என்று சொல்வதைப் போன்று இது இருக்கிறது. இது நியாயமா என்று கேட்கிறேன். இதை ஒரு அறிஞர் ஒப்புக்கொள்ளுவாரா? யோசித்துப்பாருங்கள். ஆகையினாலே பசித்தவர்களுக்கு தான் முதலில் ஆகாரம் கொடுக்கப்படவேண்டுமென்பது எப்படி நீதியோ அதேபோன்று படித்து பட்டம் பெற்று உத்தியோகங்களில் இல்லாதவர்களுக்கும் பிற்போக்கு சமூகங்களுக்கு முதலில் உத்தியோகம் வழங்கப்படவேண்டும். அப்பொழுது தான் அவர்கள் முன்னுக்கு வர சந்தர்ப்பம் கிடைக்கும். படிப்பில்லை, சுகாதாரம் இல்லை என்று சொல்லலாம். எனக்கு ஒரு பெரிய உத்தியோகம் கொடுத்துப்பாருங்கள். என்னுடைய பிள்ளை எவ்வளவு கல்லியோடும் சுகாதாரத்தோடும் இருக்கிறான் என்று மிகு பாருங்கள். அப்பொழுது என்னுடைய குடும்பம் கல்விக்கும் பொருளாதாரத்திலும், சுகாதாரத்திலும் எவ்வளவு மேன்மையடைந்திருக்கிறதென்பதைத் தெரிந்து கொள்ளலாம். அது போன்று பிற்போக்கு சமூகத்திலுள்ளவர்களுக்கும் பெரிய உத்தியோகங்களை வழங்கி அவர்கள் எல்லாவகைகளிலும் முன்னிற்படைய அரசாங்கம் உதவிபுரிய வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

* THE DEPUTY SPEAKER:—"உங்களுக்கு பத்து நிமிஷமாவியிருக்கிறது. முடித்துவிடவேண்டும்."

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SRI A. SUBRAHMANYAM:—"இதில் கூட பிற்போக்குக்கு சலுகை கிடையாதா? இன்னும் கொஞ்சம் கூட அவகாசம் கொடுக்கவேண்டும்."

THE DEPUTY SPEAKER:—"இன்னும் கூட அரை நிமிஷம் எடுத்துக்கொண்டு முடித்துவிடுங்கள்."

SRI A. SUBRAHMANYAM:—"எதோ அரை நிமிஷமாவது, 30 செக்கண்டாவது கிடைத்ததே. இதிலேயே இந்த 30 செக்கண்டம் போய் விடும்போலிருக்கிறது. இனி மேல் இந்த பிற்போக்கு வகுப்பினர்கள் பொருளாதாரத்தில் முன்னுக்கு வரவேண்டுமென்றால் அவர்களுக்கு பஸ் பர்மிட்டளும் வியாபார லைசென்சளும் கொடுத்தால் அவர்கள் முன்னுக்கு வர முடியும். இப்பொழுது கடலூரில் அநேகம் ரெட்டியார்களுக்கு அநேகம் பர்மிட் கொடுத்திருக்கிறார்கள். செங்கற்பட்டில் எத்தனையோ முதலியார் களுக்கு பர்மிட் வழங்கப்பட்டிருக்கிறது. இதை உடனே நிறுத்தவேண்டும்." (இது சமயம் மணி அடிக்கப்பட்டது.)

* SRI M. S. PATTABHIRAMIAH:—"Madam, Deputy Speaker, I think it will not be considered that I am speaking in a spirit of temerity when I offer a few remarks upon this momentous Draft Constitution which is for our consideration here. This Draft Constitution, Madam, seems to be a mixture, or rather a blending of many of the Constitutions of the West. Those Constitutions originated from the political science of the Grecian Philosophers who were acquainted with the city States of their country and the great Persian Empire of those days and it is a relic of those days. So, Madam, the word 'citizen' is still being used for any member of a nation or an independent country. In the case of our country also the word was used, but we translated the word as 'paura'. But, those people who take their politics from the English or from the Western nations, limit the citizen's role to the 'paura'. The literal translation of the word 'citizen' is 'paura'. If you look into the ancient books of our country on political science, you find the words 'paura' and 'Janapada'. That means people living in the country and men living in the villages also were included as citizens. It may be said that there is nothing in the word, but the result of the attempt to graft the Constitution of the Western countries has been the unfortunate depletion and the ruining of the country-side of this country. The so-called Western democracies have developed their cities. In England, the great London is almost the whole of Britain and Paris is almost the whole of France. But, it was not so in our country. Very much attention has not been given to the development of the country-side in our parts. The great soul which has departed, if he were to live in our midst, would not have approved of a Constitution which only develops the cities in our country. His whole scheme of the future of the Congress and of the people who followed him was to develop the country and to make the country self-sufficient. Many great and wise men have been associated in drafting this Constitution. But, I find that they seem to have been well versed only in Western political science and the very Preamble is almost a fine blending as it may be called. But, it looks like a jumble. As was pointed out by earlier speakers, those words are all outmoded. They were the slogans of the past and now for the future this Preamble need not have been put in at all. It is quite

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unnecessary. We want concrete methods for the uplift of the down-trodden. In this country all people are not equal. The economic position, social status and the educational advancement are all varied and many communities are in different stages of development, at least in the sense of what is called political advancement. The word 'Democracy' sounds a little ominous. Democracy is rather a precursor of Fascism and Communism. It is the arrogant and the all-pervading democracies of the West which have created and brought about Bolshevism, Fascism and Nazism. And in our country also, Madam, our Congress and other big institutions and, particularly the Congress, talk of democracy and democracy is breeding Fascism in our country. Also, democracy is breeding Communalism in our Province. We are unable to impress ourselves on the whole population but we are slavishly imitating the democracy as conceived by the West. It is unfortunate that the term 'Democratic Republic' has been used here.

"Further, I would like to refer to Article 1 (3) (c) of Part I, which says, 'the territory of India shall comprise such other territories as may be acquired.' I ask, Madam, why should our Union, which has no ambition to conquer other countries, think of that? In fact, while we have been condemning such action of other imperial powers, I do not see any reason why we should care to acquire any other territory outside India. This will give a temptation for any future Government to acquire territories. I think, the provision 'such other territories as may be acquired' is unnecessary because such a provision will only tempt any future Government to acquire additional territory and we should discard the idea of conquering any country or any portion of it and add it to our country."

THE HON. SRI B. GOPALA REDDI:—"It refers to French India, Portuguese India, Bhutan and other States in India."

* SRI M. S. PATTABHIRAMIAH:—"If that is the interpretation, that could have been mentioned clearly in this manner: 'within the geographical limits of India.' But, as it has not been stated, the clause 'such other territories as may be acquired' may mean 'territories anywhere in the world.'"

"Part IV deals with directive principles of State policy. The principles embodied here are most admirable no doubt. But, unfortunately Article 29 reads: 'The provision contained in this part shall not be enforceable by any court.' Well, what are they for? They are fundamental to the country and how will we enforce these principles? Should we not declare that any law which contravenes the principles laid down here would become void by the announcement of a supreme court? But where is the sanction for it here? Government is left to itself. Article 31 says: 'the State shall direct its policy towards securing that the citizens, men and women equally, have the right to an adequate means of livelihood, etc.' All the provisions of this article have to be enforced by some provision and there should be some sanction behind it."

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"Madam, some of the demands set forth in the minorities pamphlet by Dr. Ambedkar are very fine and I find that most of them are incorporated in this Draft Constitution in a succinct manner. The idea of putting in villages or whole villages of Harijans in separate colonies will be very helpful, because Harijans are living in villages in ghettos and they are now handicapped in their development. Further, provision of safeguards for Harijans if continued for more than ten years will be more helpful. As Kautilya, the greatest political philosopher of ancient India, said:

'Sukhasya Moolam Dharmah.

Dharmasya Moolam Arthah

Arthasya Moolam Rajyam'

i.e., the State or the national legal order conserves wealth for the happiness of the people through the exercise of righteousness. It should be our aim . . ."

* SRI A. VAIDYANATHA AYYAR:—"Madam, Deputy Speaker, my first suggestion about the Bill is that, fortunately or unfortunately, it has come at a time when the world is at the parting of ways. On the political side, absolute autocracy is gone and many absolute monarchies have ceased to exist and feudalism has also gone and, in the place of all that, plutocracy, the rule by the moneyed men, is now sitting tight on the world. The Western countries have tried a system of economy which has been shown to be erroneous and not leading to the good of the people; in consequence, it has crumbled down with the result that we have got the attempted solution of Russia. And so, it is but proper that we should get into the scene and show some new kind of solution and take lessons from the great man who led us to independence. With regard to the set of sections, called the directive principles of State policy, they should not be like the precepts such as those contained in the Taitreya Upanishad or like the Ten Commandments of Christ, laying down the general aspects of truth for a king which anybody could lay down. If it proceeds like that, it will have no value when great trouble is there. If you take the catena of articles in Part IV, something more concrete should have been there as a result of the philosophy that we have been trying to practise for the last 25 years. On the other hand, you have merely a general statement vaguely given which you can find in possibly any advanced political, social or economics text-books. There are several things which most of the people who were responsible for bringing about the Draft Constitution were supposed to have imbibed and to a certain extent countenanced and put into practice as a result of the philosophy of Gandhiji; but do we find those things in the directive principles of State policy? They are not at all there. We find for instance in Article 31 mention is made of equal rights of livelihood with reference to the material resources of the community; then there is to be no concentration of wealth and the health and strength of the workers is referred to. But the major

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solution which we should have expected under a Gandhian philosophy which is supposed to have given some benefit to the world is not specifically and clearly laid down. As a concrete instance, you find that, of the several things that Mahatmaji laid down for treating the ills of the world, only one has gone into the fundamental rights and that is removal of untouchability; but what about prohibition; is that not a thing over which all of us are agreed? You do not find that prohibition is to be the fundamental policy of the Indian Union. On the other hand, if you turn to the second list, item 52, you find mention made of excise revenue on alcoholic liquors for human consumption, opium, Indian hemp and other narcotic drugs and narcotics and non-narcotic drugs. Curiously enough, we are given the excise revenue from drink; we are given that privilege if it is a privilege at all. That shows that those who drafted the list have not gone beyond the foundations into which we were imbedded before independence came in. Prohibition should have been there; Mahatmaji had laid it down as one of the solvents for the troubles of this country as well as of other countries. He has also said that every country must be self-sufficient in the matter of two main things, namely, food and clothing and he was laying great emphasis upon that and he was pressing us on these questions even before the attainment of independence but unfortunately we did not do so. And nothing has been said here regarding making the country self-sufficient in the matter of food and clothing. To-day, on account of famine, crores and crores of money are paid by the Central Government being the difference between the purchase price of foodstuffs and the selling price and we have gone farther and farther away from khaddar. Regarding khaddar, far from popularizing khaddar and making it a cottage industry carried on in every home, we are just trying it in certain firkas while mills are spreading like wild fire in the Province and there is severe competition and the mind both of the Government as well as those who support the Government are always thinking of how best to improve the mills. While Gandhiji said that, for the good of the country, we should take natural oils and natural ghee, we are having huge factories for the manufacture of Vanaspati ghee. If you look at the general directive principles of the State, we see that they are more or less on a line with the present economics of the West. We were having a kind of promise regarding the basic industries. Though we do not accept Communism, and though we have not yet declared ourselves in favour of Socialism, we find we have accepted nationalization of the basic industries as a principle. At least, so far as the basic industries are concerned, it should be stated there in the directive principles and a mere general statement how the kingdom ought to be administered will hardly do. That is the first omission that I see."

THE DEPUTY SPEAKER:—"The hon. Member has one minute more."

SRI A. VAIDYANATHA AYYAR:—"That is hardly sufficient; I have just dealt with one major point."

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THE DEPUTY SPEAKER:—"I cannot help it."

SRI A. VAIDYANATHA AYYAR:—"If the Deputy Speaker thinks that it is worth hearing, she can grant me time, otherwise I resume my seat."

THE DEPUTY SPEAKER:—"Everything is worth hearing but I have no time at my disposal; I am very sorry I cannot help it."

SRI A. VAIDYANATHA AYYAR:—"I request you to consider whether some little time might be allowed."

THE DEPUTY SPEAKER:—"I am sorry; there is no time."

SRIMATHI A. V. KUTTIMALU AMMA:—"Madam Deputy Speaker, it is a proud privilege for us to be discussing the Constitution of Free India. There were many in this great country of ours who never dreamt that India would be free and this nation would be able to shake off the yoke of British rule so soon and many there were who led the great institution, the Indian National Congress, which worked under the leadership, influence and guidance of our greatest leader, Mahatmaji, who won the independence of our great land. No Indian will be able to think of the freedom of our country or of this, the Constitution of Free India, without a surge of reverence and thankfulness to Bapuji, the friend and champion of all the people who were down-trodden. It is a great tragedy he is not with us now."

"It is also a great joy to us of the free Indian Union that many of our brothers who till the other day were claiming to belong to another nation have realized that they are Indians and are with us as members of this big family. Many criticisms and amendments have been brought forward by the hon. Members to which I know the Hon. Leader of the House will reply. But I would like to say in reply to the remark made by the hon. Member, Begum Amiruddin, that she is the only woman Member speaking on this subject and that this subject is not one on which it is necessary to give an opinion just because she is a woman; but just because no other lady Member had given amendments, it does not mean that no one else wants to speak. When we, of our own accord, have said that we do not even want special seats reserved for us, we do not expect any special consideration should be shown to us just because we are women. I am proud and happy that the first Draft Constitution of Free India has considered and acceded to the wishes of the women of India and the duty of women of India is to see that this freedom is kept intact. The treasure that has been given to us should be guarded safely from the many who would be only too pleased to get it. We, Indian women, who have been recognized as equals of men, should play our part in all spheres of life and bring about unity of all castes and religions and make this great country an ideal for all the peoples of the world to copy—Free India—the abode of peace, love and plenty—and this Constitution drafted by some of the best brains of this land when redrafted and ready will, I hope, help to bring about this result."

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* SRI A. KAMESWARA RAO:—"Madam Deputy Speaker, I for one never expected that the Constitution will emerge like this from the Constituent Assembly. For the last 25 years, many of our patriots had taken part in the movement, had been thrown into jails or had gone underground and many had been lathi-charged and their bones broken many a time. Is this Constitution worth all those troubles, I ask? I am sorry it contains nothing but borrowed feathers and it is only a nauseating copy of the Constitution of the moribund democracies of the West. India has been great and has given and taught civilization to the world for centuries. As my hon. Friend, Mr. Pattabhiramiah, said there were Kautilya and others who have given political science to the world even before the Greeks and now, it is unfortunate that we have fallen so low that we should be borrowing a constitution from the West instead of giving an original constitution to the world."

5 p.m. "What is it that this Constitution contributes to the originality of India? As my hon. Friend Mr. A. Vaidyanatha Ayyar asked, what does it contain of Gandhism? I regret to say but I have to say that the Constitution must be redrafted and sent back to the people for their approval. The Preamble begins with the words 'We, the people of India.' On behalf of the people of India, this Constitution comes. What is the Constituent Assembly composed of? What is the strength of the electorate who elected its members? Twenty per cent. Are you right in saying that you are speaking on behalf of the people of India as a whole? If you want to give a real Constitution representing the will of the 'masters,' the people, you must hold elections on adult franchise and then select the Constituent Assembly members. Only a Constituent Assembly composed of such members can give a real constitution to the people and on behalf of the people. Because I have got freedom to speak as I like to-day, I would like to ask: 'Who are those people that actually drafted this Constitution? Were they elected?' No. They were selected. Some of them were the pet boys of British Imperialism, and were the people who were the pillars and the brains of British Imperialism who suddenly changed their coat one fine morning and became pucca patriots."

THE DEPUTY SPEAKER:—"The hon. Member can criticize the Draft Constitution as it has been presented to this House. He should not criticize the members."

SRI A. KAMESWARA RAO:—"I am speaking about the Draft Constitution. I only say that this Constituent Assembly is not a real representative body because the actual member or members who drafted the Constitution are bad; the Constitution produced by them is also bad. I think I have got a right to say this."

THE DEPUTY SPEAKER:—"No. The hon. Member should speak only on the Draft Constitution."

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* SRI A. KAMESWARA RAO:—"What is democracy? Is there real democracy anywhere in the world? No. Everything is dictatorship. Take the United States of America, Britain, Czechoslovakia or any country. It is a particular class that rules in the name of democracy; it is a class dictatorship. There are two types of dictatorship in the world at present. One is the proletarian dictatorship and the other is the bourgeois dictatorship. Go to England; go to America. The governments there are money-bag governments. With the aid of money, people canvass and purchase votes and come as representatives of the people. The mode of election also must be absolutely and thoroughly changed. Elections must be conducted on the basis of panchayat raj and not with the aid of police. All the people in a village, people in the cheries, agricultural classes and everybody, all men and women over the age of 18, should assemble in one place, raise their hands and say: 'This is the man or woman whom we want to be our representative.' This election by ballot is nauseating. I have gone through elections and I know what they are. Every one of you also may know them. Show some wine and you will get some votes; throw some money and you will get some votes. That is what is going on in district board and municipal elections. The method of educating the electorate is not followed."

"Madam, Mahatmaji has been great. Mahatmaji has taught us a new method to fight for our freedom, because we are armless, and that is the method of truth, non-violence and satyagraha. All his principles have been waived; not even one symbol is found in this Constitution. If the real representatives of the people frame a Constitution, I know that it will be absolutely different, and will contain the principles of Gandhism."

"There is an article providing for religious instruction. When we want a secular State, why do you want religious instruction? What religion will you teach—Brahmoism, Sai Babaism, Muhammadanism, Vedantam, Dwaitam or Advaitam or what? How can you give religious instruction in schools? Religious instruction must be completely out of State hands. I am an atheist: I do not believe in god or religion. I do not see any reason why I should think of god when I know that my conscience is clear. I know what is right and what is wrong when I do a particular thing. Materialists call matter and theists call god. Whatever it is, I do not want to probe into things which I do not know."

"Another thing in this Constitution is the provision made for the payment of compensation for all property. Who has earned this property? One man exploits other man's labour, amasses wealth and purchases lands and buildings just as in Burma where many usurers sucked the blood of the Burmese people and purchased a lot of property which, in the name of equality and justice, they do not want to be confiscated by the Burma Government, who have got the right of confiscation. In India also, the State has got the right of confiscation. If a Raja has got thousands of acres of land, confiscate it immediately without any compensation and give it to the poor people. What right has he

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to own such a huge property? Is he born with a silver spoon in his mouth? Not at all. So any Government must have the right of confiscation without compensation.

“The whole Constitution must be redrafted and sent back to the people for their approval. With due respects to all leaders, I oppose the whole constitution.”

SRI N. GOVINDASWAMI:—“கனம் உதவி அக்ரஸனதுதி அவர்களே, நமது இந்தியா தேசத்திற்கு ஒரு அரசியல் திட்டத்தை ஏற்படுத்தி அதைப் பற்றி நாம் இங்கே பேசுவதற்கு சந்தர்ப்பம் அளித்ததற்கு நாம் பெரும் சந்தோஷம். ஆனால் அதில் தொழிலாளர்களைப்பற்றி ஒன்றுமே இல்லை. தேசத்தில் 100-க்கு 98 பேர்கள் இருக்கக்கூடிய இந்த தொழிலாளர்களுக்கு வேண்டிய பித்திர்தீவம் இந்த திட்டத்தில் இல்லை என்று நெகிழ்கிறது. ஒவ்வொரு தொழிலாளரும் ஒவ்வொரு பித்திர்தீவம் இருக்கவேண்டும். என்னென்றால் தேசத்தில் இருக்கிற ஜனங்களில் ஏழைகள் யார் என்றால் தொழிலாளர்கள்தான். அந்த தொழிலாளர்களைப் பற்றி எடுத்து சொல்லவும் அந்த தொழிலாளர்களுக்கு வேண்டிய வசதிகளைப் போதிக்கவும் வேண்டிய பித்திர்தீவம் இல்லை. ஆகையால் இப்பொழுது புர்த்தால் தேசத்தில் எங்கு பார்த்தாலும் தொழிலாளர்கள் இருக்கவேண்டுமென்றும் அவர்கள் தேசத்தில் முன்னேற்றம் அடைந்து வரவேண்டுமென்றும் இருக்கிறது. தொழிலாளிகளுடைய வேண்டுகோள் மற்றவர்களைப் போல் இல்லை. தொழிலில் மதபேதம் இல்லை. ஆகையால் தொழிலாளிகள் முன்னேற்றம் அடைய வேண்டுமென்றால் அவர்களுக்கு பித்திர்தீவம் வேண்டும். அதற்கு அவர்களுக்கு கல்வி அவசியம். அதற்கு வேண்டிய அடிப்படை சுத்துவங்கள் இந்த திட்டத்தில் இருப்பதாகத் தெரியவில்லை. இந்த தொழிலாளர்களுக்கு சலுகைகள் காட்ட வேண்டியது அவசியமாக இருக்கிறது. தொழிலாளர்களோ பகல் நேரங்களில் வேலை செய்கிறார்கள். அவர்கள் தங்களுடைய கல்வியை அபிவிருத்தி செய்து கொள்வதற்கு இரவு பாடசாலைகள் ஏற்படுத்துவதற்கு சட்ட திட்டங்கள் இருப்பதாகத் தெரியவில்லை. அவர்கள் தங்களுடைய கல்வியை அபிவிருத்தி செய்து கொள்வதற்கு வேண்டிய பணம் இல்லை. அதற்கு வேண்டிய சம்பளம் அவர்களுக்குக் கிடைக்கவில்லை. அதனால் அவர்கள் கல்விக்காக சம்பளம் கொடுக்க முடியாமல் இருக்கிறார்கள். ஆகையால் அவர்களுக்கு ஒரு திட்டம் ஏற்படுத்தவேண்டும். இதைப்பற்றி மகாத்மா காந்தி அவர்களும் கொஞ்சம் நாட்களுக்கு நான் சொல்லி இருக்கிறேன். ஒவ்வொரு கிராமத்திலும் குடிசையில் ஞானவொளி இருக்கவேண்டுமென்றும் கிராமங்களில் ஞானவொளி இருக்கவேண்டுமென்றால் பாடசாலைகள் இருக்கவேண்டியது அவசியம். கிராமங்களில் வேண்டிய தொழிலாளிகள் இருக்கிறார்கள். சிறுபிள்ளைகள், அதாவது 9, 10 வயதள்ள பிள்ளைகள் தொழிலில் ஈடுபட்டிருக்கிறார்கள். அவர்கள் பகல் நேரங்களில் அவரவர்களுடைய தொழில்களுக்கு போய்விடுவதால் அவர்களால் படிக்க முடியவில்லை. அவர்கள் இரவு நேரங்களில் தான் படிக்கவேண்டும். அதற்காகத்தான் இரவு பாடசாலைகளை அமைக்க வேண்டியது அவசியமாக இருக்கிறது.

“இன்னும் உபாத்தியாயர்களுக்கு ஒரு திட்டம் அமைக்க வேண்டியதாக இருக்கிறது. அவர்களுக்கு இப்பொழுது ரூ. 10, 12 தான் சம்பளம் என்று சொல்லப்படுகிறது. இவ்விதம் ரூ. 10, 12 என்று சம்பளம் வாங்கிக்கொண்டு இரவு பாடசாலைகளில் போதிக்க முடியாது. (At this stage the Hon. Speaker took the Chair.) இவ்விதம் உபாத்தியாயர்களுக்கு ரூ. 10, 15 என்று சம்பளம் கொடுத்தால் அவர்களால் இரவு நேரங்களில் கல்வி போதிக்க முடியாது. அவர்களும் சரியானபடி போதிக்க மாட்டார்கள். ஆகையால் அந்த உபாத்தியாயர்களுக்கு குறைந்த பட்சம் ரூ. 25-வது கிடைக்கும்படியாக இருக்கவேண்டும்.”

MR. SPEAKER:—“நீங்கள் இப்பொழுது அரசியல் திட்டத்தைப் பற்றிதான் பேசவேண்டும். உபாத்தியாயர்களுடைய சம்பளத்தைப் பற்றி பேசக்கூடாது.”

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SRI N. GOVINDASWAMI:—“தொழிலாளர்களுக்கு கல்வி அவசியமாக இருக்கிறது. அதைப்பற்றி சொல்லும்போது உபாத்தியாயர்களின் சம்பளத்தைப்பற்றி சொல்ல வேண்டியதாக இருக்கிறது. அதற்காக தான் பாடசாலை வேண்டுமென்றும், இரவு பாடசாலை வேண்டுமென்றும், அதை நடத்துவதற்கு உபாத்தியாயர்களுக்கு சரியான சம்பளம் கொடுக்க வேண்டுமென்றும் சொல்லுகிறேன். அப்படி இல்லையென்றால் . . .”

MR. SPEAKER:—“உபாத்தியாயர்களுடைய சம்பளத்தைப்பற்றிய விவாதம் இதில் வராது.”

SRI N. GOVINDASWAMI:—“அப்படி யென்றால் இத்துடன் நான் நிறுத்திக்கொண்டு உட்காருகிறேன்.”

* **SRI K. KOTI REDDI:**—“Mr. Speaker, Sir, I generally commend the Constitution as drafted by the Drafting Committee of the Constituent Assembly. I am afraid that a learned lawyer like Mr. Vaidyanatha Ayyar should have committed the mistake of believing that in the draft Constitution of a country, the authors should lay down all the detailed provisions which may be necessary for the welfare of the citizens. That might be necessary in cases where the people as such are not ultimately the arbiters of their own welfare. Here is an instance of a Constitution which makes a definite provision by which all adults, without distinction of caste or creed, race or sex, are given the right to elect their representatives. It means a lot; it means everything. Most of us are acquainted with the history of British Parliament. What difficulty the common man in England had to undergo in winning this right of franchise, every one of us knows. What difficulty the women of the country had to undergo till very recently to win this right of franchise is well-known to us all. Mr. Speaker, you will pardon me if I make a short reference to my own residence in England for some time. I was there at a time when the women were breaking the glass panes of the London City. I was there at a time when the women of England started practically the first Satyagraha movement. I remember the days when women went over to Scotland and laid themselves across the road to obstruct the car of the then Premier, Mr. Asquith, who was against franchise for women. I may say, Sir, that I sympathized with that movement in which the women fought for their franchise. I was then reading ‘The suffragette’; a newspaper which was supporting the struggles of women for franchise and which was not so freely circulated by newspaper agents, but was obtainable only in a very few places. When I was in hospital, I could not have the opportunity of getting that paper and reading it.”

SRI N. GOVINDASWAMI:—“There is no quorum, Sir.” (Interruption.)

MR. SPEAKER:—“Order, Order. (The bell was rung and some Members entered the House.) Now there is quorum. The hon. Member can continue his speech.”

* **SRI K. KOTI REDDI:**—“Well, Sir, when I said to the lady nurse who was attending on me in the hospital that I was not able to get that paper to watch the activities of the women’s movement

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in that country, she was kind enough to supply me regularly with a copy of the same. What I want to say therefore is, that in England women took the greatest interest and fought bitterly and in the end achieved their franchise. They know what a franchise ultimately means to them. So Sir, in this country also, it must be said to the credit of our leaders that although most of them happen to be capitalists and men belonging to learned professions and earning huge sums, they have seen their way to open the eyes of women in this country also and have given them their franchise. Ever since the advent of the Congress into the political field, though it was led by men of propertied classes, it always took a keen interest in the women's progress in this country and always worked for and helped the cause of women and never stood in their path of progress. Our great Congress leaders never wanted political rights only for themselves. There was never a day that I can think of, when they were not fighting for the freedom of the common man, the underdog, the helpless minorities, women and the like. Now under this Constitution we are going to have the privilege of franchise, not for the propertied class alone, not for the women only, not for this or that particular class or community, but for every adult in this country. What more do we want? It is no small thing and it is no mean achievement. Perhaps the constitution may not satisfy all the sections of the community and all the parties in the country. No constitution ever does. It may be that we are not having all that we wanted. It may be that immediately it may not be possible for us to have a capital levy on all properties. But still there is provision in it for the same, although it may be necessary to pay some compensation for the acquisition of such properties or rights. At the same time, a definite provision is made in the Constitution saying that this provision does not affect the powers of the Government in the matter of taxation. After all, by means of progressive taxation it is possible to see that the wealth concentrated in the hands of a few people could be distributed throughout the country and utilized for the purpose of the common man in the State.

"You may remember, Sir, that it appeared recently in the papers that Her Excellency Lady Mountbatten, in spite of her having properties to the tune of many millions of pounds in England, is not getting more than a £5,000 by way of annual income out of those properties. That is the legal position in regard to taxation in that country. Similarly it may be possible here also to introduce a progressive system of taxation by which the concentration of wealth in the hands of a few people could be avoided and wealth distributed among a large section of the population and thus all properties could be nationalized. Sir, I am one of those who really believe that most of the evils in this world are due to property and the greed for acquiring more property and that there should be some law in force in each country preventing the concentration of property in a few hands and distributing it among as large a number of people as possible, not by force, but by some system of nationalization or by some progressive form of taxation. Various experiments for obtaining absolute equality

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have been tried in Russia, but they were not very successful. I submit, Sir, that it is absolutely necessary for a State to take such measures as to get the best out of every individual in the land. But so far as income is concerned, there should, as far as possible, be no large disparity between one individual and another doing the various kinds of work. I am in favour of measures being introduced to bring about this result. I may say that it was not possible to do so even in Russia, because there too power was concentrated in the hands of a few. So long as the common man or woman has got this right of adult franchise,—and if exercised properly—am sure all such avoidable inequalities and all such mistakes could be corrected as the common man can make his voice heard by the State. I am not at all afraid that this adult franchise which is going to be placed in the hands of the uneducated people, will not be exercised properly or that it will lead to dangers. My trouble with the illiterate voter has not been so much as it has been with the educated voter. The illiterate man has enough commonsense to understand things and he knows what is best for him. If only the leaders, the so-called educated and propertied classes will have the true interests of the country and its peoples in their heart and shape their policies accordingly, I am sure there will be no trouble in this country from the illiterate voter. Having won our freedom and having given adult franchise to every adult in the land, I have no misgivings in my mind about the shaping of the future of this country.

"Sir, I may say that I am not very much in favour of the introduction of the British system of democracy into this country. It might be all right for that country. After centuries of trials, difficulties and sufferings and after various stages of political development, the British people have at last arrived at an unwritten constitution which they are working now. Whatever might be said in favour of it, I do not think that it will necessarily suit the genius of the people of this country. Having got adult franchise, if we choose the right type of men to be our representatives, I am sure they will be able to shape the future of this country in the best way possible. Whatever amendments might be suggested by Members of this House to certain particular Articles or wording of this Draft Constitution or whatever modifications they might suggest in certain spheres or in certain aspects, on the whole, Sir, I think that this Constitution is the best that could be devised for the country under the present circumstances and I therefore commend it to the House for its acceptance. I must also express my gratitude to the members of the Drafting Committee for having given adult franchise to the people of this country, whereas in other countries and particularly in Great Britain it took about eight centuries for the common man to get his vote."

MR. SPEAKER:—"Yesterday and day before yesterday some of the members of the Constituent Assembly asked me whether they would be given an opportunity to speak on this motion. I told them that they would have another chance to speak on this Constitution in the Constituent Assembly when it would meet

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next, but that if they insisted that they should speak here also, I would see if I could give them an opportunity at a later stage. Particularly hon. Members like Mr. Muniswami Pillay, Dr. Subbarayan and Mr. Prakasam have expressed their desire to speak here, and I therefore propose to give them an opportunity to speak now."

SRI R. V. SWAMINATHAN:—"How many times are we to ring the bell for the quorum, Sir."

MR. SPEAKER:—"The hon. Member must know that he was away all this time and only when the bell was rung he came inside."

SRI V. I. MUNISWAMI PILLAY:—"Mr. Speaker, Sir, I would not have risen in my place to speak on this occasion when this august body is discussing a very important constitution that is to be made for this country. Sir, due to some of the opinions that have been expressed by some of my Muslim and Christian friends, as regards the mode of election and the reservation, I have been prompted to say something on this matter. Sir, Swami Sahajanandham has given an amendment to Article 305. I feel it is a necessary amendment and whatever may have been said in this House, the Draft Constitution as it is framed just now is not the final word on the subject. There are members who have been elected from this august House and from various other political bodies. They are going through the whole thing and they will come to a decision on all vital matters. I may say, Sir, that when the time comes, myself and other members of the Constituent Assembly who have been sent from this House will take care to note what has fallen from the lips of hon. Members of this House and do what we can in that Assembly."

"Sir, the other day my hon. Friend Mr. Murthy paid a tribute to Dr. Ambedkar who happened to be the Chairman of the Expert Committee that drafted this constitution. Unfortunately, Sir, the other day when he spoke at Lucknow, he advised his community men, the Harijans, that they must form themselves into a separate group in this country. Sir, you all know that Mahatma Gandhi, the great benefactor of the depressed classes, who took that epic fast in the Yerawada Jail advised that all communities in India must unite and especially the Harijans and the caste Hindus. At a time when the communities have realized their responsibilities and when the Congress leaders are trying to get the Harijans and the caste Hindus together and come to a common understanding, the above advice, coming as it does from Dr. Ambedkar, is a great surprise to me and I strongly protest with all the vehemence that I have at my command against it."

"Sir, being myself a member of the Minorities Committee, I have observed what happened in that Committee; and the representatives of the various minority communities, the Muslims, Parsees, the Indian-Christians and the Scheduled classes were present in the committee and they all deliberated over the mode of elections and as a result, the joint electorate was taken up."

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Just now in this House some of my Muslim friends and Christian friends have said that having got joint electorate, there should be no reservation. Sir, by having joint electorate I may tell them that 50 per cent of the Harijans who have been kept away from society have got an opportunity of exerting their political rights and have been enfranchised. Is this not a fair deal for the Harijans that is given by the Minorities Committee? On the question of reservation, I may say, Sir, that many of the members of the minority communities whom we see in this Assembly taking part in all these debates would not have been here but for the reservation. So, Sir, if my Muslim and Christian friends do not want this mode of election and also reservation, they can openly say so to their representatives in the Constituent Assembly so that they may convey their wishes to that Assembly. But as far as Harijans are concerned, we shall always stick to joint electorate with reservation of seats."

"Again Sir, coming from my own district, my hon. Friend Mr. Gowder has moved certain amendments and he has also advanced reasons that the Nilgiris must be treated as a separate Chief Commissioner's Province. Of course, having been brought up in the Nilgiris, I know that it is a very good place and it has several special features of its own, which are not present in the plains. But whether it is advisable to constitute it as a separate Chief Commissioner's Province is a matter for consideration. I am told that there has been a move to do away with that district and as one hon. Member was referring to it in this House the other day, the Hon. Leader of the House stood up asked, 'Where did you get the information from?' That goes to show that there is no truth in that information. Though the Retrenchment and Reorganization Committee may have recommended its abolition, I do not think that ultimately the Government will agree to the abolition of the Nilgiris district."

"He also referred to another thing, namely, that in a district like the Nilgiris a foreign regional language has been imposed on the people. Of course, I know that the Hon. Minister for Education will answer him, if not to-day, at least some time hence. I feel that there is no such thing as that."

"With these words, Sir, I commend the acceptance of the Draft Constitution to the House."

SRI T. PRAKASAM:—"Mr. Speaker, Sir, I have been in the Constituent Assembly along with the hon. Mr. Muniswami Pillay and other Members of this House and we have taken part in the framing of this Constitution in every session. It has come here now for the approval of this House."

"I would like to say a few words only on two points, one is about the adult suffrage for the election of the Governors and the second is about the separation of the Andhra Province. There are many other things which I would like to touch but which will take a long time and I do not want to trouble you, Sir, and the hon. Members of the House to give me any more time on that account. First of all I should like to congratulate the hon."

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Members of this House for the way in which they have been tackling this Constitution, dealing with the salient points each from his own standpoint. I am really delighted that they have understood the essence of the whole Constitution and they applied their minds to the points so closely and expressed themselves. It would be the endeavour of all of us who happen to go there to draw the attention of the hon. members of the Constituent Assembly to the debate of this House on this Constitution and for the manner in which they have made their own contribution with regard to the various salient points, and now without taking much time for studying this, by simply applying their commonsense and powers of discrimination and understanding they have dealt with this question. One of our friends had gone to the length of going to the root of the whole problem by raising the question: is this Constituent Assembly that has been engaged in framing the constitution really competent to frame the Constitution. It is a very pertinent point. I have no doubt about that, because the power has been transferred from Great Britain to the millions of people of this country without any discrimination of caste or class or community and it is they that are possessed with the power, the sovereign power, of establishing their own Government and carrying on the administration for the benefit of the common people, as the Preamble says. But that could not be done, and if we should have waited for that purpose even this much of the work could not have been turned out during the last two years in the Constituent Assembly. That was why having regard to the magnitude of the Constitution and the interests involved they were obliged to improvise a Constituent Assembly and start work, and it has been going on. There are some amendments tabled by some of us, Sir, before the Constituent Assembly to the effect that though this Constitution would be adopted by the present Constituent Assembly, it must be referred back to a Constituent Assembly that would come into existence after the general elections on the basis of adult suffrage for validation and approval. That is the only way in which a matter of this nature and of this magnitude could be dealt with. I am simply delighted, Sir, that that constitutional point has been raised by my hon. Friend Mr. Kameswara Rao.

Other hon. Members also raised some points regarding the essence of the whole Constitution. Now, Sir, I have not been enamoured of the way in which we have been going on, in the framing of the Constitution for such a long period. Of course there is no other way. We have to adjust ourselves to the situation. Compared with the results achieved by any State which had to frame a constitution satisfactory to all, we must be satisfied that the work done here has been magnificent. What are the points gained after thirty years of struggle in this country? So far as I am concerned, I am satisfied that in the Constitution it has been provided that all men and women who have attained age should have franchise and should have the right to elect their representatives in the Legislature and also their Governors. That is what is called, what I conceive and what I understand to be

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the emancipation of the masses, the masses who had not been taken into account and who had been ignored and who had not been noticed when they were lying on the roadside. All these people have come in and they have been given their right. That is emancipation of the masses. Each one, even a beggar will be entitled to have the right to exercise his vote and draw the attention of the great men, the rich and the powerful men to himself at least for the sake of his vote, if not for anything else. This is one of the great advantages gained by us.

“ Having given that right to the adults, there is a provision in our Draft Constitution regarding the election of the Governors which is not to be found in any other Constitution in the world. I really admired and congratulated the Advisers on this point in introducing that in our Constitution. This question of election of Governor, Sir, I may point out came up for discussion in the Constituent Assembly Congress Party, not once, not twice, but three or four times. The question was brought up because there were a few hon. Friends of great importance who did not like this election. The question was discussed by the Constituent Assembly. The Constituent Assembly who so constituted that it did not like to alter or change its aims, having once voted for the election of the Governor. Even after all these things were done on the floor of the House in the general session of the Constituent Assembly, this question was brought up by Sri Govind Vallabh Pant, the Premier of the United Provinces. Then the question was taken there and it was decided that he was not in order in having brought up that matter on the floor of the House when the Party had rejected it so many times. Something of the nature of disciplinary action also came up in that connexion, but Pandit Nehru, the Prime Minister, interfered in the matter and after certain correspondence the matter was dropped there. I am really surprised as the hon. Mr. Viswanatham pointed out, that this Drafting Committee after all this had been done, still thought it fit to say that as an alternative, a panel must be provided from out of which nominations should be made. It is shocking to see how it suggested itself to this Committee to make such a suggestion. I am addressing this House, Sir, all the Members of the Constituent Assembly and the Members of the Congress Party to make a note of this departure made by this Sub-Committee. The Sub-Committee had really no jurisdiction. I know who the Members of the Sub-Committee are who attempted to bring this question more than once before the Assembly. I am very sorry, Sir, that such a recommendation has been made. This should be rejected by the Members of the Constituent Assembly and the Congress Party without taking much time over it. That is the real position. What is the fear now? Why should this suggestion be made for a panel and nomination. Sir, nomination is going on. Just as the British Secretary of State was making nominations, my esteemed Friend Pandit Nehru, the Prime Minister, has been appointing Governors and has been distributing them over the different provinces of our country and they have

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been functioning as Governors. Let there be an end to the appointment of Governors like this as quickly as possible and I hope that this process would not be resorted to again. (At this stage the Hon. Speaker sounded the gong.) Sir, your bell has gone and that is why I wanted to know beforehand as to how many minutes you would allow me."

MR. SPEAKER:—"There are two minutes more for the hon. Member."

SRI T. PRAKASAM:—"That is why I wanted to know before I started talking, Sir, to make sure of my position. That is why I also stated that I would address the House only on two points. If you say two minutes, Sir, the other point which is equally important, namely, the formation of the Andhra Province could not be touched."

MR. SPEAKER:—"There are other hon. Members who are anxious to speak on this occasion. At least the hon. Member, Mr. Prakasam will have another chance of speaking in the Constituent Assembly itself."

SRI T. PRAKASAM:—"That is not the point, Sir. That is why I wanted to stop away without talking. But having been a Member of this House and having been working under your Speakership, I should not simply get up and say one or two words and then run away from here."

MR. SPEAKER:—"The time allotted for the hon. Member is over."

SRI T. PRAKASAM:—"Mr. Speaker, please excuse me. You will have to give me at least 10 minutes to cover the other point."

MR. SPEAKER:—"It is impossible for me to allow the hon. Member 10 minutes. If it is not possible for the hon. Member to proceed further, I shall give him only 5 minutes more."

SRI T. PRAKASAM:—"There is no pleasure in taking your time or the time of my hon. Friends here in this House, Sir. But it is very necessary that I should say a few words about the Andhra Province. So much excitement has been created in the country over this separation of the Andhra Province and over the City of Madras dispute. I am glad, Sir, that the Hon. the Revenue Minister of the present Government has made a long statement on this matter and he pointed out what happened from the time when he was interesting himself as a Member of the Constituent Assembly. He dealt with the question well. Let me tell you, Sir, that the Andhra Province question was not demanded by all of us on the simple basis of linguistic division of areas. Having regard to the special conditions that prevail in this Province for over 12 months or 14 months or 15 months, the disturbed conditions here about which I was anxious to raise a debate either in this Assembly or the other Assembly, it is not good for any of us. Having regard to the disturbed conditions

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of this Province and having found out that it became impossible for us to get along together on account of the various happenings in this area, I did demand along with other friends for the separation of the Province. One friend who can speak with authority has been taken ill. Sardar Vallabhai Patel is now in Mussorie. He himself stated more than once in the presence of others also that he would agree for the separation of only the Andhra Province at this stage and not for the separation of other provinces because that would involve a lot of time and trouble, when they were engaged in the framing of the constitution. Somehow it was given up and the present Prime Minister made a statement on the 27th November last year and he has been repeating it and now a few days back, on the 25th we met him in Bombay and so many representatives present there questioned him. He simply said; 'Wait for a few months more. You will get that relief.' About the appointment of a Commission the Assembly has been adjourned to July from May 18th. They agreed to make some provision to get a Commission appointed by the President of the Constituent Assembly, who will be the Chief Ruler of the whole of India when the new Constituent comes into force. He himself will appoint a Committee and that will come in.

"In that way things can be settled. I appeal to hon. Members of Tamilnad and other areas not to be carried away by any wrong impressions about Madras City either. We have been working together for more than half a century. We have been working together in every respect in the matter of the fights that were carried on in a non-violent manner for attaining the freedom of this country of ours. We have been working together in such a remarkable manner. Mahatma Gandhi, two days before his death when I met him, told me, 'look here Prakasam, you must close up your ranks and see that the boundary question also is settled between all the contending parties sitting together at a table without having a Boundary Commission.' Of course, I could not take that it would be so easy or that it would be possible to do so. At the same time, I was glad to hear from the President of the Tamilnad Provincial Congress Committee and the President of the Karnatak Congress Committee that, after this statement of Mahatma Gandhi, in my absence they and the President of the Andhra Provincial Congress Committee and others met together in Delhi and came to an agreement temporarily that division might be effected on the basis on which the Congress work had been carried on until now for the past 21 years. Therefore, I say it is possible for us to settle things quietly. Let them not be carried away by any wrong impressions. Nobody would do any mischief in this connexion. Ultimately the matter will be decided. I beg of them to allow this to be carried out quietly without any difficulty about Madras City. (At this stage the Speaker rang the bell.)

"Sir, please allow me a few minutes more. I shall close my speech by saying one thing more. Eleven years ago when Lord Erskine was the Governor of Madras, this matter came up when

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all the Ministers unanimously requested the Secretary of State to separate the Andhra area from the rest of the Province, so that the administration of the Andhra Province might be carried on separately. In the course of the discussion in the Cabinet, proposals were made to the effect that the same Governor might exercise powers in respect of both the Provinces. In so far as Madras City was concerned, it was settled that both the parties must have some authority and conventions about it. Some such scheme must be devised now. We should not run away with wild ideas that blood would be shed. There is no blood in us to be shed at all. (Laughter.) Let us not worry about shedding blood. We have got enough power to settle matters amicably. With these words, Sir, I resume my seat."

* DR. P. SUBBARAYAN:—"Mr. Speaker, Sir, I must thank you for having given me this opportunity of taking part in this debate. There have been criticisms of the Constitution as has been put forward by the Drafting Committee. As would be seen from the Constitution, the Drafting Committee only carried out what has been eventually decided by the various sub-committees that were set up, and most of the reports of the sub-committees were also considered by the Constituent Assembly as a whole in its sessions. I will only deal with the salient features of the Constitution as it has emerged out of the Drafting Committee. Some hon. Friends have taken objection to the alternative that has been put forward with regard to the appointment of the Governor as against election by adult suffrage. I do not mind confessing here, Sir, that I am one of those who fought strongly that this election by adult suffrage should not be the method of appointment of a Governor. (Hear, hear.) As my hon. Friend Mr. Prakasam pointed out, Pandit Govind Vallabh Pant and myself, at every stage, from the stage of the Provincial Constitution Committee to the stage of the Constituent Assembly and the Constituent Assembly Congress Party, fought it, if I may say so, to the last ditch, because we did feel the difficulties that would stand in the way of such an election. Look at the numbers that would be involved in such an election. Is it possible for any independent person to stand for the Governorship of a Province considering the difficulties he may have to go through the ballot box? If you really consider that you are a part of the Indian Union, and that the President of the Indian Union will be eventually elected by all the Members elected by adult suffrage both for both the Provincial Assemblies and the Central House of Representatives, could you not take it that in the exercise of his power in the appointment of a Governor he will so exercise it as to find fit and proper persons who could be heads of Provinces? Such men should naturally be elder statesmen, should have had a certain amount of administrative experience, and should be, if I may say so, guides to the Ministries that might function. The Ministers would certainly be ultimately responsible to the people for the way in which the Government of the Province is carried on. They would come in by adult suffrage because the leader of the largest party in the Assembly would naturally form the

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Ministry. As has happened in other countries. I am looking forward to the time when conventions will also grow in this country by which Cabinet responsibility, collective responsibility and individual responsibility of Ministers will be properly understood. As my hon. friend Mr. Nallu Meda pointed out, it has been a growth of centuries as far as the British Constitution is concerned. There have been times when things were not as they are to-day. But the great commonsense of the people who were in power and who were able to adjust differences as they arose has made it possible for the growth of Cabinet Government in England, and I am sure that with the commonsense of our people and the experience we have had during many years past, we shall also get into positions by which responsibilities will be properly exercised.

"Well, Sir, the second point which Pandit Govind Vallabh Pant specially pointed out both at the Committee and also at the Constituent Assembly was the discretion that had been vested in the Governor. We both objected to it strongly as we felt that there ought not to be two Governments in a Province. If such discretion is vested in the Governor, naturally there may come a clash between the representative Ministry and the Governor himself. I believe this point is being reconsidered in view of the alternative suggestion that has been made by the Committee with regard to the appointment of the Governor. The chief point that was put forward for vesting discretion in the Governor was that because he would be elected by the whole people by adult suffrage he should have the power to exercise his discretion. But there is always bound to be conflict in such a case, because under the Constitution, the Services will be under the Ministry. And if a conflict arises between the Governor and the Cabinet, naturally the services would not know whose orders they are to follow, and, therefore, there is bound to be a clash. That was the reason why Pandit Govind Vallabh Pant, who has had much experience as Prime Minister of a Province—not once, but twice—and whose administration has been commented upon favourably by most people who know the working of the Constitution, felt that this conflict should not take place and that this discretionary power should not be vested in the Governor. I hope even now that the Constituent Assembly, when it finally comes to adopt the Constitution, will drop this discretionary power in the Governor, and vest it, if necessary, in the President of the Union, because times may arise when there may be confusion, and when it may be necessary to suspend the Constitution, and some substitute for section 93 of the Government of India Act, 1935, is necessary. But such discretion should not be vested in the Governor, but should be vested in the President of the Republic. I am sure such a thing will not arise and the Constitution, when it once begins to work, will work smoothly enough. Such a thing as section 93 was found necessary under the old Constitution because there was the struggle between the people of this country and an alien Government. But such a necessity would not arise when you work under a Government of your own, under a Constitution framed by yourselves. (Interruption by Sri T. Prakasam.) I beg to differ from

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my hon. Friend in that view, and I hope and pray that it will not occur. After all we have to work under a written Constitution. We are not in the same happy position as Great Britain where conventions have grown and constitution is unwritten. As Professor Dicey points out, the English Parliament is in such a position as to pass any legislation except to make a man a woman or a woman a man. But we are not in that position because we have got to have written Constitution, and written Constitutions are bound to be rigid. As my hon. Friend Mr. Brahmanandam Reddi pointed out we might make it elastic if only the framework of the Constitution is put into the written Constitution and conventions are allowed to grow as the Constitution is worked. I think, to a great extent, the Drafting Committee has observed this rule and has only put a mere skeleton on which can be built up the powers that would eventually ensue both to the Centre and to the Provinces.

"Sir, a criticism has been levelled that the Centre has been given too much powers. I, on the other hand, feel, Sir, that a strong Centre at this stage of our national progress is absolutely necessary, because there are fissiparous tendencies. There are fissiparous tendencies here and there, because of the division that has already taken place, for further divisions. In the interests of the Indian Union as it exists to-day, I feel that we ought to clothe the Centre with such powers that it will be able to stop this fissiparous tendency and the growth of separatism which will not be in the interests of India as a whole. Therefore, in the beginning, I think, it is only correct that the Centre should be clothed with such powers as to prevent these fissiparous tendencies. I am not for a moment objecting to Provincial autonomy, as within the Provincial sphere, I think the Provincial Government ought to be allowed to act in a manner that would conduce to the benefit of the Province as a whole subject to the limitation that whenever there is a conflict and whenever there is a tendency for any separatism, the Centre should be able to step in and put an end to it.

"Now, Sir, we heard a good deal about separate electorates in an amendment moved by my hon. Friends of the Muslim League. Separate electorates have led to the division of the country. (Muhammad Raza Khan Sahib: 'No.') The division of the country has led to the position in which my hon. Friends of the League find themselves to-day. Let us not make things more difficult. Let us not sunder ourselves further. Segregated electorates always lead to trouble. Is it possible, I ask for you, if you have separate electorates with the number of Members given to you for such an electorate (because you can get only what you are entitled to on your population basis) to occupy the Treasury Benches at any time? That will never happen. I warn my Friends here to-day that not one of them by any stretch of imagination, can sit on the Treasury Bench at any time. (B. Pocker Sahib Bahadur: 'We do not want to.') You may say you do not want to, but others may. Therefore, Sir, we in this country should not divide the electorate by means of caste community

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r religion. My hon. Friends said that they were willing not to have reservation. I am willing to take them at their word and accept it if their representatives in the Constituent Assembly would vote for non-reservation for their community.

"It does not mean that we should take away reservation from a community like my hon. Friend, Mr. V. I. Muniswami Pillai, if that community needs it. The Constitution provides for it and it will be provided for. Because so long as communities like Harijans remain in a distressed and backward state, they should be properly represented by reservation of seats. Therefore, if it is to be provided, it has to be provided by an amendment of the Constitution as set out in Article 304.

"Then, Sir, there have been some discussions with regard to the allocation of financial resources between the Centre and the Provinces. It is only right and proper that we should vest as much power and revenue resources in the Centre as we possibly can; and till the new child that has been born has grown into an adult person, it ought to be allowed such scope as is necessary for the advance of the country as a whole. While we think how the world is going on to-day, we must try and make the Centre strong enough to provide for any contingencies or emergencies that may happen in the world. My hon. Friend, the Member representing the Madura-Melur Constituency, talked about Gandhian principles. I entirely agree that Gandhian principles are to be the guiding factor of our Constitution; but at the same time, we have also got to attune ourselves to what is happening in the world all round. Gandhiji has left us the great message of non-violence and I am entirely for the adoption of non-violence. But it is not enough if we merely stand steadfast on non-violence; we should get ourselves prepared for any eventualities that may happen in the world and that may overtake us. Our country has tried to meet violence with non-violence. This, I know is a strange paradox but at the same time, this is only an attempt that we have made. Gandhiji had left a great message for all. He came as a new Prophet, preached the same doctrine that was once preached after an interval of 2,000 years. I hope, Sir, that the world will be wise enough at least after 2,000 years of travail to accept this doctrine and to attune itself to a position in which there will be no question of power blocs of either the West or the East. So long as there are these power blocs, and so long as we find ourselves in our present position, it is right and proper that our country should be prepared for all eventualities. It is this plea that the great Prime Minister of India, Pandit Jawaharlal Nehru, put forward in Bombay a few weeks ago, when he said that while respecting Gandhiji's principles and working for their fulfilment, we should at the same time, safeguard our interests in such a manner that the world will respect us and the world will listen to us when we say, 'This is the message that has been left behind to the world by Gandhiji.' Sir, the Draft Constitution may or may not undergo changes, because there are differences of opinion. There are some Members of the Constituent Assembly in

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this House who would also like to see that some of the changes suggested here are embodied in the Constitution. Whether the Constitution undergoes changes or not, one fact stands out and it is that the Drafting Committee has done a good bit of work. My answer to critics is that we are not writing on a clean slate. It is not possible. It may be necessary later on to amend our Constitution after working it for some years. Then, Sir, some hon. Members criticised the adoption of some of the provisions of the Government of India Act of 1935 in this Constitution. It does not mean that the country is opposed to it; it only means that those responsible for the drafting of the Constitution have taken such portions of the Government of India Act of 1935 which they have found useful and essential for the future working of democracy in this country."

THE HON. SRI B. GOPALA REDDI:—"Mr. Speaker, Sir, I am very glad the three-day debate on the Draft Constitution has come to a successful conclusion. Sir, I am further delighted that ours is the first Province to discuss this Draft Constitution. Under the original rules that were framed, it was thought that the Draft Constitution would be circularised to the Provinces and the views of the Legislatures would be obtained. But, on further consideration, that rule was deleted and it was thought not necessary to circularise the Draft Constitution to the Provinces for public opinion. Nevertheless, we in this Province, were of the opinion that we should discuss this Constitution because we owe it as a duty to ourselves and to the people at large that we should express our opinions on the Draft Constitution as drafted by the Committee. So, Sir, the three-day debate has been in progress and no less than 35 speakers have participated in this discussion and they have viewed the Constitution from so many different angles. They have criticised the provisions of the Draft Constitution from various aspects but, I take it that they give a general approval of the Draft Constitution. Sir, I am suggesting that all the amendments together with the speeches made may be sent to the Constituent Assembly for their scrutiny and necessary adoption."

MR. SPEAKER:—"Including the original motion."

THE HON. SRI B. GOPALA REDDI:—"Yes, Sir, including the original motion. I am sure the members of the Constituent Assembly representing this Province will also take note of the amendments put forward by various Members and will see that at least some of the amendments to important articles reach the final stage. Sir, my hon. Friends have criticised the Draft Constitution by saying that it does not provide for a positive, progressive, socialistic State. They criticised the framers of the Act and said that it is still the same capitalist mentality that was working and that the people at large are not going to be benefited by this Constitution. Sir, my answer is this. This Constitution as drafted shows that we are for a socialistic State though it is not stated in so many words in the Preamble or in the Fundamental Rights or in the Directive Principles. Sir, it

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going to be the State policy to provide for adult franchise. The hon. Sri Prakasam and the hon. Sri Koti Reddi have spoken at length about adult franchise. Sir, adult franchise has opened a new vista and the leaders believe that they will get the necessary help from the people in working this machinery. Those leaders are people who will refuse to be exploited by a few capitalists. They have come forward with real and effective measures for the amelioration of the people, and to free us from all evils which we have experienced for a number of years. These evils will be put an end to by the opening of this adult franchise and the enfranchising of all the adult people in this country.

"Then, Sir, my hon. Friend, Mr. Raghavayya, criticised the salaries of High Court Judges and Begum Sultan Mir Amiruddin moved an amendment to reduce the salaries by Rs. 500. Sir, it is not legitimate to reduce the salaries of High Court Judges and such other posts until we have achieved completely a socialistic State, and until we see that the income of the industrialists and the landlords is not more than Rs. 1,200 or Rs. 1,500 a month. Then the time will be ripe for us to reduce the salaries of the High Court Judges. To-day, you allow doctors, lawyers, capitalists and industrialists to make tons of money. When such is the case, how can you tell the Chief Justice of the Federal Court or the Judge of a High Court that his salary will only be Rs. 200 or so? It will be a very sorry spectacle to see and it will be an invidious distinction. Simply because he has come to serve the State and the people at large, as the Chief Justice of the Federal Court or the Judge of a High Court, we should not harp too much upon their sacrifices. It will be time to do that when we achieve the benefits of a socialistic State when everybody's average income will be fixed. Then we can tackle the question of Judges' salaries.

"Then, Sir, there is a feeling that the Centre is going to grab all powers, the constitution is not a progressive one and that many reactionary elements have played a vital part in the framing of this Constitution, etc. Some comment was also made against the 1935 Act. Leaders of the Indian National Congress and Muhammad Ali Jinnah, the leader of the Muslim League, were carrying on a tirade against the continuance of the Government of India Act and they said that it was not worth the paper on which it was written. After the 1937 elections, after the victories they had won in those elections, the League and the Congress jointly rejected the Government of India Act of 1935. Sir, we know the circumstances under which it was drafted. We know the discretionary powers of the Governor and also about his individual judgment. All these things created suspicions in our minds and with great justification we rejected the Government of India Act. But, ultimately, the leaders of the people thought it fit to give it a trial and they have been working it ever since 1937. In that rejected Act and in that much despised Act, many things have been found which the framers found it essential to adopt in the new Constitution. That it was possible for this Legislature to go through the abolition of the zamindari system under that Act is

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no mean achievement. It is under that Act that we are still working and it is under that Act we are going to finalise the abolition of the zamindari system. That Act has its own limitations owing to the suspicious surroundings in which it was born. But there was possibility for the leaders of the people to work it and make it an instrument in their hands to abolish the zamindari system which was in vogue for several decades and centuries. Again, Sir, these Legislatures acquired the power to send representatives to the Constituent Assembly which framed this Constitution for a Free India only under the Act of 1935. Sir, in this Constitution, it may be that the wording is defective and it may look that the Centre is all powerful. But, Sir, if you give it a fair trial under adult franchise, I visualize that it will work properly and I am sure that the people's representatives will work this Constitution and take this country far ahead in the path of progress and advancement. Sir, in spite of the enormous amount of suspicion of the minorities, of the industrialists and capitalists, I am sure this Constitution will take us a long way and will give us a place in the comity of Nations. I have absolutely no doubt in my mind about it. Therefore, I want this Constitution to be given a fair trial. I want you to shed all your complexes and all your suspicions and see whether this Constitution, which is a naturally devised Constitution with joint electorates with reservation of seats, if you like, does not give the minorities the rights which they deserve.

6-15 p.m. "So, Sir, I want that this Draft Constitution should be viewed with fairness. After all, it was drafted by our own people, the Muslim leaders, the Harijan leaders, the representatives of the states and people who have suffered in the cause of democracy. The Constitution should be given a fair trial without any suspicion. When it comes to be implemented and when we go to the polls for the first time, we should go with a clean heart and good will on all sides.

"My hon. Friends of the Muslim League are not satisfied with the preamble to the Constitution, the fundamental rights and the directive principles governing state policy. It is not known to me what they want. Whenever they speak of the Constitution or the future of India, it looks to me as if the majority community is always the accused and all the sins of the world are to be foisted on them. How can a Constitution work in this atmosphere of suspicion and apprehension? If preambles, fundamental rights and directive principles do not satisfy them what else will satisfy them? If the written word does not satisfy them, let them trust the leadership of the majority community. Let them give the majority community a chance; and at the end of ten years let them come out with a charge-sheet of atrocities committed by the majority community and so on. It is no use accumulating grievances against the majority community. You will have to swim or sink or sail with them. You do not go to Pakistan, Afghanistan or Persia. You will have to share our troubles and joys. If there is famine or flood, you will have to die with us.

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Therefore, you trust the majority community and work the Constitution without any mental reservations. Do not be oppressed with the complexes that the majority community is the devil and all the sins need not be heaped upon the majority community alone.

"Sir, many issues have been raised in the course of the debate, and I do not think I can reply to all of them seriatim."

BEGUM SULTAN MIR AMIRUDDIN:—"Will the Hon. Minister say something on the point that I raised, namely, that the fundamental rights can be amended only by an amendment of the Constitution? That is a very important point."

THE HON. SRI B. GOPALA REDDI:—"I am going to deal only with three broad principles, viz., separate versus joint electorates, provinces versus the Centre, and the election of the Governor.

"Sir, first of all, I will take the separate electorate issue, for it was raised by no less a person than the Leader of the Opposition who has luckily or unluckily stepped into the shoes of Quad-e-Azam Mohammed Ali Jinnah as President of the All-India Muslim League. When he has raised this issue, it is but right that I should meet it as far as I can. Sir, separate electorates were introduced after the Lucknow Pact of 1916. We have given them a fair trial for 32 years. Separate electorates dominated our constitutional discussions all these years. This question was prominent in all the political discussions and many kinds of formulae were evolved, e.g., *Maulana Mohammed Ali's formula*, the Nehru report formula, etc., etc. But ultimately every conference failed on this single issue because the Muslims would not agree to joint electorates."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I make a correction, Sir? It was not on the basis of separate electorates that Quad-e-Azam Mohammed Ali Jinnah put forward various proposals, but on the basis of joint electorates and joint electorates only. That is a matter of history."

THE HON. SRI B. GOPALA REDDI:—"I have been following Indian politics since 1926. My impression is that *Quad-e-Azam Mohammed Ali Jinnah* never agreed to joint electorates."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I remind the Hon. Leader of the House that as late as 1936, there was an understanding between Quad-e-Azam Mohammed Ali Jinnah and Dr. Rajendra Prasad for a settlement between the two communities on the basis of joint electorates; an agreement was reached in 1936, but it was not given effect to. People do not know why. But later in 1937 it was divulged. The agreement was broken not by the Muslims, the Muslim League or the Muslim leaders, but by some other party which wanted to go to some other party than the ones who were parties to the agreement arrived at in 1936."

THE HON. SRI B. GOPALA REDDI:—"Those are all inner secrets with which I am not concerned now."

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Therefore, Sir, after the experience of so many decades it was found conclusively and definitely that separate electorates and separate electorates alone will solve the difficulties and cure the ills of the country. It was finally settled in 1936 that no other formula will cure the ills of this country. Therefore it is for that we want separate electorates for the sake of harmony and brotherhood."

THE HON. SRI B. GOPALA REDDI:—"We have given a fair trial to separate electorates for 32 years. Several elections were held under separate electorates. In the 1946 elections, the Muslim League gained cent per cent of Muslim seats, 29 seats in this Assembly and 7 seats in the Legislative Council. But the net result is zero. What are the fruits of separate electorates? Are they all delicious and sweet? They are not at all sweet to the country. They may be sweet for the representatives sitting there. But the people at large in the country do not find the fruits delicious."

B. POCKER SAHIB BAHADUR:—"Question, Sir."

THE HON. SRI B. GOPALA REDDI:—"You may question it, but let us take the balance-sheet of these separate electorates. I do not know how many times,—but Dr. Ambedkar has given figures in his own book—between 1920 and 1947 till we achieved independence, how many times Muslims and Hindus have divided themselves into warring camps, how many riots there have been in Bombay, Delhi, Allahabad, Gaya and other places, and how many have lost their lives? I am only speaking chronologically, and trying to narrate the events that have happened from 1920 to 1947. As a result of these separate electorates, the Muslims were made to feel that they are a different people, and that they could choose their own representatives to voice forth their grievances in the legislatures. Such a sort of psychology prevailed in them. The events that have happened prove that I am correct in attributing all the rights, to the separate electorates conceded in 1916. These riots ultimately culminated in the achievement of Pakistan. All of you had the proud privilege of working for Pakistan. You went to the polls on the clear issue that the Muslims are a different nation, and that they should establish a separate Pakistan State north-west and north-east of India. The Muslim voters perhaps endorsed that view. You have achieved Pakistan indeed, but the Muslim League in India has collapsed now, or is collapsing: except perhaps in Madras, in all other provinces, the Muslim League Legislature party has been dissolved. But here due to the perseverance and stamina of my hon. Friend here, it is being kept alive. But I am sure he cannot keep it alive for a long time to come. After the achievement of Pakistan, there is a general collapse of Muslims in their minds. They are not enjoying what they were enjoying in 1937 when the Congress Ministers functioned in many provinces. The Muslims had their representatives in the Cabinets. There were Muslim members of the Congress and also Muslim Parliamentary Secretaries. They were always acting as a check on what you call the vagaries of the majority party rule,

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but to-day that check is not there. You have no representatives in the Cabinet, no representative in the majority party to enable you to influence us in our party deliberations. But you come here and oppose. That is the only thing you can do to-day. There is a visible collapse, after you have achieved your objective of Pakistan. You are paralysed by your own victory. It is a wonder of wonders and it is a paradox. You can go out to your Muslim villagers and say, 'We have promised you Pakistan and we have given you Pakistan with Quad-e-Azam Mohammed Ali Jinnah as Governor-General.' I give that credit to you. But you are paralysed by your own victory. It is like a plantain tree which after giving its fruit dies. So the Muslim League which has given birth to Pakistan cannot live for a long time. You have forged your own shackles for yourselves by Pakistan which came as a sequel to separate electorates. You have limited your own powers; you do not want to join the majority party join the Cabinet, but you want to sit always to the left of the Speaker, perhaps to be left by democracy.

"Sir, you have achieved cent per cent success and got 29 seats, but what are 29 seats in a House of 215? Can you ever acquire any more strength than 29? It may go on dwindling as it is now dwindling. It has now dwindled by the formation of another party under the leadership of Mr. Hameed Khan. To-day you are not even 20 but only 19, as I hear that one of our Tinnevely friends is also resigning. You are dwindling. Your 29 can never grow into 49. That is the mischief of the separate electorate. You can never grow but only dwindle. You can debate but you cannot decide. You can oppose but not propose. Your position is always in the Opposition. You can move amendments and press them to a division, but do nothing more. You will have to be satisfied with your amendments being lost by overwhelming majorities. You can oppose but you cannot initiate, because you are tied down by the shackles you have forged for yourselves. You can only sit perpetually to the left of the Speaker and you are left by democracy. We are right of him and we are in the right. You can only sit downstairs; you can never go and sit upstairs as Ministers.

"You have always found fault with many of the policies of the Government. You have been particularly annoyed at the educational policy of the Government. You have criticised it in very strong terms. But where is the electoral and constitutional check which you can exercise on the vagaries of the Congress Government of Madras as you see it. How can you chastise us? If you are enjoying the advantage of joint electorates and if there is a by-election in Coimbatore, Mr. Ismail Sahib may put up a candidate and Mr. Avinashilingam Chettiyar may put up a candidate for the election and ask the voters to decide the issue. In all other countries, it is the right of the Opposition Leader to take advantage of bye-elections and challenge the Government of the day on any particular issue. But here you cannot chastise us. You can never challenge us to a ballot duel. You can never go to the polls on a common issue and ask the verdict of the people."

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B. POCKER SAHIB BAHADUR:—"We can take the verdict of the people."

THE HON. SRI B. GOPALA REDDI:—"You go to a different place and I go to a different place."

MR. SPEAKER:—"Order, order."

THE HON. SRI B. GOPALA REDDI:—"I am sorry I have been using the word 'You' in addressing the hon. Members of the League."

MR. SPEAKER:—"I am not only objecting to the use of the word 'you' but also to the conversational way in which the debate is going on."

THE HON. SRI B. GOPALA REDDI:—"Sir, there is a feeling that some of the Hindus and Congressmen are anti-Muslim, that they are all Hindu Mahasabhis in white coats and Gandhi caps. Even for mitigating that sort of militant Hinduism you need joint electorates and not separate electorates."

"If you want to defeat these rabid Hindus, try to get hold of constitutional machinery, by means of joint electorates. Throw your moral weight or moral influence and even your physical influence on the side of the Nationalist Hindus, and defeat the anti-Muslim elements. You cannot do it now. Suppose to-morrow, there is a contest between a Congress candidate and a Hindu Mahasabha candidate, you cannot throw your weight on the side of the Congressman even though you feel he is nearer to your heart than the Hindu Mahasabha man. You will have to be helpless spectators, and ultimately the Hindu Mahasabha candidate may get in, much to the dismay and discomfort of you all. You cannot prevent it just now. Mr. Raza Khan said that I do not represent the Muslims because I was returned on separate electorates. The Muslims of the Kavali division do not look to me for anything; but they look to Mr. Ansari Sahib, their representative. In Udayagiri, about 75 per cent of the people are Muslims. When I go there, I never meet my Muslim friends; I always go to places where there are a few Hindu voters because they alone elected me. I talk to them and hear their representations. I cannot talk to the Muslim voters and ask them how they do; because they have not elected me, they cannot represent their grievances to me."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, it is not true. The Hon. Minister has been going to Muslim localities also."

THE HON. SRI B. GOPALA REDDI:—"Sir, you must allow me to seek your suffrage. I want to seek your suffrage and ask your votes. You should also come and seek our suffrage. I want to be a real people's representative, and not only of Hindus. I do not like that, I can only speak on behalf of the Hindus of the Kavali division. I want to represent the Christians, the Muslims and everybody residing in the locality."

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"Sir, allow me to speak on behalf of everybody, without going into their parentage, so long as he is a voter of the locality. But, at present I must ask a man who his father is. If he says, he is Kasim Sahib, then I have nothing to do with him. If another man says, his father is Narasimhayya, then I can ask his vote. I do not like to be put to the necessity of going into the parentage of the voter."

"Sir, separate electorates have brought about a composite legislature based on two election manifestoes, one approved by the Muslim masses and the other approved by others. As there is majority rule, what is the use of your election manifesto which has been approved by your people? You have achieved success. But what is the use? No legislature can have two election manifestoes simultaneously. Compartmental electorates bring in compartments into the House, where we want an undivided legislature. Cabinet Government postulates majority rule and not majority community rule and by your attitude, you are installing majority community rule for all times to come. Is that your intention? But you are doing it nevertheless. To enable Muslims who command the confidence of the people to join Cabinets, we must abolish separate electorates. Under separate electorates you cannot hope to enter the Cabinet. You may be 29, but the result is zero whether you are 29 or 79 in a House of 215. The net effect is zero. In short, in your own interests, for your own sake, for your advancement, you must advocate abolition of separate electorates. The question resolves itself to this: Do you believe in political power for your own economic and educational advance?"

"Sir, as regards reservation of seats, you are assured of a minimum number of seats and it is always open to you to contest other general seats. Mr. Raza Khan may stand against me and Mr. Majid can stand against Mr. Kala Venkata Rao and we can fight on the issues of educational principles and economic principles, but to-day you are unable to do it. But if you do not want reservation of seats, let Mr. Pocker Sahib move an amendment to that effect and it will be accepted immediately."

"Sir, I now come to the election of Governors. There are six different methods for this. There is first of all, the hereditary principle. I do not know whether we can adopt it and request somebody to be our hereditary ruler, somebody like the Maharaja of Mysore or His Exalted Highness the Nizam of Hyderabad."

THE HON. SRI KALA VENKATA RAO:—"Not the latter in any case."

THE HON. SRI B. GOPALA REDDI:—"There is then the method of people's direct election. This was proposed originally but it is now sought to be amended."

"Then there is the election by the members of both Houses of the Legislature."

"Next, comes the election by an electoral college sponsored by some of my hon. Friends here. Our Begum Saheba said that

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the electoral college should consist of members of both the Houses of the Legislature, members of Municipal Councils, university authorities, co-operative societies, panchayat boards, etc.

"Then there is the method of direct nomination by the President.

"Then there is Mr. Abdul Hameed Khan's formula that the Governor should be nominated by the President in this way, that the Madras Province should not have a Madrasi, that Bengal should not have one from Bengal, that the United Provinces should not have one from the United Provinces.

"Lastly, there is the method of nomination from a panel. Sir, the hon. Member Dr. Subbarayan has contributed very much to this point. What happened in Congress Legislature Party has been narrated by the hon. Member Mr. Prakasam. But my own preference is for the nomination from a panel. It has this virtue, namely, that the President need not discover somebody from all the corners of India and thrust him upon a Province. Also, Sir, suppose we have to choose a panel of four by the method of proportional representation in a House of 200; if there are 40 people, they can always elect one man to the panel . . ."

B. POCKER SAHIB BAHADUR:—"Sir, on a point of information and clarification, I want to know whether the Leader of the House is speaking on his own behalf or on behalf of the party to which he belongs or on behalf of the Government . . ."

THE HON. SRI B. GOPALA REDDI:—"I am speaking personally on this matter . . ."

THE HON. SRI KALA VENKATA RAO:—"Neither for the party nor for the Government . . ."

THE HON. SRI B. GOPALA REDDI:—"In a House of 200 members, 40 people, if they want, can put one man into the panel. And if the President is so inclined, he can nominate him as Governor.

"With regard to the method of people's direct election, much can be said. Mr. Prakasam has valiantly advocated that principle. But the difficulty is, as was pointed out in the Constituent Assembly, Provinces like the United Provinces and the undivided composite Madras Province will have a population of over 30 millions; if three-fourths of the people are enfranchised, and if they have to go to the polls to elect the Governor, just imagine the electoral apparatus that will be necessary to take three crores of people to the polls. Imagine the bandobust and other arrangements to be made. All this to elect a Governor who may not have substantial powers!

"The powers of the Governor, Sir, are limited. He can in his discretion appoint the members of the Public Service Commission, and secondly he can take certain powers when there is any grave emergency. I do not think there is any third matter on which he can use his powers in his discretion,

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"On all other matters he has to be guided by the Chief Minister and the Ministry. When the powers are so limited,—^{6-48 p.m.} is it necessary to instal a huge electoral college and get three crores of people to the polls? That is one thing, and the second point is, if he is going to be an elected Governor, he may not go to the people on some election manifesto. What is the election manifesto which the prospective Governor or the Governor-candidate is going to place before the people? After all, he can only say, 'You elect me and I will act on the advice of the Chief Minister.' I do not know which party is going to have the majority—whether it is this party or any other party—and which Chief Minister is going to be appointed and under which Chief Minister's advice, he will act. That is how he can approach the people. It is therefore, I say that it is not necessary to incur a huge expenditure in the election of a Governor and, moreover, he has only very limited powers. He will be only the Constitutional Head of the Province and as Rajaji said at Birbal, he will have all the respect of the people as the Head of the Province but the affection is to the Chief Minister. He will be the idol, but the procession idol will be different, he will be the Chief Minister; he will be the idol to be worshipped; he will be garlanded; he will get all the 'harathis'; he will be given tea-parties, etc.

"I would like to discuss about the Provinces and the Centre. Much has been said about that also and my Friend, Mr. Brahma-nandam Reddi said that the Centre had taken away all the powers; it is like a strangle-hold on the Provinces and they are installing a dictatorship at the Centre. Sir, I examined all the provisions and I am disappointed to find that no Member has catalogued or narrated in *seriatim*. What are the powers newly taken away from the Provinces to the Centre? Sir, we know that the 1935 Act gave us some sort of provincial autonomy. Many big things were achieved by the Assembly and by the Government of India. What are the things that were taken away to make provincial autonomy a mockery or to make Provincial Legislatures glorified district boards, as the hon. the Leader of the Opposition described them or to instal totalitarian dictatorship at the Centre? Nothing new has been done to take away any powers from the Provinces to the Centre. (M. Muhammad Ismail Sahib Bahadur: 'We were expecting Provincial Autonomy.') Nothing now has also been taken away from the Centre so that the Centre can be a weak Centre and be tottering at every passing wind. That is not the conception of the Constituent Assembly, and they deliberately wanted a strong Centre. It was with that intention they have not taken away the powers from the Centre. Let us only take the credit and debit sides. There is no 'loss' to the Provinces.

"Executive power in concurrent subjects now vests in the Provinces, subject to power of the Centre to give direction to Provinces as to how executive authority shall be exercised in certain matters. Under the new Constitution executive power may be conferred on the Union authorities and such authorities may also give directions to State authorities.

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" Succession to all properties is put in the Central list. Previously, succession, except in regard to agricultural lands, was in the Central list and succession to agricultural lands was in the Provincial list. Hereafter, the whole thing will be in the Union list because they want uniform succession rights throughout India.

" Now, compensation to be paid for acquisition is put in the Union list and it is taken away from the Provincial control.

" Control over essential supplies and relief and rehabilitation of displaced persons will be in the concurrent list for five years. That is all, that is taken away from the Provinces, Sir. On the other hand, we have gained enormously by this Act. I shall narrate some of them. With regard to elections and franchise, we will have a say in the matter hereafter. In regard to amendments, which we had no power to make, hereafter on certain subjects we can take the initiative and make amendments and if the Council of State wants to amend the Constitution, they will have to refer the matter to the Provincial Legislatures hereafter. Then, Sir, in regard to the election of the Governor, previously we had no power in saying who should be our Governor, because he was appointed by the Secretary of State for a period of five years. Hereafter, whether it is by panel or by election—if it is by panel, we go into the polling booths and vote and if it is by election people are given the powers to vote—we are given more powers. Power to impeach a Governor is a big power which the provincial assemblies are going to get. If they have no confidence in the Governor, they should only give a petition signed by not less than thirty-five members of the Assembly of their intention to move a resolution for impeachment and the Assembly will then forward it to the Chairman of the Council of States, which will appoint a committee for the investigation of the charge and then the impeachment will go on. This power is now given to the provincial legislatures. This will only be in cases of treason or corruption by the Governor.

" Then, Sir, the power of returning Bills is confined only to cases where there is only one House of Legislature and if both the Houses pass a Bill he cannot remit it back to the Legislature in future. Just now, he has got the power, even though a Bill is passed by both the Houses, to remit it. So, Sir, we have been given enormous powers under the new Constitution. May I say, Sir, that the Speaker's powers are also enhanced under the Draft Constitution. If there is a joint sitting of both the Houses of the Legislature, at present, it is the President of the Upper Chamber that presides, but hereafter, you, Mr. Speaker, will have the power of presiding over the deliberations of the joint sittings. Is it a small privilege to this House?

" Then, Sir, we have the power to fix the retiring age of High Court Judges. Now, the age of retirement is 60. Hereafter, we can pass legislation saying that the age of retirement shall be 55, 60 or as Mr. Bhashyam suggested even at 65. That power is now given to the Provinces.

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" So, Sir, likewise many powers have accrued to the Provinces under the Draft Constitution, though some little powers have been taken away, and the balance-sheet is certainly in favour of the Provinces and the complaint that many powers have been taken away from the Provinces to the Centre is unfounded and uncharitable. Provincial autonomy still remains though the Centre also will try to act in cases of grave emergencies because of power blocks as Dr. Subbarayan said. We do not know what the future has in store for us and therefore the Centre must be in a position to act as quickly and as swiftly as possible in grave emergencies.

" I have dealt with these points as far as I can and I formally, with your permission, move that all the amendments and the speeches made on the floor of this House may be forwarded, with the original motion, to the President of the Constituent Assembly, so that the Assembly may scrutinize them and adopt the amendments if it thinks necessary."

B. POCKER SAHIB BAHADUR:—" They should also be circulated to all the Members of the Constituent Assembly and not merely forwarded to the President. He may be requested to circulate them to all Members."

THE HON. SRI KALA VENKATA RAO:—" The Speaker can write it in his covering letter forwarding these things to the President of the Constituent Assembly."

MR. SPEAKER:—" If it is the desire of the House that the motion as well as the 137 amendments should be sent to the President of the Constituent Assembly, I shall do so, instead of putting them to vote."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" On a point of Order, Sir, it is not 137 amendments, but only 136, because I am withdrawing one of my amendments. In this connexion, I wish to say only one word. I thought that my amendment would really be to the benefit of the backward classes. But, as my hon. Friend, Mr. R. V. Swaminathan, speaking on behalf of the backward classes, has misunderstood my speech and takes exception to it, in deference to his feelings, I withdraw my amendment and that need not be communicated to the Constituent Assembly, neither to the Members of the Constituent Assembly, that is amendment No. 2 of mine, namely, 'In Article 10 (3) the word 'backward' shall be omitted.'"

B. POCKER SAHIB BAHADUR:—" Only one word, Sir, that the office may be directed to submit 300 copies of these proceedings to the President of the Constituent Assembly so that they may circulate it among the Members of the Constituent Assembly. Otherwise, all these debates will be of no use and unless they are brought home to the Members of the Constituent Assembly, they cannot be expected to know what had happened here."

THE HON. SRI B. GOPALA REDDI:—" The suggestion may be considered."

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MR. SPEAKER:—"So, I need not ask the leave of the House to withdraw the amendment of the Leader of the Opposition, but I take it that it is the consensus of opinion. It is agreed to. I now put the motion to the vote of the House."

The question that the original motion of the Hon. the Leader of the House, together with all the amendments * given notice of by various Members, excluding that withdrawn by the Leader of the Opposition, namely, No. 2 in the list of amendments given notice of by him, be forwarded to the President of the Constituent Assembly, was put and carried.

The House then adjourned *sine die*.

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

Notification appended to G.O. No. 427, L.A., dated the 8th March 1948, regarding the constitution of the Bhimavaram (West Godavari) Municipality.

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APPENDIX.

IV.—DRAFT NEW CONSTITUTION OF INDIA.

The Hon. Sri B. GOPALA REDDI:—"Mr. Speaker, Sir, I move 'that the Draft of the New Constitution of India as settled by the Drafting Committee appointed by the resolution of the Constituent Assembly of August 29, 1947, be taken into consideration'."

LIST OF AMENDMENTS GIVEN NOTICE OF BY MEMBERS.

SRI M. G. NATESA CHETTIYAR:—

Add the following at the end:—

"and on such consideration, this Assembly is of opinion that."

1. In the Preamble, for the words "Democratic Republic," the words "Federal Republic" shall be substituted.

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—

In the Preamble, for the word 'Republic' after the words "Sovereign Democratic," the word 'State' shall be substituted.

SRI G. RAJAMANNAR CHETTI:—

1. In the Preamble, for "Sovereign Democratic Republic," substitute "Sovereign Democratic Socialist Republic."

2. In the Preamble, after the words "Justice, social, economic and Political," add "Economic and social freedom."

SRI M. G. NATESA CHETTIYAR:—

2. A new Article shall be inserted after the Preamble in regard to the "Flag of India" and the "Coat of Arms of India."

In Article 1 (1) for the words "Union of States," the words "Sovereign Federal Republic" shall be substituted.

SRI G. RAJAMANNAR CHETTI:—

In Article 1 (i), for the word "Union of States" substitute "Union of Socialist Republican States."

SRI K. BHASHYAM:—

In the matter of citizenship rights in clause (a) of Article 5, there should be positive enactment to the effect that the citizen should have either permanent abode in India or must have the intention to reside permanently here.

SRI M. G. NATESA CHETTIYAR:—

In Article 5, the acquisition of citizenship for refugees from Pakistan or any other Indian State must be specified

* List of amendments printed as Appendix on pages 573-588 infra.

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definitely for them as such; in regard to others a period of seven years residence with or without property to acquire citizenship of India may be fixed.

SRI K. BHASHYAM,—

SRI K. BRAHMANANDAM REDDI:—

In Article 5, explanation (ii), for the words "one month" the words "six months" be substituted.

ABDUL HAMEED KHAN SAHIB BAHADUR:—

The following new articles be added:—

"that no right guaranteed to the Citizen in the Constitution shall be modified or withdrawn except by law made by the Parliament by a two-thirds majority;

"that the residual powers should vest in the Constituent States of the Union of India."

SRI T. VISWANATHAM:—

That the Draft Constitution requires amendment so as

(1) to make previous sanction of the President of the Indian Union necessary for introducing or taking into consideration, in a State Legislature, any law or rule having the force of law which seeks to affect the Fundamental Rights of a Citizen, and to reserve such Bills passed by a State Legislature for assent by the President;

(2) to make it clear that the right of citizenship of the Union includes and extends to the right of being admitted into (a) Government Service and (b) Educational institutions in any State, subject only to prescribed qualifications and standards and considerations of space in the latter case, and to no other reservations or proportions based on community, caste, religion or place of birth except for reservations in favour of Harijans for a period of 15 years;

(3) to prohibit the introduction or consideration of legislation which (a) seeks to affect *bona fide* rights acquired under law in force at the time of such acquisition, (b) bars the jurisdiction of Civil Courts to adjudicate rights of private parties as amongst themselves or as between private parties and Government of a State or Union, (c) which purports to have retrospective effect as from a date prior to the date of publication of the Bill except of laws indemnifying Government servants (Civil, Military, Naval or Aerial services) under extraordinary circumstances, or (d) which restricts free trade and commerce between States or discriminates against particular State or States.

BEGUM SULTAN MIR AMIRUDDIN:—

In Part III, insert a new Article, stating that the Fundamental Rights mentioned in this Part cannot be curtailed except by an amendment to the Constitution.

And make consequential amendments in the other Articles.

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ABDUL HAMEED KHAN SAHIB BAHADUR:—

In Article 10, clause (3) for the word 'backward' substitute the words "inadequately represented."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—

In Article 10 (4) for the article 'a' occurring between the words "person professing" and "particular religion" and between the words "belonging to" and "particular denomination," the word 'that' shall be substituted, and the words "to which that institution belongs" shall be added at the end.

ABDUL HAMEED KHAN SAHIB BAHADUR:—

In Article 12, clauses (1) and (2) the word "title" should be defined.

SRI K. BRAHMANANDAM REDDI:—

In Article 12 (2), add at the end "except under the written approval of the President."

SRI K. BHASHYAM,—

BEGUM SULTAN MIR AMIRUDDIN:—

In Article 13, clause (1), add the following sub-clause after (g):—

(h) "to freedom of worship and religion."

BEGUM SULTAN MIR AMIRUDDIN:—

In Article 13, omit clauses (2) to (6).

ABDUL HAMEED KHAN SAHIB BAHADUR:—

Add the following after Article 18 under the heading "Rights relating to Religion":—

"The State shall have no religion."

ABDUL HAMEED KHAN SAHIB BAHADUR:—

Add another Article under the heading "Rights relating to Religion":—

"No one belonging to any religion shall indulge in attacking any other religion or its religious head."

In Article 19, clause (1), after the word 'practice' and before the word 'and' insert the following words "pray undisturbed in Mosques, Temples and Churches."

In Article 19 in clause (1), after the word 'practice,' add the following words "without interfering with the principles of religion."

In Article 19, delete the 'Explanation' to clause (1).

SRI K. BHASHYAM:—

In the Explanation under Article 19 (1) the measurement and size of the kirpane to be worn and carried by the Sikhs as part of their religion should be defined.

BEGUM SULTAN MIR AMIRUDDIN:—

In Article 19, clause (2), omit sub-clause (a).

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H. S. HUSSAIN SAHIB BAHADUR:—

Add the following Explanation to clause (2) of Article 19:—

"*Explanation.*—Nothing in this clause shall be deemed to affect the personal law of the religious minorities, prescribed by their religion for the regulation of their economic, financial or other secular affairs."

SRI G. RAJAMANNAR CHETTI:—

In Article 20, add the end the words "subject to the control and restrictions the Government may impose."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—

In Article 21, add at the end, the words "to which that person does not belong".

In Article 22 (1), for the words "No religious instruction be provided by the State in any educational institution wholly maintained out of State funds," substitute the following:—

"No instruction shall be imparted in any educational institution to any person against his will or if he is a minor against his guardian's will in a religion to which he does not belong."

ABDUL HAMEED KHAN SAHIB BAHADUR:—

For Article 22, substitute the following:—

"Adequate religious instruction should be made by the State in all educational institutions for all the communities who demand such provision be made" and make the necessary consequential changes in the proviso.

Add an additional Article:—

"No educational institution which restricts admission to any particular community or communities on the basis of religion shall receive any financial aid or assistance from State funds."

SINNA KAZIAR HAJI MOULVI S. A. F. IBRAHIM SAHIB BAHADUR:—

For Article 22 (2), with its proviso substitute the following:—

"Religious instruction shall be provided in any educational institution partially or wholly maintained by the State sufficient number of persons attending such institution, or if the are minors, their guardians desire such provision of religious instruction, provided that no person shall be compelled to take instruction in a religion to which he does not belong."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—

In Article 22 (3), for the word 'providing,' the words "being permitted to provide" shall be substituted, and between the words 'institutions' and 'outside,' the words 'in or' shall be inserted.

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DR. M. J. SAMUEL:—

In Article 22, clause (3), for the words "outside its working hours," substitute "within the school curriculum and during the working hours of the schools."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—

In Article 23 (1), between the words 'script and' and 'culture of,' the word 'or' shall be inserted.

SRI V. RAGHAVAYYA:—

For clause (2) and (3), of Article 24, the following shall be substituted:—

"As inequalities in property have been the nursery of all disputes, animosities, and wars and have been responsible for all the misery of man, no individual ownership in immovable property will be recognised and to give effect to this all land will be treated as State-owned."

SRI G. RAJAMANNAR CHETTI:—

For Article 24 (2), substitute the following:—

"Any property, movable or immovable, including any interest in, or in any company owning any commercial or industrial undertaking, may be taken possession of or acquired for public purposes under any law authorising the taking of such possession or such acquisition."

BEGUM SULTAN MIR AMIRUDDIN:—

In Article 24, clause (2) insert the word 'equitable' before the word 'compensation' in line 7.

SRI K. BRAHMANANDAM REDDI:—

In Article 24 (2), (1) after the words "industrial undertaking shall be," the words "taken possession of or" be omitted.

(2) after the word 'authorizing' in line 5, the words "taking of such possession or" be omitted.

(3) After the word 'property' in line 7, the words "taken possession of or" be omitted.

(4) In Article 24 (3) (b), after the words "promotion of," add the words "well-being generally of the common man and."

BEGUM SULTAN MIR AMIRUDDIN:—

Omit the proviso to Article 27.

SRI G. RAJAMANNAR CHETTI:—

6. For Article 30, substitute the following:—

"The State shall strive to promote the welfare of the people by establishing a new social order based on economic freedom and social and political justice."

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For Article 31, clause (i) to (iv), the following shall be substituted:—

The State shall direct its policy towards securing.

(i) the establishment of a classless society in which the exploitation of one man by another, one class by another, one nation by another will cease, in which private ownership will be replaced by the ownership of the State, over the entire resources of the nations wealth and production, industries and communications,

(ii) the development of production and equitable distribution of wealth on the basis of a planned economy,

(iii) the creation of a social order in which all the amenities of a happy peaceful and over progressive life will be available to every man by law,

(iv) the social equality for woman through the achievement, of economic independence for them.

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—

In Article 35, *add* the following proviso at the end:—

“provided that any group, section or community of people shall not be obliged to give up its own personal law in case it has such a law.”

BEGUM SULTAN MIR AMIRUDDIN:—

In Article 35, *add* the following proviso:—

“provided that religious minorities shall be at liberty to be governed by their own personal law.”

SRI R. V. SWAMINATHAN:—

In Article 37, before the words “the Scheduled castes,” the words “the backward Communities” shall be inserted.

SRI M. G. NATESA CHETTIYAR:—

Article 44 shall be recast to the effect that only such members who represent the fraction of a lakh of votes will be eligible to exercise their franchise in proportion in voting for the election of the President of India.

SRI K. BHASHYAM:—

In Article 45, the term of the office of the President be extended to seven years.

SRI M. G. NATESA CHETTIYAR:—

In Article 45, the term of office of President shall be fixed as six years instead of five years.

SRI K. BRAHMANANDAM REDDI:—

In Article 45 (c), after the words “his term,” *add* the words “except when removed under clause (b).”

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SRI K. BHASHYAM:—

In Article 47, (1) (b), the age of the President be raised to 40 years.

In Article 55 (3) (b), the age of the Vice-President be raised to 40 years.

SRI M. G. NATESA CHETTIYAR:—

In Article 56, the term of office of the Vice-President shall be fixed as six years instead of five years.

In Article 56, proviso (b) be amended so that the Vice-President may be removed from office only on two-thirds majority of the Council of State.

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—

In Article 60, the proviso to sub-clause (1) be omitted.

SRI K. BHASHYAM:—

In Article 63, it should be made clear that the age restrictions either for appointment or for retirement should not apply to the Attorney-General for India.

In Article 67, clause (2), item (a), the words “law and medicine” may be added.

BEGUM SULTAN MIR AMIRUDDIN:—

In Article 67, clause (2), *add* the following sub-clause after (d):—

“(e) law and medicine.”

SRI M. G. NATESA CHETTIYAR:—

Article 67 be amended so that the members of the “House of People” are elected by the Legislatures of the States forming the Federation.

SRI K. BHASHYAM:—

In Article 67, clause (7), with regard to the representation in the House of the People of territories other than States, the Parliament shall make provision for consulting in the best way possible, the wishes of the people of the State.

In Article 82, clause (3), the Constitution Act may provide for forfeiture of the seat of a member in the House on account of absence, but power should be given to the Parliament to reinstate the member if reasons given for his absence are satisfactory to the House.

In Article 83 (1), with regard to the disqualifications for membership, the age-limit need not necessarily be coincident with that of the voter, but it should be prescribed at 25.

SRI K. BRAHMANANDAM REDDI:—

Article 86, be numbered as 86 (1), and the following be added as clause (2): “No member of either House of Parliament

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shall during the continuance of such membership engage himself in any other profession, trade or business, provided that agriculture shall not be deemed to be one such."

(1) In Article 91, proviso (1), the words "if it is not a Money Bill" be omitted.

The following words be added at the end: —

"and the Bill as passed, on such reconsideration supported by not less than two-thirds of the House of the People shall be deemed to have obtained the assent of the President."

ABDUL HAMEED KHAN SAHIB BAHADUR:—

In Article 99, clause (1), for the word 'Hindi,' substitute the word 'Hindustani.'

SRI K. BHASHYAM:—

In Article 102, relating to the powers of the President to promulgate Ordinances, provision may be made (1) for requiring the President to consult the Council of Ministers before the issue of an Ordinance and before he expresses satisfaction that an emergency exists; and (2) in clause (3), instead of restricting the power of the President in the issue of the Ordinances to matters on which the Parliament is competent to enact, the provision may be made general so as to include Provincial and Concurrent subjects also as in some cases an emergency may arise which may require such action to be taken in respect of them also.

(13) in Article 103—

(1) in sub-clause (2), in the matter of appointment of Judges to the Supreme Court, the provision for the consultation of the Judges of the Supreme Court and of the High Courts in the States as may be necessary for the purpose is not clear and the personnel of the Judges who must be consulted should be specified;

(2) in sub-clause (3) (b), the words 'just proceeding the date of appointment' may be added after the words "ten years" and before 'an advocate'; and

(3) in Explanation to sub-clause (3), the judicial office must be more clearly defined and must be an office of a grade not less than that of a District Judge.

BEGUM SULTAN MIR AMIRUDDIN:—

In Article 103, clause (2), the personnel of the Judges must be specified.

SRI K. BRAHMANANDAM REDDI:—

In Article 103 (4), after the words "for such removal," insert "on the ground of misbehaviour, incapacity and the like or except by an order of the President passed."

BEGUM SULTAN MIR AMIRUDDIN:—

In Article 107 the circumstances under which the power should be exercised must be specified.

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SRI K. BHASHYAM:—

(14) in Article 111, clause (1) (a), for the words "twenty thousand", the words "ten thousand" may be substituted.

SRI K. BRAHMANANDAM REDDI:—

(14) in Article 111, clause (1) (a), for the words "twenty thousand," the words "ten thousand" may be substituted.

SRI K. BHASHYAM:—

In Article 115, the power of the Supreme Court to issue directions by way of *habeas corpus*, etc., need not wait till the Parliament passes law to the effect, and such power may be conferred on them by this Constitution Act itself.

SRI M. G. NATESA CHETTIYAR:—

SRI K. T. KOSALRAM:—

In Article 131, the original article providing for direct election of Governor be retained.

SRI PYDAH VENKATANARAYANA:—

SRI B. SATYANARAYANA RAJU:—

Delete the alternative to Article 131 and the footnote thereof.

SRI K. BHASHYAM:—

In Article 131, relating to the election of the Governors, the alternative system may be approved.

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—

In Article 131, for the existing Article and its alternative the following shall be substituted:

"The Governor of a State shall be elected according to the system of single transferable votes by a college of electors which shall be composed of the members of the Legislative Assembly of a State, the members of the Legislative Council where there is one, the Presidents for the time being of the District Boards in the State and the Chairmen of the Municipal Councils in the State and consequential amendments be made in other Articles."

BEGUM SULTAN MIR AMIRUDDIN:—

For Article 131. and the alternative, substitute the following:—

"The Governor of a State shall be elected, in accordance with the system of proportional representation by means of the single transferable vote, by an electoral college comprising of members of the Legislature, District Boards, Municipalities and University Bodies together."

ABDUL HAMEED KHAN SAHIB BAHADUR:—

For Article 131 substitute "The Governor of a State shall be appointed by the President by warrant under his hand and seal and the person so appointed shall as far as possible be one who belongs to a Province other than that to which he is appointed."

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SRI K. BHASHYAM:—

In Article 132, the term of office of the Governor should be extended to seven years so that the elections to the various Legislatures should not be coincident with the election of the Governor himself.

SRI M. G. NATESA CHETTIYAR:—

In Article 132, the Governor's term of office be fixed at six years.

In Article 132 Proviso (b) the grounds for impeachment should be made clear.

SRI K. BRAHMANANDAM REDDI:—

In Article 132 (c) after the words 'term' the words "except when removed under clause (b)" be inserted.

SRI K. BHASHYAM:—

In Article 134, the age-limit for a Governor should be raised to 45.

In Article 138, in the provision to allow the President to make such provisions as he thinks fit for the discharge of the functions of the Governor in any emergency, a clause may be inserted so as to compel the President to consult the Council of Ministers before doing so.

The President must also be authorized to transfer a case from the High Court of one State to that of another in extraordinary circumstances, as provided for in section 25 of the Civil Procedure Code.

SRI M. G. NATESA CHETTIYAR:—

In Article 138 the President of the Union may be given absolute power instead of the State Legislature.

Article 142 may be amended so that the executive power of the State shall extend to residuary powers.

In Article 144, proviso Madras may also be added to the States mentioned therein.

In Article 144 (3) provision may be made also for Minister's minimum attendance in the Legislature.

SRI K. BHASHYAM:—

In Article 145 (1), it may be made clear that the age restrictions for the retirement of appointment of Judges should not apply to the Advocate-General.

SRI K. BRAHMANANDAM REDDI:—

In Article 145 (1) after the words "shall" the words "on the recommendation of the Chief Minister" be added.

SRI K. BHASHYAM:—

In Article 148, the Legislature shall consist of only one House.

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JEGUM SULTAN MIR AMIRUDDIN:—

In Article 148, substitute the following for clause (1) "in every State there shall be a Legislature which shall consist of only one House."

In Article 148, substitute the following for clause (2) "The Legislature shall be known as the Legislative Assembly."

SRI M. G. NATESA CHETTIYAR:—

The unicameral Legislature under Article 148 be indicated by a distinctive name.

SRI K. BHASHYAM,—

BEGUM SULTAN MIR AMIRUDDIN:—

In Article 150, clause (3), add the following after sub-clause (d):—

(e) Law and medicine.

SRI M. G. NATESA CHETTIYAR:—

Article 151 may be amended so that the dissolution of the Assembly may also take place with an address of the Governor.

In Article 152 the age-limit for membership of the State Legislature be reduced to 21 years for the Legislative Assembly and 30 years for the Council of State.

In Article 153 (1) "three months" may be substituted for six months.

The discussion referred to in Article 155 may be at a Joint Sitting with the Governor or the Speaker in case of indisposition of Governor.

Article 183 may be modified so that the Governor may preside at Joint Sittings.

BEGUM SULTAN MIR AMIRUDDIN:—

After Article 186 add a new Article to prohibit the introduction of legislation which bars the jurisdiction of civil courts to adjudicate rights of private parties as amongst themselves or as between private parties and Government of a State or Union.

Renumber the subsequent Articles.

SRI K. BHASHYAM:—

In Article 188 (1), relating to the powers of the Governor during grave emergencies, provision must be made that the Governor shall not act in this matter except upon the advice of the Council of Ministers and that in case of difference of opinion between him and the Council he should refer it to the President for final decision.

BEGUM SULTAN MIR AMIRUDDIN:—

In Article 193, clause (1) delete the following:—
"or such higher age not exceeding 65 years as may be fixed in this behalf by law of the Legislature of the State."

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SRI K. BHASHYAM:—

In Article 193—

(1) the age-limit for the retirement of High Court Judges in the States may be fixed once for all at 65 instead of leaving it to the Legislature of the State to prescribe the age;

(2) in Explanation to clause (2), the Judicial office referred to must be of a grade not less than that of a District Judge.

BEGUM SULTAN MIR AMIRUDDIN:—

In Article 200 the circumstances under which the power should be exercised should be specified.

SRI M. G. NATESA CHETTIYAR:—

The Chapter on Legislative delations be changed so as to vest residuary power in the State and not in the Centre.

SRI K. BHASHYAM:—

In Article 216, in sub-clause (2), where provision is made that no law made by Parliament shall be deemed to be invalid on the ground that it would have extra-territorial operation, it must be made clear whether it means extra-territorial beyond India or will have operation even in case where the Provincial Government has exclusive jurisdiction.

In section 220, the division of powers between the provision in this section for the Legislature of the State to make laws with respect to the constitution and organization of State High Court, and the power given in Chapter VII, Part VI-High Courts in the States, to the President for the purposes of appointment, etc., should be clearly defined.

M. MUHAMMED ISMAIL SAHIB BAHADUR:—

Article 223 shall be omitted.

DR. M. J. SAMUEL:—

At the end of Article 224 after clause (c) the following shall be added:—

(d) Parliament shall not unreasonably refuse to entrust to the Government of any State such functions with respect to Broadcasting as may be necessary to enable that Government:

(i) to construct and use transmitters in the State,

(ii) to regulate and impose fees in respect of construction and the use of transmitters and the use of receiving apparatus in the State.

M. MUHAMMAD ISMAIL SAHIB BAHADUR,—

BEGUM SULTAN MIR AMIRUDDIN,—

SRI K. BRAHMANANDAM REDDI:—

Article 226 shall be omitted and consequential amendments be made in the other Articles.

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SRI PYDAH VENKATANARAYANA,—

SRI B. SATYANARAYANA RAJU:—

The recommendations of the expert committee on the financial provisions of the Constitution with regard to the distribution of revenue between the Union and the States be embodied in Part X, Chapter I (Finance).

BEGUM SULTAN MIR AMIRUDDIN:—

In Part XII, page 133, fundamental safeguards in favour of the services should be incorporated.

In Article 286 delete clause (3) and substitute the following:—

“the Union Commission, or as the case may be. The State Commission shall be consulted.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR,—

BEGUM SULTAN MIR AMIRUDDIN:—

In Article 292, renumber the present Article as 292 (1) and add the following as sub-clause (2):—

(2) the seats reserved under clause (1) for the minority communities shall be filled by the members of the respective communities elected by constituencies of voters belonging to the said respective communities.

M. MUHAMMAD ISMAIL SAHIB BAHADUR,—

BEGUM SULTAN MIR AMIRUDDIN:—

13. In Article 294 (1) the following shall be inserted as clause (2)—

“(2) the seats reserved hereby for the minority communities shall be filled by the members of the respective communities elected by constituencies of voters belonging to the said respective communities”;
and the other sub-clauses be renumbered accordingly.

SRI A. S. SAHAJANANDA:—

In line 5 of Article 297 (1), for the words “ten years” the words “fifty years” be substituted.

BEGUM SULTAN MIR AMIRUDDIN:—

In Article 303, clause (1), the terms “Government of India” “Government of a State” should be defined.

SRI K. BRAHMANANDAM REDDI:—

In Article 304, the following shall be inserted as clause (1) and existing clauses (1) and (2) shall be renumbered as (2) and (3)—

“An amendment of the constitution regarding enumeration of States in Part I of the First Schedule shall be made by the President so as to get into being States based on languages and contiguity within two years of the coming into force of the Constitution of India provided that within the said period of two

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years India is not in or at war or in the opinion of the President is not threatened with imminent war with any Foreign State or country and provided further that India is not in, or threatened with such grave internal disorder as in the opinion of the President such an above said amendment cannot be made and provided further that the said period of two years shall begin or run as the case may be as soon as the emergency mentioned in the two preceding provisos ends."

BEGUM SULTAN MIR AMIRUDDIN:—

In Article 304 dealing with amendments to the Constitution the States should also be empowered to propose amendments by two-third majority.

SRI K. BHASHYAM:—

In the matter of protection of minorities there must be a provision enjoining the President to appoint a commission at least at the end of ten years to investigate the conditions of socially and educationally backward class.

SRI M. G. NATESA CHETTIYAR:—

Article 305 may be so altered as to make an exemption of representation in Madras Province by communities on the population basis of each community in respect of scheduled castes and backward classes of the province for a period of not less than 25 years.

SRI A. S. SAHAJANANDA:—

In line 8 of Article 305 for the words " ten years, " the words " fifty years " shall be substituted.

SRI T. VISWANATHAM:—

That the Draft Constitution requires amendment so as to alter the enumeration of States in Part I of the First Schedule so as to make it consist of Linguistic Provinces (on the lines stated in the Constitution of the Indian National Congress), namely, (1) Andhra, (2) Assam, (3) Bihar, (4) Bengal, (5) Gujarat, (6) Karnataka, (7) Kerala, (8) Madhyaksh, (9) Maharashtra, (10) Punjab, (11) Tamil Nadu, (12) United Provinces, (13) Vidarbha and (14) Utkal.

(b) to add to Part II of the First Schedule Bombay and Madras Cities, and

(c) to make provision for carrying out 'bi-lingua' areas where necessary and include them in Part II of the First Schedule.

SRI K. BOKKAI GOWDER:—

In Part II of the First Schedule " the Nilgiris district or " be added.

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BEGUM SULTAN MIR AMIRUDDIN:—

In the Second Schedule, Part IV, clause 10, substitute the following for the salary of the Judges:—

	RS.
Chief Justice of the Supreme Court ...	4,500
Any other Judge of the Supreme Court ...	4,000
Chief Justice of the High Court ...	3,500
Any other Judge of the High Court ...	3,000

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—

BEGUM SULTAN MIR AMIRUDDIN:—

In List I in the Seventh Schedule, item 5 shall be omitted.

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—

In List I, Seventh Schedule, the following words shall be added at the end of item 13:—

" In consultation with the respective States where subjects of the State List are concerned."

Items 31 and 32 shall be omitted.

SRI K. BHASHYAM:—

In List I in the Seventh Schedule, the following be added as a new item 40 (a) after existing item 40:—

" 40 (a) University education, Scientific Research."

BEGUM SULTAN MIR AMIRUDDIN:—

In List I of the Seventh Schedule omit item 66.

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—

In List I, Seventh Schedule, item 91 shall be omitted.

SRI K. BHASHYAM:—

In List II, Seventh Schedule, in item 18, the words " and 40 (a) " shall be added after " 40."

In List II, the Seventh Schedule, the words " other than mechanically propelled vehicles " in item 19 be omitted.

SRI K. BRAHMANANDAM REDDI:—

Add to List II State List in the Seventh Schedule—

" Any other subject not specifically mentioned either in the Union or Concurrent List."

BEGUM SULTAN MIR AMIRUDDIN:—

In List II in the Seventh Schedule, add the following item:—

(67) Regulation of mines and oil fields and mineral development.

[28th April 1948]

BEGUM SULTAN MIR AMIRUDDIN:—

In List III, in the Seventh Schedule, add the following item:—

(38) Industries necessary for the purpose of defence of prosecution of war.

SRI PYDAH VENKATANARAYANA:—

In the Seventh Schedule, delete List No. 111 and add it to List No. II.

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—

In List III, in the Seventh Schedule, items 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31 may be omitted and entered under List II.

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